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:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

determine:

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

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

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

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

53F-2-502. Dual language immersion.

(1) As used in this section:

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

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

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

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

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

(2) The state board shall:

(a) establish a dual language immersion program;

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

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

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

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

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

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

(c) subject to legislative appropriations:

(i) select participating LEAs; and

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

(3) A participating LEA shall:

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

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

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

(4) The state board shall:

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

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

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

(iii) providing instructional support for a partner language;

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

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

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

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

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

(a) dual language immersion; and

(b) the value of the weighted pupil unit.

Section 3. **Appropriation.**

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

ITEM 1

To Minimum School Program - Related to Basic School Programs

From Uniform School Fund		2,337,000
Schedule of Programs:		
Dual Immersion	2,337,000	

ITEM 2

To State Board of Education - MSP Categorical Program Administration

From Education Fund, One-time		320,000
Schedule of Programs:		
Dual Immersion	320,000	

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

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

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