

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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13	Katy Hall	Carol S. Moss	
14	Ken Ivory	Michael J. Petersen	

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:

- 29 ▶ to the Minimum School Program - Related to Basic School Programs:
- 30 • from the Uniform School Fund, \$2,337,000; and
- 31 ▶ to the University of Utah - Education and General, as an ongoing appropriation:
- 32 • from the Income Tax Fund, \$778,900.

33 **Other Special Clauses:**

34 This bill provides a special effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **53E-10-307**, as last amended by Laws of Utah 2022, Chapter 383

38 **53F-2-208**, as last amended by Laws of Utah 2022, Chapter 1

39 **53F-2-502**, as last amended by Laws of Utah 2021, Chapter 251



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

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

43 **53E-10-307. Concurrent enrollment courses for accelerated foreign language**
44 **students.**

45 (1) As used in this section:

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

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

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

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

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

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

57 (a) are age-appropriate foreign language courses for accelerated foreign language
58 students;

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

61 (c) are delivered:

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

63 (ii) by an eligible instructor described in Subsection 53E-10-302(6)(a).

64 (3) Subject to budget constraints, in addition to the base increases described in Section
65 53F-2-208, the Legislature shall annually increase the money appropriated for concurrent
66 enrollment courses for accelerated foreign language students in proportion to the percentage
67 increase over the previous school year in the value of the weighted pupil unit.

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

69 **53F-2-208. Cost of adjustments for growth and inflation.**

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

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

74 (i) education for youth in custody, described in Section 53E-3-503;

75 (ii) concurrent enrollment courses for accelerated foreign language students described
76 in Section 53E-10-307;

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

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

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

81 [~~(v)~~] (vi) the Enhancement for Accelerated Students Program, described in Section
82 53F-2-408;

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

84 [~~(vii)~~] (viii) the gang prevention and intervention program, described in Section

85 53F-2-410; and

86 (ix) dual language immersion, described in Section 53F-2-501; and

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

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

90 (ii) educator salary adjustments, described in Section 53F-2-405;

91 (iii) the Teacher Salary Supplement Program, described in Section 53F-2-504;

92 (iv) the Voted and Board Local Levy Guarantee programs, described in Section
93 53F-2-601; and

94 (v) charter school local replacement funding, described in Section 53F-2-702.

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

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

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

99 (b) The Executive Appropriations Committee shall make the determinations described
100 in Subsection (2)(a) based on recommendations developed by the Office of the Legislative
101 Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and
102 Budget.

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

104 **53F-2-502. Dual language immersion.**

105 (1) As used in this section:

106 (a) "Dual language immersion" means an instructional setting in which a student
107 receives a portion of instruction in English and a portion of instruction exclusively in a partner
108 language.

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

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

112 (d) "Partner language" means a language other than English in which instruction is

113 provided in dual language immersion.

114 (e) "Restricted foreign entity" means the same as that term is defined in Section
115 53B-1-201.

116 (2) The state board shall:

117 (a) establish a dual language immersion program;

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

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

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

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

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

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

126 (c) subject to legislative appropriations:

127 (i) select participating LEAs; and

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

130 (3) A participating LEA shall:

131 (a) establish in a school a full-day dual language immersion instructional model that
132 provides at least 50% of instruction exclusively in a partner language;

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

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

137 (4) The state board shall:

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

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

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

141 (iii) providing instructional support for a partner language;
 142 (b) conduct a program evaluation of the dual language immersion program established
 143 under Subsection (2)(a); and
 144 (c) on or before November 1, 2019, report to the Education Interim Committee and the
 145 Public Education Appropriations Subcommittee on the results of the program evaluation
 146 described in Subsection (4)(b).

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

150 (6) Regardless of whether an LEA is a participating LEA or provides language
 151 instruction through another method, beginning July 1, 2024, an LEA may not seek or accept
 152 funding support from a restricted foreign entity or an entity that passes on funding support from
 153 a restricted foreign entity.

154 (7) Subject to budget constraints, in addition to the base increases described in Section
 155 53F-2-208, the Legislature shall annually increase the money appropriated for dual language
 156 immersion in proportion to the percentage increase over the previous school year in the value
 157 of the weighted pupil unit.

158 Section 4. **Appropriation.**

159 The following sums of money are appropriated for the fiscal year beginning July 1,
 160 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
 161 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 162 Act, the Legislature appropriates the following sums of money from the funds or accounts
 163 indicated for the use and support of the government of the state of Utah.

164 ITEM 1

165 To Minimum School Program - Related to Basic School Programs

166 <u>From Uniform School Fund</u>	2,337,000
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167 Schedule of Programs:

168 <u>Dual Immersion</u>	2,337,000
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169 ITEM 2
170 To University of Utah - Education and General
171 From Income Tax Fund 778,900
172 Schedule of Programs:
173 Education and General 778,900
174 Section 5. **Effective date.**
175 This bill takes effect on July 1, 2023.