

Representative Candice B. Pierucci proposes the following substitute bill:

FUNDING INDEPENDENCE IN FOREIGN LANGUAGE

EDUCATION

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits an institution of higher education from seeking or accepting funding support from a restricted foreign entity;
- ▶ requires Southern Utah University to establish the Helen Foster Snow Cultural Center, subject to legislative appropriations;
- ▶ requires the Executive Appropriations Committee to provide for annual appropriations increases for certain concurrent enrollment foreign language courses in preparing higher education budgets;
- ▶ 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



26 ▶ makes technical changes.

27 **Money Appropriated in this Bill:**

28 This bill appropriates in fiscal year 2023:

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

30 • from the Uniform School Fund, \$1,500,000;

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

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

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

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

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **53B-1-201**, as enacted by Laws of Utah 2010, Chapter 243

41 **53B-1-202**, as last amended by Laws of Utah 2016, Chapter 188

42 **53E-10-307**, as last amended by Laws of Utah 2020, Chapter 365

43 **53F-2-208**, as last amended by Laws of Utah 2021, Chapters 319 and 382

44 **53F-2-502**, as last amended by Laws of Utah 2021, Chapter 251

45 ENACTS:

46 **53B-33-101**, Utah Code Annotated 1953

47 **53B-33-201**, Utah Code Annotated 1953



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

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

51 **53B-1-201. Definitions.**

52 As used in this part:

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

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

56 (b) that relate to:

- 57 (i) what kinds of teachers or students may benefit from the gift; or
58 (ii) a description of the subject matter to be taught with the support of the gift.
- 59 (2) "Foreign government" means a government other than the government of:
60 (a) the United States;
61 (b) a state within the United States;
62 (c) a territory or possession of the United States; or
63 (d) a political subdivision of the United States.
- 64 (3) "Foreign person" means:
65 (a) a foreign government defined in Subsection (2);
66 (b) an individual who is not a citizen or national of the United States or of a territory or
67 protectorate of the United States;
68 (c) a corporation, partnership, joint venture, proprietorship, trust, association, or other
69 entity that is created or organized under the laws of a foreign government or that has its
70 principal place of business located outside the United States;
71 (d) if known by the higher education institution, a corporation, partnership, joint
72 venture, proprietorship, trust, association, or other entity that is created or organized pursuant
73 to the laws of the United States or a state within the United States, if a majority of the stock or
74 other equity interest is directly or indirectly owned by, or which derives a majority of its
75 funding from:
76 (i) a foreign government;
77 (ii) an individual described in Subsection (3)(b); or
78 (iii) an entity described in Subsection (3)(c) or (d); or
79 (e) if known by the higher education institution, a committee or other group in which a
80 majority of the membership is composed of:
81 (i) a foreign government;
82 (ii) an individual described in Subsection (3)(b); or
83 (iii) an entity described in Subsection (3)(c) or (d).
- 84 (4) "Gift" means an endowment, scholarship, gift, donation, or grant of money or
85 property of any kind.
- 86 (5) "Higher education institution" means an institution in the state system of higher
87 education as defined in Section [53B-1-102](#).

- 88 (6) "Restricted foreign entity means:
89 (a) a company that the United States Secretary of Defense is required to list as a
90 military company under the requirements of federal national defense authorization acts;
91 (b) any affiliate of a company described in Subsection (6)(a);
92 (c) the country with a commercial or defense industrial base of which a company
93 described in Subsection (6)(a) is a part; or
94 (d) any subsidiary of a company described in Subsection (6)(a) or a country described
95 in Subsection (6)(c).

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

97 **53B-1-202. Disclosure of foreign gifts to higher education institutions --**

98 **Prohibition on restricted foreign entity funds.**

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

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

- 108 (i) for a foreign person that is an individual, the principal residence; and
109 (ii) for a foreign person that is not an individual, the principal place of business.

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

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

115 (ii) with a permanent resident status:

- 116 (A) under Section 245 of the Immigration and Nationality Act; and
117 (B) for 10 years or more.

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

- 119 (a) the amount of each gift described in Subsection (1);
120 (b) the date on which each gift described in Subsection (1) was received by the higher
121 education institution;
122 (c) the name of the foreign person making each gift described in Subsection (1);
123 (d) the aggregate amount of all gifts described in Subsection (1) from a foreign person
124 during the prior fiscal year of the higher education institution;
125 (e) for a conditional gift, a description of the conditions or restrictions related to the
126 conditional gift;
127 (f) for a conditional gift:
128 (i) for a foreign person that is an individual, if known, the country of citizenship or
129 principal residence of the individual; or
130 (ii) for a foreign person that is not an individual, if known, the country of incorporation
131 or place of business of the foreign person; and
132 (g) for a conditional gift that is a contract entered into between a higher education
133 institution and a foreign person:
134 (i) the amount;
135 (ii) the date;
136 (iii) a description of all conditions or restrictions; and
137 (iv) the name of the foreign person.
138 (3) A disclosure report required by this section is a public record open to inspection
139 and review during the higher education institution's business hours.
140 (4) At the request of the board, the attorney general may file a civil action to compel a
141 higher education institution to comply with the requirements of this section.
142 (5) The board shall make rules for the administration of this section in accordance with
143 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
144 (6) Beginning July 1, 2023, a higher education institution may not seek or accept
145 funding support from a restricted foreign entity or an entity that passes on funding support from
146 a restricted foreign entity.

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

148 **CHAPTER 33. SOUTHERN UTAH UNIVERSITY**

149 **Part 1. General Provisions**

150 **53B-33-101. Definitions.**

151 Reserved

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

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

154 **53B-33-201. Helen Foster Snow Cultural Center.**

155 Subject to legislative appropriations, Southern Utah University shall establish the Helen
156 Foster Snow Cultural Center to provide language support and cultural opportunities to students
157 studying the Mandarin Chinese language.

158 Section 5. Section **53E-10-307** is amended to read:

159 **53E-10-307. Concurrent enrollment courses for accelerated foreign language**
160 **students.**

161 (1) As used in this section:

162 (a) "Accelerated foreign language student" means an eligible student who has passed a
163 world language advanced placement exam.

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

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

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

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

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

173 (a) are age-appropriate foreign language courses for accelerated foreign language
174 students;

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

177 (c) are delivered:

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

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

180 (3) (a) Before December 1 of each year, the University of Utah shall report to the

181 Executive Appropriations Committee:

182 (i) the number of students enrolled in a concurrent enrollment course described in

183 Subsection (2); and

184 (ii) the cost to the university of providing the concurrent enrollment courses described

185 in Subsection (2).

186 (b) The Executive Appropriations Committee shall:

187 (i) annually determine the estimated cost of:

188 (A) adjusting for inflation in the next fiscal year, based on a rolling five-year average

189 ending in the current fiscal year, the cost of providing the concurrent enrollment courses

190 described in Subsection (2) on a per-student basis; and

191 (B) adjusting for enrollment growth, in the next fiscal year, in the concurrent

192 enrollment courses described in Subsection (2); and

193 (ii) in preparing higher education budgets for a given fiscal year, shall ensure that

194 appropriations to the University of Utah include an increase at least equal to the estimated cost

195 described in Subsection (3)(b)(i).

196 Section 6. Section **53F-2-208** is amended to read:

197 **53F-2-208. Cost of adjustments for growth and inflation.**

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

199 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a

200 rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations

201 to the following programs:

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

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

204 (Weighted Pupil Units);

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

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

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

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

209 and

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

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

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

- 213 (i) a program described in Subsection (1)(a);
- 214 (ii) educator salary adjustments, described in Section [53F-2-405](#);
- 215 (iii) the Teacher Salary Supplement Program, described in Section [53F-2-504](#);
- 216 (iv) the Voted and Board Local Levy Guarantee programs, described in Section
- 217 [53F-2-601](#); and
- 218 (v) charter school local replacement funding, described in Section [53F-2-702](#).

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

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

227 Section 7. Section **53F-2-502** is amended to read:

228 **53F-2-502. Dual language immersion.**

229 (1) As used in this section:

- 230 (a) "Dual language immersion" means an instructional setting in which a student
231 receives a portion of instruction in English and a portion of instruction exclusively in a partner
232 language.
- 233 (b) "Local education agency" or "LEA" means a school district or a charter school.
- 234 (c) "Participating LEA" means an LEA selected by the state board to receive a grant
235 described in this section.
- 236 (d) "Partner language" means a language other than English in which instruction is
237 provided in dual language immersion.
- 238 (e) "Restricted foreign entity means the same as that term is defined in Section
239 [53B-1-201](#).

240 (2) The state board shall:

- 241 (a) establish a dual language immersion program;
- 242 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

243 make rules that establish:

- 244 (i) a grant program for an LEA to receive funding for dual language immersion;
- 245 (ii) the required qualifications for an LEA to be a participating LEA;
- 246 (iii) subject to this section, requirements of a participating LEA;
- 247 (iv) a proficiency assessment for each partner language; and
- 248 (v) a progression of how a school in a participating LEA adds grade levels in which the
- 249 school offers dual language immersion; and

250 (c) subject to legislative appropriations:

- 251 (i) select participating LEAs; and
- 252 (ii) award to a participating LEA a grant to support dual language immersion in the
- 253 LEA.

254 (3) A participating LEA shall:

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

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

257 (b) in accordance with the state board rules described in Subsection (2)(b), add grades

258 in which dual language immersion is provided in a school; and

259 (c) annually administer to each student in grades 3 through 8 who participates in dual

260 language immersion an assessment described in Subsection (2)(b)(iv).

261 (4) The state board shall:

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

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

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

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

266 (b) conduct a program evaluation of the dual language immersion program established

267 under Subsection (2)(a); and

268 (c) on or before November 1, 2019, report to the Education Interim Committee and the

269 Public Education Appropriations Subcommittee on the results of the program evaluation

270 described in Subsection (4)(b).

271 (5) The state board may, in accordance with Title 63G, Chapter 6a, Utah Procurement

272 Code, contract with a third party to conduct the program evaluation described in Subsection

273 (4)(b).

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

278 Section 8. **Appropriation.**

279 The following sums of money are appropriated for the fiscal year beginning July 1,
 280 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
 281 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 282 Act, the Legislature appropriates the following sums of money from the funds or accounts
 283 indicated for the use and support of the government of the state of Utah.

284 ITEM 1

285 To Minimum School Program - Related to Basic School Programs

286 From Uniform School Fund 1,500,000

287 Schedule of Programs:

288 Dual Immersion 1,500,000

289 ITEM 2

290 To State Board of Education - MSP Categorical Program Administration

291 From Education Fund, One-time 320,000

292 Schedule of Programs:

293 Dual Immersion 320,000

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

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

298 (2) in fiscal years 2023 and 2024, in an amount not to exceed \$160,000 in fiscal year
 299 2023, and \$160,000 in fiscal year 2024.

300 ITEM 3

301 To Southern Utah University - Education and General

302 From Education Fund, One-time 600,000

303 Schedule of Programs:

304 Education and General 600,000

305 The Legislature intends that:

306 (1) appropriations provided under this Item 3 be used for the establishment of the

307 Helen Foster Snow Cultural Center in accordance with Section [53B-33-201](#); and

308 (2) under Section [63J-1-603](#), appropriations provided under this Item 3 not lapse at the

309 close of fiscal year 2023 or 2024, and the use of any nonlapsing funds is limited to the

310 establishment of the Helen Foster Snow Cultural center in accordance with Section

311 [53B-33-201](#).