

1                   **FUNDING INDEPENDENCE IN FOREIGN LANGUAGE**

2                                   **EDUCATION**

3                                           2022 GENERAL SESSION

4                                           STATE OF UTAH

5                                   **Chief Sponsor: Candice B. Pierucci**

6                                   Senate Sponsor: \_\_\_\_\_

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8   **LONG TITLE**

9   **General Description:**

10           This bill amends provisions related to the funding of foreign language education.

11   **Highlighted Provisions:**

12           This bill:

- 13           ▶ defines terms;
- 14           ▶ prohibits an institution of higher education from seeking or accepting funding
- 15 support from a restricted foreign entity;
- 16           ▶ requires Southern Utah University to establish the Helen Foster Snow Cultural
- 17 Center, subject to legislative appropriations;
- 18           ▶ includes the state's dual language immersion program in the list of programs for
- 19 which the Legislature determines the cost of annual enrollment growth and inflation
- 20 increases;
- 21           ▶ prohibits a local education agency that provides foreign language instruction from
- 22 seeking or accepting funding support from a restricted foreign entity; and
- 23           ▶ makes technical changes.

24   **Money Appropriated in this Bill:**

25           This bill appropriates in fiscal year 2023:

- 26           ▶ to the Minimum School Program - Related to Basic School Programs:
- 27           • from the Uniform School Fund, \$1,500,000;



28           ▶ to the State Board of Education - MSP Categorical Program Administration, as a  
29 one-time appropriation:

30           • from the Education Fund, One-time, \$320,000; and

31           ▶ to Southern Utah University - Education and General, as a one-time appropriation:

32           • from the Education Fund, One-time, \$600,000.

33 **Other Special Clauses:**

34           None

35 **Utah Code Sections Affected:**

36 AMENDS:

37           **53B-1-201**, as enacted by Laws of Utah 2010, Chapter 243

38           **53B-1-202**, as last amended by Laws of Utah 2016, Chapter 188

39           **53F-2-208**, as last amended by Laws of Utah 2021, Chapters 319 and 382

40           **53F-2-502**, as last amended by Laws of Utah 2021, Chapter 251

41 ENACTS:

42           **53B-33-101**, Utah Code Annotated 1953

43           **53B-33-201**, Utah Code Annotated 1953



45 *Be it enacted by the Legislature of the state of Utah:*

46           Section 1. Section **53B-1-201** is amended to read:

47           **53B-1-201. Definitions.**

48           As used in this part:

49           (1) "Conditional gift" means a gift as defined in Subsection (4) that is subject to  
50 conditions:

51           (a) imposed, requested, or provided by a foreign government or foreign person; and

52           (b) that relate to:

53           (i) what kinds of teachers or students may benefit from the gift; or

54           (ii) a description of the subject matter to be taught with the support of the gift.

55           (2) "Foreign government" means a government other than the government of:

56           (a) the United States;

57           (b) a state within the United States;

58           (c) a territory or possession of the United States; or

- 59 (d) a political subdivision of the United States.
- 60 (3) "Foreign person" means:
- 61 (a) a foreign government defined in Subsection (2);
- 62 (b) an individual who is not a citizen or national of the United States or of a territory or  
63 protectorate of the United States;
- 64 (c) a corporation, partnership, joint venture, proprietorship, trust, association, or other  
65 entity that is created or organized under the laws of a foreign government or that has its  
66 principal place of business located outside the United States;
- 67 (d) if known by the higher education institution, a corporation, partnership, joint  
68 venture, proprietorship, trust, association, or other entity that is created or organized pursuant  
69 to the laws of the United States or a state within the United States, if a majority of the stock or  
70 other equity interest is directly or indirectly owned by, or which derives a majority of its  
71 funding from:
- 72 (i) a foreign government;
- 73 (ii) an individual described in Subsection (3)(b); or
- 74 (iii) an entity described in Subsection (3)(c) or (d); or
- 75 (e) if known by the higher education institution, a committee or other group in which a  
76 majority of the membership is composed of:
- 77 (i) a foreign government;
- 78 (ii) an individual described in Subsection (3)(b); or
- 79 (iii) an entity described in Subsection (3)(c) or (d).
- 80 (4) "Gift" means an endowment, scholarship, gift, donation, or grant of money or  
81 property of any kind.
- 82 (5) "Higher education institution" means an institution in the state system of higher  
83 education as defined in Section [53B-1-102](#).
- 84 (6) "Restricted foreign entity" means:
- 85 (a) a company that the United States Secretary of Defense is required to list as a  
86 military company under the requirements of federal national defense authorization acts;
- 87 (b) any affiliate of a company described in Subsection (6)(a);
- 88 (c) the country with a commercial or defense industrial base of which a company  
89 described in Subsection (6)(a) is a part; or

90 (d) any subsidiary of a company described in Subsection (6)(a) or a country described  
91 in Subsection (6)(c).

92 Section 2. Section **53B-1-202** is amended to read:

93 **53B-1-202. Disclosure of foreign gifts to higher education institutions --**  
94 **Prohibition on restricted foreign entity funds.**

95 (1) (a) Except as provided in Subsection (1)(c), on or before July 31 of each year, a  
96 higher education institution shall disclose to the board, by filing a disclosure report described in  
97 Subsection (2), a gift received by the higher education institution of \$50,000 or more from a  
98 foreign person, considered alone or in combination with all other gifts from the foreign person,  
99 during the period beginning July 1 and ending on June 30 immediately preceding the July 31  
100 deadline.

101 (b) A higher education institution may rely on the following address of a foreign person  
102 to determine the citizenship or nationality of the foreign person if the citizenship or nationality  
103 is unknown:

104 (i) for a foreign person that is an individual, the principal residence; and

105 (ii) for a foreign person that is not an individual, the principal place of business.

106 (c) The \$50,000 amount described in Subsection (1)(a) is increased to \$250,000 if the  
107 gift, considered alone or in combination with all other gifts, described in Subsection (1)(a) is  
108 from a foreign person:

109 (i) with a principal residence or principal place of business located in the United States;  
110 and

111 (ii) with a permanent resident status:

112 (A) under Section 245 of the Immigration and Nationality Act; and

113 (B) for 10 years or more.

114 (2) A disclosure report regarding all gifts described in Subsection (1) shall include:

115 (a) the amount of each gift described in Subsection (1);

116 (b) the date on which each gift described in Subsection (1) was received by the higher  
117 education institution;

118 (c) the name of the foreign person making each gift described in Subsection (1);

119 (d) the aggregate amount of all gifts described in Subsection (1) from a foreign person  
120 during the prior fiscal year of the higher education institution;

121 (e) for a conditional gift, a description of the conditions or restrictions related to the  
122 conditional gift;

123 (f) for a conditional gift:

124 (i) for a foreign person that is an individual, if known, the country of citizenship or  
125 principal residence of the individual; or

126 (ii) for a foreign person that is not an individual, if known, the country of incorporation  
127 or place of business of the foreign person; and

128 (g) for a conditional gift that is a contract entered into between a higher education  
129 institution and a foreign person:

130 (i) the amount;

131 (ii) the date;

132 (iii) a description of all conditions or restrictions; and

133 (iv) the name of the foreign person.

134 (3) A disclosure report required by this section is a public record open to inspection  
135 and review during the higher education institution's business hours.

136 (4) At the request of the board, the attorney general may file a civil action to compel a  
137 higher education institution to comply with the requirements of this section.

138 (5) The board shall make rules for the administration of this section in accordance with  
139 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

140 (6) Beginning July 1, 2023, a higher education institution may not seek or accept  
141 funding support from a restricted foreign entity or an entity that passes on funding support from  
142 a restricted foreign entity.

143 Section 3. Section **53B-33-101** is enacted to read:

144 **CHAPTER 33. SOUTHERN UTAH UNIVERSITY**

145 **Part 1. General Provisions**

146 **53B-33-101. Definitions.**

147 Reserved

148 Section 4. Section **53B-33-201** is enacted to read:

149 **Part 2. Helen Foster Snow Cultural Center**

150 **53B-33-201. Helen Foster Snow Cultural Center.**

151 Subject to legislative appropriations, Southern Utah University shall establish the Helen

152 Foster Snow Cultural Center to provide language support and cultural opportunities to students  
153 studying the Mandarin Chinese language.

154 Section 5. Section **53F-2-208** is amended to read:

155 **53F-2-208. Cost of adjustments for growth and inflation.**

156 (1) In accordance with Subsection (2), the Legislature shall annually determine:

157 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a  
158 rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations  
159 to the following programs:

160 (i) education for youth in custody, described in Section [53E-3-503](#);

161 (ii) the Basic Program, described in Title 53F, Chapter 2, Part 3, Basic Program

162 (Weighted Pupil Units);

163 (iii) the Adult Education Program, described in Section [53F-2-401](#);

164 (iv) state support of pupil transportation, described in Section [53F-2-402](#);

165 (v) the Concurrent Enrollment Program, described in Section [53F-2-409](#); [~~and~~]

166 (vi) the Enhancement for At-Risk Students Program, described in Section [53F-2-410](#);

167 and

168 (vii) dual language immersion, described in Section [53F-2-502](#); and

169 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year,

170 the current fiscal year's ongoing state tax fund appropriations to the following programs:

171 (i) a program described in Subsection (1)(a);

172 (ii) educator salary adjustments, described in Section [53F-2-405](#);

173 (iii) the Teacher Salary Supplement Program, described in Section [53F-2-504](#);

174 (iv) the Voted and Board Local Levy Guarantee programs, described in Section

175 [53F-2-601](#); and

176 (v) charter school local replacement funding, described in Section [53F-2-702](#).

177 (2) (a) In or before December each year, the Executive Appropriations Committee shall  
178 determine:

179 (i) the cost of the inflation adjustment described in Subsection (1)(a); and

180 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).

181 (b) The Executive Appropriations Committee shall make the determinations described

182 in Subsection (2)(a) based on recommendations developed by the Office of the Legislative

183 Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and  
184 Budget.

185 Section 6. Section **53F-2-502** is amended to read:

186 **53F-2-502. Dual language immersion.**

187 (1) As used in this section:

188 (a) "Dual language immersion" means an instructional setting in which a student  
189 receives a portion of instruction in English and a portion of instruction exclusively in a partner  
190 language.

191 (b) "Local education agency" or "LEA" means a school district or a charter school.

192 (c) "Participating LEA" means an LEA selected by the state board to receive a grant  
193 described in this section.

194 (d) "Partner language" means a language other than English in which instruction is  
195 provided in dual language immersion.

196 (e) "Restricted foreign entity means the same as that term is defined in Section  
197 53B-1-201.

198 (2) The state board shall:

199 (a) establish a dual language immersion program;

200 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
201 make rules that establish:

202 (i) a grant program for an LEA to receive funding for dual language immersion;

203 (ii) the required qualifications for an LEA to be a participating LEA;

204 (iii) subject to this section, requirements of a participating LEA;

205 (iv) a proficiency assessment for each partner language; and

206 (v) a progression of how a school in a participating LEA adds grade levels in which the  
207 school offers dual language immersion; and

208 (c) subject to legislative appropriations:

209 (i) select participating LEAs; and

210 (ii) award to a participating LEA a grant to support dual language immersion in the  
211 LEA.

212 (3) A participating LEA shall:

213 (a) establish in a school a full-day dual language immersion instructional model that

214 provides at least 50% of instruction exclusively in a partner language;

215 (b) in accordance with the state board rules described in Subsection (2)(b), add grades  
216 in which dual language immersion is provided in a school; and

217 (c) annually administer to each student in grades 3 through 8 who participates in dual  
218 language immersion an assessment described in Subsection (2)(b)(iv).

219 (4) The state board shall:

220 (a) provide support to a participating LEA, including by:

221 (i) offering professional learning for dual language immersion educators;

222 (ii) developing curriculum related to dual language immersion; or

223 (iii) providing instructional support for a partner language;

224 (b) conduct a program evaluation of the dual language immersion program established  
225 under Subsection (2)(a); and

226 (c) on or before November 1, 2019, report to the Education Interim Committee and the  
227 Public Education Appropriations Subcommittee on the results of the program evaluation  
228 described in Subsection (4)(b).

229 (5) The state board may, in accordance with Title 63G, Chapter 6a, Utah Procurement  
230 Code, contract with a third party to conduct the program evaluation described in Subsection  
231 (4)(b).

232 (6) Regardless of whether an LEA is a participating LEA or provides language  
233 instruction through another method, beginning July 1, 2023, an LEA may not seek or accept  
234 funding support from a restricted foreign entity or an entity that passes on funding support from  
235 a restricted foreign entity.

236 **Section 7. Appropriation.**

237 The following sums of money are appropriated for the fiscal year beginning July 1,  
238 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for  
239 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
240 Act, the Legislature appropriates the following sums of money from the funds or accounts  
241 indicated for the use and support of the government of the state of Utah.

242 ITEM 1

243 To Minimum School Program - Related to Basic School Programs

244 From Uniform School Fund

1,500,000



245	<u>Schedule of Programs:</u>	
246	<u>Dual Immersion</u>	<u>1,500,000</u>

247 ITEM 2

248	<u>To State Board of Education - MSP Categorical Program Administration</u>	
249	<u>From Education Fund, One-time</u>	<u>320,000</u>

250	<u>Schedule of Programs:</u>	
251	<u>Dual Immersion</u>	<u>320,000</u>

252 The Legislature intends that the State Board of Education expend appropriations  
253 provided under this item:

254 (1) to bridge the funding that an LEA previously received from a foreign government  
255 before Subsection 53F-2-502(6) prohibited restricted foreign entity funding; and

256 (2) in fiscal years 2023 and 2024, in an amount not to exceed \$160,000 in fiscal year  
257 2023, and \$160,000 in fiscal year 2024.

258 ITEM 3

259	<u>To Southern Utah University - Education and General</u>	
260	<u>From Education Fund, One-time</u>	<u>600,000</u>

261	<u>Schedule of Programs:</u>	
262	<u>Education and General</u>	<u>600,000</u>

263 The Legislature intends that:

264 (1) appropriations provided under this Item 3 be used for the establishment of the  
265 Helen Foster Snow Cultural Center in accordance with Section 53B-33-201; and

266 (2) under Section 63J-1-603, appropriations provided under this Item 3 not lapse at the  
267 close of fiscal year 2023 or 2024, and the use of any nonlapsing funds is limited to the  
268 establishment of the Helen Foster Snow Cultural center in accordance with Section  
269 53B-33-201.