

1 **FOREIGN EXCHANGE STUDENT AMENDMENTS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Neal B. Hendrickson**

5 Senate Sponsor: Peter C. Knudson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the State System of Public Education Code by amending foreign
10 exchange student provision.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ allows a foreign exchange student to be included in the attendance count if the
14 corresponding student who left to participate in a foreign exchange program in a
15 foreign country returns to the school district or charter school before the conclusion
16 of the school year.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **53A-2-206**, as last amended by Chapter 257, Laws of Utah 2004

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

26 Section 1. Section **53A-2-206** is amended to read:

27 **53A-2-206. Exchange and interstate compact students -- Inclusion in attendance**



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) 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45 [~~(b)~~] (ii) the number of students that have withdrawn from the school district or charter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 foreign exchange student
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.

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