

**FOREIGN LANGUAGE EDUCATION FUNDING AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Candice B. Pierucci**

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

**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 Education Fund, One-time, \$320,000.

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



28 AMENDS:

29 **53F-2-208**, as last amended by Laws of Utah 2022, Chapter 1

30 **53F-2-502**, as last amended by Laws of Utah 2021, Chapter 251

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

33 Section 1. Section **53F-2-208** is amended to read:

34 **53F-2-208. Cost of adjustments for growth and inflation.**

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

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

- 39 (i) education for youth in custody, described in Section **53E-3-503**;
- 40 (ii) the Basic Program, described in [~~Title 53F, Chapter 2, Part 3, Basic Program~~  
41 (~~Weighted Pupil Units~~)] Part 3, Basic Program (Weighted Pupil Units);

42 (iii) the Adult Education Program, described in Section **53F-2-401**;

43 (iv) state support of pupil transportation, described in Section **53F-2-402**;

44 (v) the Enhancement for Accelerated Students Program, described in Section  
45 **53F-2-408**;

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

47 (vii) the gang prevention and intervention program, described in Section **53F-2-410**;

48 and

49 (viii) dual language immersion, described in Section **53F-2-501**; and

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

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

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

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

55 (iv) the Voted and Board Local Levy Guarantee programs, described in Section  
56 **53F-2-601**; and

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

58 (2) (a) In or before December each year, the Executive Appropriations Committee shall

59 determine:

- 60 (i) the cost of the inflation adjustment described in Subsection (1)(a); and
- 61 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).

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

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

67 **53F-2-502. Dual language immersion.**

68 (1) As used in this section:

69 (a) "Dual language immersion" means an instructional setting in which a student  
70 receives a portion of instruction in English and a portion of instruction exclusively in a partner  
71 language.

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

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

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

77 (e) "Restricted foreign entity means the same as that term is defined in Section  
78 53B-1-201.

79 (2) The state board shall:

80 (a) establish a dual language immersion program;

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

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

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

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

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

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

89 (c) subject to legislative appropriations:

90 (i) select participating LEAs; and  
91 (ii) award to a participating LEA a grant to support dual language immersion in the  
92 LEA.

93 (3) A participating LEA shall:

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

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

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

100 (4) The state board shall:

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

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

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

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

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

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

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

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

117 (7) Subject to budget constraints, in addition to the base increases described in Section  
118 53F-2-208, the Legislature shall annually increase the money appropriated for dual language  
119 immersion in proportion to the percentage increase over the previous school year in:

120 (a) dual language immersion; and

121 (b) the value of the weighted pupil unit.

122 Section 3. **Appropriation.**

123 The following sums of money are appropriated for the fiscal year beginning July 1,  
124 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for  
125 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
126 Act, the Legislature appropriates the following sums of money from the funds or accounts  
127 indicated for the use and support of the government of the state of Utah.

128 ITEM 1

129 To Minimum School Program - Related to Basic School Programs

130 From Uniform School Fund 2,337,000

131 Schedule of Programs:

132 Dual Immersion 2,337,000

133 ITEM 2

134 To State Board of Education - MSP Categorical Program Administration

135 From Education Fund, One-time 320,000

136 Schedule of Programs:

137 Dual Immersion 320,000

138 The Legislature intends that the State Board of Education expend appropriations

139 provided under this item:

140 (1) to bridge the funding that an LEA previously received from a foreign government  
141 before Subsection [53F-2-502\(6\)](#) prohibited restricted foreign entity funding; and

142 (2) in fiscal years 2024 and 2025, in an amount not to exceed \$160,000 in fiscal year  
143 2024, and \$160,000 in fiscal year 2025.