

FOREIGN EXCHANGE STUDENT AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill requires a school district to accept certain students participating in a foreign exchange program.

Highlighted Provisions:

This bill:

- requires a school district or charter school to accept a student participating in a foreign exchange program if another student from the same school is participating in the same exchange program outside the country; and

- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-2-206, as last amended by Laws of Utah 2008, Chapter 382

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

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

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

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

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

37 (b) a student receiving services under ~~[the]~~ Title 62A, Chapter 4a, Part 7, Interstate
38 Compact on Placement of Children.

39 (2) (a) A school district or charter school may include foreign exchange students in the
40 district's or school's membership and attendance count for the purpose of apportionment of
41 state monies, except as provided in Subsections (2)(b) through (e).

42 (b) (i) Notwithstanding Section 53A-17a-106, foreign exchange students may not be
43 included in average daily membership for the purpose of determining the number of weighted
44 pupil units in the grades 1-12 basic program.

45 (ii) Subject to the limitation in Subsection (2)(c), the number of weighted pupil units
46 in the grades 1-12 basic program attributed to foreign exchange students shall be equal to the
47 number of foreign exchange students who were:

48 (A) enrolled in a school district or charter school on October 1 of the previous fiscal
49 year; and

50 (B) sponsored by an agency approved by the district's local school board or charter
51 school's governing board.

52 (c) (i) The total number of foreign exchange students in the state that may be counted
53 for the purpose of apportioning state monies under Subsection (2)(b) shall be the lesser of:

54 (A) the number of foreign exchange students enrolled in public schools in the state on
55 October 1 of the previous fiscal year; or

56 (B) 328 foreign exchange students.

57 (ii) The State Board of Education shall make rules in accordance with Title 63G,

58 Chapter 3, Utah Administrative Rulemaking Act, to administer the cap on the number of
59 foreign exchange students that may be counted for the purpose of apportioning state monies
60 under Subsection (2)(b).

61 (d) Notwithstanding Sections 53A-17a-133 and 53A-17a-134, weighted pupil units in
62 the grades 1-12 basic program for foreign exchange students, as determined by Subsections
63 (2)(b) and (c), may not be included for the purposes of determining a school district's state
64 guarantee money under the voted or board leeway programs.

65 (e) Notwithstanding Section 53A-17a-125, foreign exchange students may not be
66 included in enrollment when calculating student growth for the purpose of adjusting the
67 annual appropriation for retirement and Social Security.

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

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

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

72 (4) Due to the benefits to all students of having the opportunity to become familiar
73 with individuals from diverse backgrounds and cultures, school districts are encouraged to
74 enroll foreign exchange students, as provided in Subsection (3), particularly in schools with
75 declining or stable enrollments where the incremental cost of enrolling the foreign exchange
76 student may be minimal.

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

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

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

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

85 (ii) that a household study, including a background check of all adult residents, has

86 been made of each household where an exchange student is to reside, and that the study was of
87 sufficient scope to provide reasonable assurance that the exchange student will receive proper
88 care and supervision in a safe environment;

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

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

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

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

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

103 (7) (a) A local school board or charter school governing board shall provide each
104 approved exchange student agency with a list of names and telephone numbers of individuals
105 not associated with the agency who could be called by an exchange student in the event of a
106 serious problem.

107 (b) The agency shall make a copy of the list available to each of its exchange students
108 in the exchange student's native language.

109 (8) Notwithstanding Subsection (2)(c)(i), a school district or charter school shall enroll
110 a foreign exchange student if the foreign exchange student:

111 (a) is sponsored by an agency approved by the State Board of Education;

112 (b) attends the same school during the same time period that another student from the
113 school is:

- 114 (i) sponsored by the same agency; and
- 115 (ii) enrolled in a school in a foreign country; and
- 116 (c) is enrolled in the school for one year or less.