

1 **EDUCATIONAL LANGUAGE SERVICES AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Dan N. Johnson**

5 Senate Sponsor: Daniel W. Thatcher

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions relating to services for students learning English.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends provisions related to parent engagement with the education process;
- 13 ▶ requires an LEA to adopt a policy facilitating assistance to students learning English
- 14 and their parents;
- 15 ▶ defines terms;
- 16 ▶ establishes the Educational Interpretation and Translation Services Procurement
- 17 Advisory Council (council);
- 18 ▶ requires the State Board of Education to provide information to the council;
- 19 ▶ requires the council to advise the purchasing director of the Division of Purchasing
- 20 and General Services on certain services for students learning English;
- 21 ▶ requires the council to report to the Education Interim Committee;
- 22 ▶ enacts sunset provisions for the council; and
- 23 ▶ makes conforming changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53E-1-201**, as last amended by Laws of Utah 2021, Chapters 64, 251, and 351
31 **53E-2-303**, as last amended by Laws of Utah 2019, Chapter 186
32 **63I-2-253**, as last amended by Laws of Utah 2021, First Special Session, Chapter 14
33 **63I-2-263**, as last amended by Laws of Utah 2021, First Special Session, Chapter 4

34 ENACTS:

35 **53G-7-221**, Utah Code Annotated 1953
36 **63A-2-501**, Utah Code Annotated 1953
37 **63A-2-502**, Utah Code Annotated 1953

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

40 Section 1. Section **53E-1-201** is amended to read:

41 **53E-1-201. Reports to and action required of the Education Interim Committee.**

42 (1) In accordance with applicable provisions and Section **68-3-14**, the following
43 recurring reports are due to the Education Interim Committee:

44 (a) the report described in Section **9-22-109** by the STEM Action Center Board,
45 including the information described in Section **9-22-113** on the status of the computer science
46 initiative and Section **9-22-114** on the Computing Partnerships Grants Program;

47 (b) the prioritized list of data research described in Section **35A-14-302** and the report
48 on research described in Section **35A-14-304** by the Utah Data Research Center;

49 (c) the report described in Section **35A-15-303** by the State Board of Education on
50 preschool programs;

51 (d) the report described in Section **53B-1-402** by the Utah Board of Higher Education
52 on career and technical education issues and addressing workforce needs;

53 (e) the annual report of the Utah Board of Higher Education described in Section
54 **53B-1-402**;

55 (f) the reports described in Section **53B-28-401** by the Utah Board of Higher Education
56 regarding activities related to campus safety;

57 (g) the State Superintendent's Annual Report by the state board described in Section

58 53E-1-203;

59 (h) the annual report described in Section 53E-2-202 by the state board on the strategic
60 plan to improve student outcomes;

61 (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for
62 the Deaf and the Blind;

63 (j) the report described in Section 53E-10-703 by the Utah Leading through Effective,
64 Actionable, and Dynamic Education director on research and other activities;

65 (k) the report described in Section 53F-4-203 by the state board and the independent
66 evaluator on an evaluation of early interactive reading software;

67 (l) the report described in Section 53F-4-407 by the state board on UPSTART;

68 (m) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board
69 related to grants for professional learning and grants for an elementary teacher preparation
70 assessment; ~~and~~

71 (n) the report described in Section 53F-5-405 by the State Board of Education
72 regarding an evaluation of a partnership that receives a grant to improve educational outcomes
73 for students who are low income[-]; and

74 (o) the annual report described in Section 63A-2-502 by the Educational Interpretation
75 and Translation Service Procurement Advisory Council.

76 (2) In accordance with applicable provisions and Section 68-3-14, the following
77 occasional reports are due to the Education Interim Committee:

78 (a) the report described in Section 35A-15-303 by the School Readiness Board by
79 November 30, 2020, on benchmarks for certain preschool programs;

80 (b) the report described in Section 53B-28-402 by the Utah Board of Higher Education
81 on or before the Education Interim Committee's November 2021 meeting;

82 (c) the reports described in Section 53E-3-520 by the state board regarding cost centers
83 and implementing activity based costing;

84 (d) if required, the report described in Section 53E-4-309 by the state board explaining
85 the reasons for changing the grade level specification for the administration of specific

86 assessments;

87 (e) if required, the report described in Section 53E-5-210 by the state board of an
88 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

89 (f) in 2022 and in 2023, on or before November 30, the report described in Subsection
90 53E-10-309(7) related to the PRIME pilot program;

91 (g) the report described in Section 53E-10-702 by Utah Leading through Effective,
92 Actionable, and Dynamic Education;

93 (h) if required, the report described in Section 53F-2-513 by the state board evaluating
94 the effects of salary bonuses on the recruitment and retention of effective teachers in high
95 poverty schools;

96 (i) upon request, the report described in Section 53F-5-207 by the state board on the
97 Intergenerational Poverty Intervention Grants Program;

98 (j) the report described in Section 53F-5-210 by the state board on the Educational
99 Improvement Opportunities Outside of the Regular School Day Grant Program;

100 (k) the report described in Section 53G-7-503 by the state board regarding fees that
101 LEAs charge during the 2020-2021 school year;

102 (l) the reports described in Section 53G-11-304 by the state board regarding proposed
103 rules and results related to educator exit surveys;

104 (m) the report described in Section 62A-15-117 by the Division of Substance Abuse
105 and Mental Health, the State Board of Education, and the Department of Health regarding
106 recommendations related to Medicaid reimbursement for school-based health services; and

107 (n) the reports described in Section 63C-19-202 by the Higher Education Strategic
108 Planning Commission.

109 Section 2. Section 53E-2-303 is amended to read:

110 **53E-2-303. Family participation in educational process -- Family engagement**
111 **policy.**

112 (1) The Legislature recognizes the importance of parental participation in the
113 educational process in order for students to achieve and maintain high levels of performance.

114 (2) It is, therefore, the policy of the state to:

115 (a) encourage parents to provide a home environment that values education and send
116 their children to school prepared to learn;

117 (b) rely upon school districts and schools to provide opportunities for parents of
118 students to be involved in establishing and implementing educational goals for their respective
119 schools and students; and

120 (c) expect employers to recognize the need for parents and members of the community
121 to participate in the public education system in order to help students achieve and maintain
122 excellence.

123 (3) (a) Each local school board shall adopt a policy on parental involvement in the
124 schools of the district.

125 (b) (i) The local school board shall design its policy to build consistent and effective
126 communication among parents, teachers, and administrators.

127 (ii) The policy described in Subsection (3)(b)(i):

128 (A) shall include parents or family, when appropriate, of children learning English,
129 regardless of prevalence of children learning English in the geographic area in which the LEA
130 is located; and

131 (B) may include assistance from community organizations to assist through a preferred
132 method of communication.

133 (c) The policy shall provide parents with the opportunity to be actively involved in
134 their children's education and to be informed of:

135 (i) the importance of the involvement of parents in directly affecting the success of
136 their children's educational efforts; and

137 (ii) groups and organizations that may provide instruction and training to parents to
138 help improve their children's academic success and support their academic efforts.

139 Section 3. Section **53G-7-221** is enacted to read:

140 **53G-7-221. Policy supporting students learning English, parents, and families.**

141 (1) An LEA shall adopt a policy addressing the LEA's communication and assistance to

142 students learning English, their parents, and their families.

143 (2) The policy shall provide:

144 (a) guidance on the appropriate use of an interpreter and recommended interpreter
145 qualifications, including certification or education-specific experience, for the following:

146 (i) classroom activities;

147 (ii) impromptu and scheduled office visits or phone calls;

148 (iii) enrollment or registration processes;

149 (iv) the IEP process;

150 (v) student educational and occupational planning processes;

151 (vi) fee waiver processes;

152 (vii) parent engagement activities;

153 (viii) student disciplinary meetings;

154 (ix) school community councils;

155 (x) school board meetings;

156 (xi) other school or LEA activities; and

157 (xii) other interactions between the parents of a student learning English and
158 educational staff;

159 (b) guidance on the appropriate use of a translator or interpreter for the translation or
160 interpretation of:

161 (i) registration or enrollment materials, including home language surveys and English
162 learning program entrance and exit notifications;

163 (ii) assignments and accompanying materials;

164 (iii) report cards or other progress reports;

165 (iv) student discipline policies and procedures;

166 (v) grievance procedures and notices of rights and nondiscrimination;

167 (vi) parent or family handbooks; and

168 (vii) requests for parent permission; and

169 (c) any other guidance, including guidance on when oral interpretation is preferable to

170 written translation, to improve instruction and assistance by teachers, counselors, and
171 administrators to a student learning English and the student's parents and family.

172 (3) The state board shall provide to an LEA notification of LEA requirements
173 described in this section, a model of the policy described in this section, and guidance and
174 technical assistance regarding existing requirements in relevant statute, administrative rule, and
175 federal law.

176 Section 4. Section **63A-2-501** is enacted to read:

177 **Part 5. Educational Interpretation and Translation Services**

178 **Procurement Advisory Council**

179 **63A-2-501. Definitions.**

180 As used in this part:

181 (1) "Advisory council" means the Educational Interpretation and Translation Services
182 Procurement Advisory Council established in Section [63A-2-502](#).

183 (2) "Contract" means a contract entered into by the division for interpretation or
184 translation services in accordance with Section [63A-2-503](#).

185 (3) "Local education agency" or "LEA" means the same as that term is defined in
186 Section [53E-1-102](#).

187 (4) "State board" means the State Board of Education.

188 Section 5. Section **63A-2-502** is enacted to read:

189 **63A-2-502. Educational Interpretation and Translation Services Procurement**
190 **Advisory Council.**

191 (1) There is established the Educational Interpretation and Translation Services
192 Procurement Advisory Council to provide advice to the purchasing director regarding the
193 language-access needs of LEAs, students learning English, and the families of students learning
194 English.

195 (2) The advisory council shall consist of the following members:

196 (a) the purchasing director or the director's designee;

197 (b) an individual representing the state board, appointed by the state superintendent of

198 public instruction;
199 (c) the purchasing director for the state board or the director's designee;
200 (d) an individual representing the Division of Multicultural Affairs created in Section
201 9-21-201, appointed by the executive director of the Department of Cultural and Community
202 Engagement; and
203 (e) appointed by the cochairs:
204 (i) one or more employees of the state board who manage or administer services or
205 programs for a student learning English and the student's parents;
206 (ii) an administrator from an LEA with a high density of students learning English;
207 (iii) an administrator from an LEA with a low density of students learning English;
208 (iv) a teacher, counselor, or other licensed LEA staff, from a school with a high density
209 of students learning English;
210 (v) a teacher, counselor, or other licensed LEA staff, from a school with a low density
211 of students learning English;
212 (vi) an individual who works to assist students learning English or minority students
213 navigate school and community resources, such as a refugee liaison;
214 (vii) an LEA procurement agent;
215 (viii) an individual representing a community organization that directly serves parents
216 and their children learning English; and
217 (ix) a parent who is a person learning English and also the parent of a student learning
218 English who is enrolled in an LEA.
219 (3) (a) The purchasing director and the individual representing the state board, as
220 described in Subsection (2)(b), shall serve as cochairs for the advisory council.
221 (b) Each advisory council member shall serve until a successor is duly appointed.
222 (4) The division shall provide staff support to facilitate the function of the council.
223 (5) (a) A member of the advisory council may not receive compensation or benefits for
224 the council member's service.
225 (b) An advisory council member may receive per diem and travel expenses in

226 accordance with:

227 (i) Section 63A-3-106;

228 (ii) Section 63A-3-107; and

229 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and

230 63A-3-107.

231 (6) (a) Before the commencement of each school year, the state board shall collect and
232 provide to the advisory council the following information for each LEA:

233 (i) a list of preferred languages of:

234 (A) students learning English; and

235 (B) parents and families of the students described in Subsection (6)(a)(i)(A); and

236 (ii) the frequency by which each language of a student learning English is preferred.

237 (b) Before the commencement of each school year after July 1, 2024, the state board

238 shall, for each LEA, collect and provide to the advisory council the list of preferred methods of

239 communication and frequency by which each method is preferred by parents and the parents'

240 children learning English.

241 (7) (a) Before the commencement of each school year, the advisory council shall advise
242 the purchasing director on:

243 (i) the needs of the LEAs for interpretation and translation services, as described in
244 Subsection (6);

245 (ii) the appropriate points of contact at the state board and each LEA that should
246 receive information regarding the availability and use of procured interpretation and translation
247 contracts; and

248 (iii) the form, manner, and content of information that is to be disseminated to the state
249 board, each LEA, and LEA administrators and principals, regarding the availability and use of
250 procured interpretation and translation contracts.

251 (b) The advisory council shall include in the information described in Subsection

252 (7)(a)(iii) the following information:

253 (i) a notice of available contracts;

- 254 (ii) the language and types of services offered under each contract;
- 255 (iii) the requisite procedures for accessing the services stipulated within the contracts;
- 256 (iv) a list of additional translation and interpretation materials, including posters or
- 257 flyers, provided through a contract;
- 258 (v) an opportunity to provide feedback on contracts, including contact information for
- 259 the division purchasing agent;
- 260 (vi) the estimated and actual cost to each LEA for use of interpretation and translation
- 261 services; and
- 262 (vii) the availability of alternative procurement mechanisms that are independent of the
- 263 division and available contracts.
- 264 (8) The advisory council shall report to the Education Interim Committee no later than
- 265 November 1 each year on the existing use and efficacy of all contracts.

266 Section 6. Section **63I-2-253** is amended to read:

267 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

268 (1) Section **53-1-106.1** is repealed January 1, 2022.

269 (2) (a) Section **53-2a-217**, regarding procurement during an epidemic or pandemic
270 emergency, is repealed on December 31, 2021.

271 (b) When repealing Section **53-2a-217**, the Office of Legislative Research and General
272 Counsel shall, in addition to the office's authority under Subsection **36-12-12(3)**, make
273 necessary changes to subsection numbering and cross references.

274 (3) Section **53-2a-219**, in relation to termination of emergency powers pertaining to
275 COVID-19, is repealed on July 1, 2021.

276 (4) (a) Subsection **53B-2a-108(5)**, regarding exceptions to the composition of a
277 technical college board of trustees, is repealed July 1, 2022.

278 (b) When repealing Subsection **53B-2a-108(5)**, the Office of Legislative Research and
279 General Counsel shall, in addition to its authority under Subsection **36-12-12(3)**, make
280 necessary changes to subsection numbering and cross references.

281 (5) Section **53B-6-105.7** is repealed July 1, 2024.

- 282 (6) (a) Subsection [53B-7-705\(6\)\(b\)\(iii\)\(A\)](#), the language that states "Except as
283 provided in Subsection (6)(b)(iii)(B)," is repealed July 1, 2021.
- 284 (b) Subsection [53B-7-705\(6\)\(b\)\(iii\)\(B\)](#), regarding comparing a technical college's
285 change in performance with the technical college's average performance, is repealed July 1,
286 2021.
- 287 (7) (a) Subsection [53B-7-707\(3\)\(a\)\(ii\)](#), the language that states "Except as provided in
288 Subsection (3)(b)," is repealed July 1, 2021.
- 289 (b) Subsection [53B-7-707\(3\)\(b\)](#), regarding performance data of a technical college
290 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.
- 291 (8) Section [53B-7-707](#) regarding performance metrics for technical colleges is repealed
292 July 1, 2023.
- 293 (9) Section [53B-8-114](#) is repealed July 1, 2024.
- 294 (10) The following sections, regarding the Regents' scholarship program, are repealed
295 on July 1, 2023:
- 296 (a) Section [53B-8-202](#);
- 297 (b) Section [53B-8-203](#);
- 298 (c) Section [53B-8-204](#); and
- 299 (d) Section [53B-8-205](#).
- 300 (11) Section [53B-10-101](#) is repealed on July 1, 2027.
- 301 (12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
302 repealed July 1, 2023.
- 303 (13) Subsection [53E-1-201\(1\)\(o\)](#) regarding the report by the Educational Interpretation
304 and Translation Services Procurement Advisory Council is repealed July 1, 2024.
- 305 ~~[(13)]~~ (14) Section [53E-1-202.2](#), regarding a Public Education Appropriations
306 Subcommittee evaluation and recommendations, is repealed January 1, 2024.
- 307 ~~[(14)]~~ (15) Section [53E-3-520](#) is repealed July 1, 2021.
- 308 ~~[(15)]~~ (16) Subsection [53E-10-309\(7\)](#), related to the PRIME pilot program, is repealed
309 July 1, 2024.

310 ~~[(16)]~~ (17) In Subsections [53F-2-205](#)(4) and (5), regarding the State Board of
311 Education's duties if contributions from the minimum basic tax rate are overestimated or
312 underestimated, the language that states "or [53F-2-301.5](#), as applicable" is repealed July 1,
313 2023.

314 ~~[(17)]~~ (18) Section [53F-2-209](#), regarding local education agency budgetary flexibility,
315 is repealed July 1, 2024.

316 ~~[(18)]~~ (19) Subsection [53F-2-301](#)(1), relating to the years the section is not in effect, is
317 repealed July 1, 2023.

318 ~~[(19)]~~ (20) Section [53F-2-302.1](#), regarding the Enrollment Growth Contingency
319 Program, is repealed July 1, 2023.

320 ~~[(20)]~~ (21) Subsection [53F-2-314](#)(4), relating to a one-time expenditure between the
321 at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

322 ~~[(21)]~~ (22) Section [53F-2-418](#), regarding the Supplemental Educator COVID-19
323 Stipend, is repealed January 1, 2022.

324 ~~[(22)]~~ (23) In Subsection [53F-2-515](#)(1), the language that states "or [53F-2-301.5](#), as
325 applicable" is repealed July 1, 2023.

326 ~~[(23)]~~ (24) Section [53F-4-207](#) is repealed July 1, 2022.

327 ~~[(24)]~~ (25) Subsection [53F-4-401](#)(3)(b), regarding a child enrolled or eligible for
328 enrollment in kindergarten, is repealed July 1, 2022.

329 ~~[(25)]~~ (26) In Subsection [53F-4-404](#)(4)(c), the language that states "Except as provided
330 in Subsection (4)(d)" is repealed July 1, 2022.

331 ~~[(26)]~~ (27) Subsection [53F-4-404](#)(4)(d) is repealed July 1, 2022.

332 ~~[(27)]~~ (28) In Subsection [53F-9-302](#)(3), the language that states "or [53F-2-301.5](#), as
333 applicable" is repealed July 1, 2023.

334 ~~[(28)]~~ (29) In Subsection [53F-9-305](#)(3)(a), the language that states "or [53F-2-301.5](#), as
335 applicable" is repealed July 1, 2023.

336 ~~[(29)]~~ (30) In Subsection [53F-9-306](#)(3)(a), the language that states "or [53F-2-301.5](#), as
337 applicable" is repealed July 1, 2023.

338 ~~[(30)]~~ (31) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,
339 as applicable" is repealed July 1, 2023.

340 ~~[(31)]~~ (32) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(6),
341 related to the civics engagement pilot program, are repealed on July 1, 2023.

342 ~~[(32)]~~ (33) On July 1, 2023, when making changes in this section, the Office of
343 Legislative Research and General Counsel shall, in addition to the office's authority under
344 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections
345 identified in this section are complete sentences and accurately reflect the office's perception of
346 the Legislature's intent.

347 Section 7. Section 63I-2-263 is amended to read:

348 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

349 (1) Title 63A, Chapter 2, Part 5, Educational Interpretation and Translation Services
350 Procurement Advisory Council is repealed July 1, 2025.

351 (2) Section 63A-3-111 is repealed June 30, 2021.

352 ~~[(2)]~~ (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
353 repealed July 1, 2021.

354 ~~[(3)]~~ (4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology
355 Commission is repealed July 1, 2023.

356 ~~[(4)]~~ (5) Section 63G-1-502 is repealed July 1, 2022.

357 ~~[(5)]~~ (6) The following sections regarding the World War II Memorial Commission are
358 repealed on July 1, 2022:

359 (a) Section 63G-1-801;

360 (b) Section 63G-1-802;

361 (c) Section 63G-1-803; and

362 (d) Section 63G-1-804.

363 ~~[(6)]~~ (7) Section 63H-7a-303 is repealed July 1, 2024.

364 ~~[(7)]~~ (8) Subsection 63J-1-206(3)(c), relating to coronavirus, is repealed July 1, 2021.

365 ~~[(8)]~~ (9) Sections 63M-7-213 and 63M-7-213.5 are repealed on January 1, 2023.

366 [~~9~~] (10) Section [63M-7-217](#) is repealed on July 1, 2022.

367 [~~10~~] (11) Title 63N, Chapter 13, Part 3, Facilitating Public-private Partnerships Act,
368 is repealed January 1, 2024.

369 [~~11~~] (12) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is
370 repealed December 31, 2021.