

**Representative Candice B. Pierucci** proposes the following substitute bill:

**FOREIGN LANGUAGE EDUCATION FUNDING AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Candice B. Pierucci**

Senate Sponsor: Michael K. McKell

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

▶ includes the state's dual language immersion program in the list of programs for which the Legislature determines the cost of annual enrollment growth and inflation increases;

▶ prohibits a local education agency that provides foreign language instruction from seeking or accepting funding support from a restricted foreign entity; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2024:

▶ to the Minimum School Program - Related to Basic School Programs:

- from the Uniform School Fund, \$2,337,000; ~~§~~→ **and** ←~~§~~

~~§~~→ [→ ~~to the State Board of Education - MSP Categorical Program Administration, as a one-time appropriation:~~

~~• from the Income Tax Fund, One-time, \$320,000; and] ←~~§~~~~

▶ to the University of Utah - Education and General, as an ongoing appropriation:

**1st Sub. H.B. 161**



26 • from the Income Tax Fund, \$→ [~~778,866~~] 778,900 ←\$ .

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53E-10-307**, as last amended by Laws of Utah 2022, Chapter 383

32 **53F-2-208**, as last amended by Laws of Utah 2022, Chapter 1

33 **53F-2-502**, as last amended by Laws of Utah 2021, Chapter 251



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

36 Section 1. Section **53E-10-307** is amended to read:

37 **53E-10-307. Concurrent enrollment courses for accelerated foreign language**  
38 **students.**

39 (1) As used in this section:

40 (a) "Accelerated foreign language student" means an eligible student who has passed a  
41 world language Advanced Placement exam.

42 (b) "Blended learning delivery model" means an education delivery model in which a  
43 student learns, at least in part:

44 (i) through online learning with an element of student control over time, place, path,  
45 and pace; and

46 (ii) in the physical presence of an instructor.

47 (c) "State university" means an institution of higher education that offers courses  
48 leading to a bachelor's degree.

49 (2) The University of Utah shall partner with all state universities to develop, as part of  
50 the concurrent enrollment program described in this part, concurrent enrollment courses that:

51 (a) are age-appropriate foreign language courses for accelerated foreign language  
52 students;

53 (b) count toward a foreign language degree offered by an institution of higher  
54 education; and

55 (c) are delivered:

56 (i) using a blended learning delivery model; and

57 (ii) by an eligible instructor described in Subsection [53E-10-302\(6\)\(a\)](#).

58 (3) Subject to budget constraints, in addition to the base increases described in Section

59 [53F-2-208](#), the Legislature shall annually increase the money appropriated for concurrent

60 enrollment courses for accelerated foreign language students in proportion to the percentage

61 increase over the previous school year in the value of the weighted pupil unit.

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

63 **53F-2-208. Cost of adjustments for growth and inflation.**

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

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

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

69 (ii) concurrent enrollment courses for accelerated foreign language students described  
70 in Section [53E-10-307](#);

71 ~~[(ii)] (iii) the Basic Program, described in [Title 53F, Chapter 2, Part 3, Basic Program~~  
72 ~~(Weighted Pupil Units)] Part 3, Basic Program (Weighted Pupil Units);~~

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

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

75 ~~[(v)] (vi) the Enhancement for Accelerated Students Program, described in Section~~  
76 ~~[53F-2-408](#);~~

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

78 ~~[(vii)] (viii) the gang prevention and intervention program, described in Section~~  
79 ~~[53F-2-410](#); and~~

80 (ix) dual language immersion, described in Section [53F-2-501](#); and

81 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year,  
82 the current fiscal year's ongoing state tax fund appropriations to the following programs:

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

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

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

86 (iv) the Voted and Board Local Levy Guarantee programs, described in Section  
87 [53F-2-601](#); and

88 (v) charter school local replacement funding, described in Section [53F-2-702](#).  
89 (2) (a) In or before December each year, the Executive Appropriations Committee shall  
90 determine:

- 91 (i) the cost of the inflation adjustment described in Subsection (1)(a); and
  - 92 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).
- 93 (b) The Executive Appropriations Committee shall make the determinations described  
94 in Subsection (2)(a) based on recommendations developed by the Office of the Legislative  
95 Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and  
96 Budget.

97 Section 3. Section **53F-2-502** is amended to read:

98 **53F-2-502. Dual language immersion.**

99 (1) As used in this section:

100 (a) "Dual language immersion" means an instructional setting in which a student  
101 receives a portion of instruction in English and a portion of instruction exclusively in a partner  
102 language.

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

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

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

108 (e) "Restricted foreign entity means the same as that term is defined in Section  
109 [53B-1-201](#).

110 (2) The state board shall:

111 (a) establish a dual language immersion program;

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

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

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

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

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

118 (v) a progression of how a school in a participating LEA adds grade levels in which the

119 school offers dual language immersion; and  
120 (c) subject to legislative appropriations:  
121 (i) select participating LEAs; and  
122 (ii) award to a participating LEA a grant to support dual language immersion in the  
123 LEA.  
124 (3) A participating LEA shall:  
125 (a) establish in a school a full-day dual language immersion instructional model that  
126 provides at least 50% of instruction exclusively in a partner language;  
127 (b) in accordance with the state board rules described in Subsection (2)(b), add grades  
128 in which dual language immersion is provided in a school; and  
129 (c) annually administer to each student in grades 3 through 8 who participates in dual  
130 language immersion an assessment described in Subsection (2)(b)(iv).  
131 (4) The state board shall:  
132 (a) provide support to a participating LEA, including by:  
133 (i) offering professional learning for dual language immersion educators;  
134 (ii) developing curriculum related to dual language immersion; or  
135 (iii) providing instructional support for a partner language;  
136 (b) conduct a program evaluation of the dual language immersion program established  
137 under Subsection (2)(a); and  
138 (c) on or before November 1, 2019, report to the Education Interim Committee and the  
139 Public Education Appropriations Subcommittee on the results of the program evaluation  
140 described in Subsection (4)(b).  
141 (5) The state board may, in accordance with Title 63G, Chapter 6a, Utah Procurement  
142 Code, contract with a third party to conduct the program evaluation described in Subsection  
143 (4)(b).  
144 (6) Regardless of whether an LEA is a participating LEA or provides language  
145 instruction through another method, beginning July 1, 2024, an LEA may not seek or accept  
146 funding support from a restricted foreign entity or an entity that passes on funding support from  
147 a restricted foreign entity.  
148 (7) Subject to budget constraints, in addition to the base increases described in Section  
149 53F-2-208, the Legislature shall annually increase the money appropriated for dual language

150 immersion in proportion to the percentage increase over the previous school year in the value  
151 of the weighted pupil unit.

152 Section 4. **Appropriation.**

153 The following sums of money are appropriated for the fiscal year beginning July 1,  
154 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for  
155 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
156 Act, the Legislature appropriates the following sums of money from the funds or accounts  
157 indicated for the use and support of the government of the state of Utah.

158 ITEM 1

159 To Minimum School Program - Related to Basic School Programs

160 From Uniform School Fund 2,337,000

161 Schedule of Programs:

162 Dual Immersion 2,337,000

163 ~~Ŝ→~~ ITEM 2

164 ~~To State Board of Education - MSP Categorical Program Administration~~

165 ~~From Education Fund, One-time~~ 320,000

166 ~~Schedule of Programs:~~

167 ~~Dual Immersion~~ 320,000

168 ~~The Legislature intends that the State Board of Education expend appropriations~~  
169 ~~provided under this item:~~

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

172 ~~(2) in fiscal years 2024 and 2025, in an amount not to exceed \$160,000 in fiscal year~~  
173 ~~2024, and \$160,000 in fiscal year 2025.~~

174 ~~ITEM 3~~ ITEM 2 ←Ŝ

175 To University of Utah - Education and General

176 From Income Tax Fund Ŝ→ [ 778,866] 778,900 ←Ŝ

177 Schedule of Programs:

178 Education and General Ŝ→ [778,866] 778,900

178a ←Ŝ

179 Section 5. **Effective date.**

180 This bill takes effect on July 1, 2023.