



28 **count -- Annual report -- Requirements for exchange student agencies.**

29 (1) A school district or charter school may include the following students in the  
30 district's or school's membership and attendance count for the purpose of apportionment of  
31 state monies:

32 (a) a foreign exchange student sponsored by an agency approved by the district's local  
33 school board or charter school's governing board, subject to the limitation of Subsection (2);

34 (b) a student enrolled under an interstate compact, established between the State Board  
35 of Education and the state education authority of another state, under which a student from one  
36 compact state would be permitted to enroll in a public school in the other compact state on the  
37 same basis as a resident student of the receiving state; or

38 (c) a student receiving services under the Compact on Placement of Children.

39 (2) (a) The number of foreign exchange students that may be counted for the purpose  
40 of apportioning state monies shall be the lesser of:

41 [~~(a)~~] (i) ~~§~~→ **four times** ←~~§~~ the number of foreign exchange students:

42 [~~(i)~~] (A) enrolled in the school district or charter school; and

43 [~~(ii)~~] (B) sponsored by an exchange student agency approved by the district's local  
44 school board or charter school's governing board; or

45 [~~(b)~~] (ii) ~~§~~→ **four times** ←~~§~~ the number of students that have withdrawn from the school  
45a district or charter  
46 school to participate in a foreign exchange program in a foreign country.

47 (b) Notwithstanding the limitation of Subsection (2)(a)(ii), ~~§~~→ [a] four ←~~§~~ foreign  
47a exchange ~~§~~→ [student] students ←~~§~~  
48 may be counted for the purpose of apportioning state monies if the corresponding student that  
49 withdrew from the school district or charter school to participate in a foreign exchange  
50 program in a foreign country returns to the school district or charter school before the  
51 conclusion of the school year.

52 (3) A school district or charter school may:

53 (a) enroll foreign exchange students that do not qualify for state monies; and

54 (b) pay for the costs of those students with other funds available to the school district  
55 or charter school.

56 (4) Due to the benefits to all students of having the opportunity to become familiar  
57 with individuals from diverse backgrounds and cultures, school districts are encouraged to  
58 enroll foreign exchange students, as provided in Subsection (3), particularly in schools with

59 declining or stable enrollments where the incremental cost of enrolling the foreign exchange  
60 student may be minimal.

61 (5) The board shall make an annual report to the Legislature on the number of  
62 exchange students and the number of interstate compact students sent to or received from  
63 public schools outside the state.

64 (6) (a) A local school board or charter school governing board shall require each  
65 approved exchange student agency to provide it with a sworn affidavit of compliance prior to  
66 the beginning of each school year.

67 (b) The affidavit shall include the following assurances:

68 (i) that the agency has complied with all applicable policies of the board;

69 (ii) that a household study, including a background check of all adult residents, has  
70 been made of each household where an exchange student is to reside, and that the study was of  
71 sufficient scope to provide reasonable assurance that the exchange student will receive proper  
72 care and supervision in a safe environment;

73 (iii) that host parents have received training appropriate to their positions, including  
74 information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who  
75 are in a position of special trust;

76 (iv) that a representative of the exchange student agency shall visit each student's place  
77 of residence at least once each month during the student's stay in Utah;

78 (v) that the agency will cooperate with school and other public authorities to ensure  
79 that no exchange student becomes an unreasonable burden upon the public schools or other  
80 public agencies;

81 (vi) that each exchange student will be given in the exchange student's native language  
82 names and telephone numbers of agency representatives and others who could be called at any  
83 time if a serious problem occurs; and

84 (vii) that alternate placements are readily available so that no student is required to  
85 remain in a household if conditions appear to exist which unreasonably endanger the student's  
86 welfare.

87 (7) (a) A local school board or charter school governing board shall provide each  
88 approved exchange student agency with a list of names and telephone numbers of individuals  
89 not associated with the agency who could be called by an exchange student in the event of a

90 serious problem.

91 (b) The agency shall make a copy of the list available to each of its exchange students

92 in the exchange student's native language.

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**Legislative Review Note**

**as of 1-23-06 3:58 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**