

53A-2-206 Interstate compact students -- Inclusion in attendance count -- Funding for foreign exchange students -- Annual report -- Requirements for exchange student agencies.

- (1) A school district or charter school may include the following students in the district's or school's membership and attendance count for the purpose of apportionment of state money:
 - (a) a student enrolled under an interstate compact, established between the State Board of Education and the state education authority of another state, under which a student from one compact state would be permitted to enroll in a public school in the other compact state on the same basis as a resident student of the receiving state; or
 - (b) a student receiving services under Title 62A, Chapter 4a, Part 7, Interstate Compact on Placement of Children.
- (2)
 - (a) A school district or charter school may include foreign exchange students in the district's or school's membership and attendance count for the purpose of apportionment of state money, except as provided in Subsections (2)(b) through (d).
 - (b)
 - (i) Notwithstanding Section 53A-17a-106, foreign exchange students may not be included in average daily membership for the purpose of determining the number of weighted pupil units in the grades 1-12 basic program.
 - (ii) Subject to the limitation in Subsection (2)(c), the number of weighted pupil units in the grades 1-12 basic program attributed to foreign exchange students shall be equal to the number of foreign exchange students who were:
 - (A) enrolled in a school district or charter school on October 1 of the previous fiscal year; and
 - (B) sponsored by an agency approved by the district's local school board or charter school's governing board.
 - (c)
 - (i) The total number of foreign exchange students in the state that may be counted for the purpose of apportioning state money under Subsection (2)(b) shall be the lesser of:
 - (A) the number of foreign exchange students enrolled in public schools in the state on October 1 of the previous fiscal year; or
 - (B) 328 foreign exchange students.
 - (ii) The State Board of Education shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the cap on the number of foreign exchange students that may be counted for the purpose of apportioning state money under Subsection (2)(b).
 - (d) Notwithstanding Sections 53A-17a-133 and 53A-17a-164, weighted pupil units in the grades 1 through 12 basic program for foreign exchange students, as determined by Subsections (2)(b) and (c), may not be included for the purposes of determining a school district's state guarantee money under the voted or board local levies.
- (3) A school district or charter school may:
 - (a) enroll foreign exchange students that do not qualify for state money; and
 - (b) pay for the costs of those students with other funds available to the school district or charter school.
- (4) Due to the benefits to all students of having the opportunity to become familiar with individuals from diverse backgrounds and cultures, school districts are encouraged to enroll foreign exchange students, as provided in Subsection (3), particularly in schools with declining or stable enrollments where the incremental cost of enrolling the foreign exchange student may be minimal.

- (5) The board shall make an annual report to the Legislature on the number of exchange students and the number of interstate compact students sent to or received from public schools outside the state.
- (6)
- (a) A local school board or charter school governing board shall require each approved exchange student agency to provide it with a sworn affidavit of compliance prior to the beginning of each school year.
 - (b) The affidavit shall include the following assurances:
 - (i) that the agency has complied with all applicable policies of the board;
 - (ii) that a household study, including a background check of all adult residents, has been made of each household where an exchange student is to reside, and that the study was of sufficient scope to provide reasonable assurance that the exchange student will receive proper care and supervision in a safe environment;
 - (iii) that host parents have received training appropriate to their positions, including information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who are in a position of special trust;
 - (iv) that a representative of the exchange student agency shall visit each student's place of residence at least once each month during the student's stay in Utah;
 - (v) that the agency will cooperate with school and other public authorities to ensure that no exchange student becomes an unreasonable burden upon the public schools or other public agencies;
 - (vi) that each exchange student will be given in the exchange student's native language names and telephone numbers of agency representatives and others who could be called at any time if a serious problem occurs; and
 - (vii) that alternate placements are readily available so that no student is required to remain in a household if conditions appear to exist which unreasonably endanger the student's welfare.
- (7)
- (a) A local school board or charter school governing board shall provide each approved exchange student agency with a list of names and telephone numbers of individuals not associated with the agency who could be called by an exchange student in the event of a serious problem.
 - (b) The agency shall make a copy of the list available to each of its exchange students in the exchange student's native language.
- (8) Notwithstanding Subsection (2)(c)(i), a school district or charter school shall enroll a foreign exchange student if the foreign exchange student:
- (a) is sponsored by an agency approved by the State Board of Education;
 - (b) attends the same school during the same time period that another student from the school is:
 - (i) sponsored by the same agency; and
 - (ii) enrolled in a school in a foreign country; and
 - (c) is enrolled in the school for one year or less.

Amended by Chapter 398, 2012 General Session