

1 **MULTICULTURAL AND IMMIGRANT STUDENT POLICIES**

2 **AMENDMENTS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

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

6 Senate Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to enrollment for immigrant and multicultural
11 students.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ amends provisions related to parental involvement to include family engagement for
15 multilingual and multicultural families;

16 ▶ amends requirements for when a student has a birth certificate that does not
17 accurately reflect the student's age;

18 ▶ requires a local education agency (LEA) to report signs of child trafficking
19 discovered during certain enrollment processes;

20 ▶ requires an LEA to provide certain notices in the preferred language of the person
21 enrolling a student;

22 ▶ requires the State Board of Education to create and maintain a repository for the
23 transcripts of international, immigrant, and refugee students;

24 ▶ defines terms; and

25 ▶ makes technical and conforming changes.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **53E-2-303**, as last amended by Laws of Utah 2019, Chapter 186

33 **53G-6-603**, as renumbered and amended by Laws of Utah 2018, Chapter 3

34 **53G-9-308**, as renumbered and amended by Laws of Utah 2018, Chapter 3

35 ENACTS:

36 **53E-3-523**, Utah Code Annotated 1953



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

39 Section 1. Section **53E-2-303** is amended to read:

40 **53E-2-303. Family engagement in educational process -- Employer support.**

41 (1) As used in this section, "family engagement" means a full, equal, and equitable
42 partnership among families, educators, and community partners to promote children's learning
43 and development from birth through college and career.

44 ~~[(1)]~~ (2) The Legislature recognizes the importance of ~~[parental participation]~~ family
45 engagement in the educational process in order for students to achieve and maintain high levels
46 of performance.

47 ~~[(2)]~~ (3) It is, therefore, the policy of the state to:

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

50 (b) rely upon ~~[school districts and schools]~~ LEAs to provide opportunities for ~~[parents]~~
51 families of students to be involved in establishing and implementing educational goals for their
52 respective schools and students~~[-and]~~, paying particular attention to parents who:

53 (i) are economically disadvantaged;

54 (ii) are disabled;

55 (iii) have limited English proficiency;

56 (iv) have limited literacy; or

57 (v) are of a racial or ethnic minority background; and

58 (c) expect employers to recognize the need for ~~[parents]~~ families and members of the

59 community to participate in the public education system in order to help students achieve and
60 maintain excellence.

61 ~~[(3)]~~ (4) (a) Each ~~[local school board]~~ LEA shall adopt a policy on ~~[parental~~
62 ~~involvement in the schools of the district]~~ family engagement in the LEA, which shall include
63 provisions related to the engagement of, and outreach to, specific multilingual and
64 multicultural communities in the geographic area in which the LEA is located.

65 (b) ~~[The local school board]~~ An LEA shall design its policy to build consistent and
66 effective communication among:

67 (i) parents[-];

68 (ii) teachers[-, and];

69 (iii) administrators[-];

70 (iv) community organizations; and

71 (v) families, including families that have limited English proficiency, regardless of the
72 prevalence in the geographic area in which the LEA is located of the language a family with
73 limited English proficiency primarily speaks.

74 (c) The policy shall provide ~~[parents]~~ families with the opportunity to be actively
75 involved in their children's education and to be informed of, in the family's preferred language:

76 (i) the importance of the involvement of [parents] families, particularly families that
77 are underrepresented in a local school board's, charter school governing board's, or school
78 community council's decision-making process, in directly affecting the success of their
79 children's educational efforts; and

80 (ii) groups and organizations that may provide instruction and training to [parents]
81 families to help improve their children's academic success and support their academic efforts.

82 Section 2. Section **53E-3-523** is enacted to read:

83 **53E-3-523. Newcomer and International Transcripts Repository.**

84 (1) As used in this section:

85 (a) "Newcomer student" means a student who is an immigrant or refugee.

86 (b) "Repository" means the online transcript repository described in Subsection (2).

87 (2) The state board shall establish and maintain, as part of the Utah school information
88 management system described in Section [53E-3-518](#), an online repository for transcripts for
89 international students and newcomer students.

90 (3) The state board shall:

91 (a) ensure that the repository provides a central location for:

92 (i) LEAs to upload the transcripts of international students and newcomer students; and

93 (ii) LEAs to share information regarding the transcripts of international students and

94 newcomer students, including best practices for interpretation;

95 (b) ensure that the use of the repository is:

96 (i) voluntary; and

97 (ii) complies with all state and federal student privacy requirements;

98 (c) provide the repository at no cost to LEAs; and

99 (d) establish appropriate access protocols in coordination with social service providers

100 that work directly with families of students enrolled in the public education system.

101 (4) The state board shall annually, before the school enrollment period begins, provide

102 notice that the repository exists to interested parties as designated in board rule.

103 (5) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah

104 Administrative Rulemaking Act, for:

105 (a) the protection of student data related to the repository in compliance with Title 53E,

106 Chapter 9, Student Privacy and Data Protection; and

107 (b) use of the repository by the state board, LEAs, and social service providers,

108 including the creation of a data sharing agreement.

109 Section 3. Section **53G-6-603** is amended to read:

110 **53G-6-603. Requirement of birth certificate for enrollment of students --**

111 **Procedures.**

112 (1) ~~Upon~~ Except as provided in Subsections (2), enrollment of a student for the first

113 time in a particular school, that school shall notify in writing the person enrolling the student

114 that within 30 days ~~he must~~ the person enrolling the student shall provide to the school either:

115 (a) a certified copy of the student's birth certificate[;]; or

116 (b) other reliable proof of the student's identity and biological age, together with an

117 affidavit explaining the inability to produce a copy of the birth certificate.

118 ~~[(2)(a) Upon the failure of a person enrolling a student to comply with Subsection (1),~~

119 ~~the school shall notify that person in writing that unless he complies within 10 days the case~~

120 ~~shall be referred to the local law enforcement authority for investigation.]~~

121 ~~[(b) If compliance is not obtained within that 10 day period, the school shall refer the~~
122 ~~case to the division.]~~

123 ~~[(3) The school shall immediately report to the division any affidavit received pursuant~~
124 ~~to this subsection which appears inaccurate or suspicious.]~~

125 (2) (a) If a student's birth certificate or other reliable proof of the student's identify and
126 age inaccurately reflects the student's biological age, the person enrolling the student shall
127 provide to the school:

128 (i) an affidavit explaining the reasons for the inaccuracy described in Subsection (2)(a);
129 and

130 (ii) except as provided in Subsection (2)(c), supporting documentation that establishes
131 biological age.

132 (b) The supporting documentation described in Subsection (2)(a)(ii) may include:

133 (i) a religious, hospital, or physician certificate showing date of birth;

134 (ii) an entry in a family religious text;

135 (iii) an adoption record;

136 (iv) previously verified school records;

137 (v) documentation from a social services provider; or

138 (vi) other legal documentation, including from a consulate, that reflects the student's
139 biological age.

140 (c) (i) If the documentation described in Subsection (2)(b) is not available, the school
141 shall assign a team to work with the person enrolling the student to determine the student's
142 biological age.

143 (ii) The team described in Subsection (2)(c)(i) may include:

144 (A) the student's teacher or teachers;

145 (B) the school principal;

146 (C) a school counselor;

147 (D) a school social worker;

148 (E) a school psychologist;

149 (F) a culturally competent and trauma-informed community representative;

150 (G) a school nurse or other school health specialist;

151 (H) if necessary, an interpreter; or

152 (1) a relevant educational equity administrator.

153 (3) If the team described in Subsection (2)(c) identifies any signs of child trafficking in
154 the course of the team's duties described in Subsection (2)(c), the school shall immediately
155 report the signs of child trafficking the team identifies to local law enforcement and the
156 division for investigation.

157 Section 4. Section **53G-9-308** is amended to read:

158 **53G-9-308. Conditional enrollment -- Suspension for noncompliance --**
159 **Procedure.**

160 (1) A student for whom a school has not received a complete immunization record may
161 attend the school on a conditional enrollment:

162 (a) during the period in which the student's immunization record is under review by the
163 school; or

164 (b) for ~~[21]~~ 30 calendar days after the day on which the school provides the notice
165 described in Subsection (2).

166 (2) ~~[(a)]~~ Within five days after the day on which a school places a student on
167 conditional enrollment, the school shall provide written notice to ~~[the student's legally~~
168 ~~responsible individual]~~ the person enrolling the student, in person or by mail, in the preferred
169 language of the person enrolling the student that:

170 ~~[(i)]~~ (a) the school has placed the student on conditional enrollment for failure to
171 comply with the requirements of Subsection **53G-9-302**(1);

172 ~~[(ii)]~~ (b) describes the identified deficiencies in the student's immunization record or
173 states that the school has not received an immunization record for the student;

174 ~~[(iii)]~~ (c) gives notice that the student will not be allowed to attend school unless the
175 legally responsible individual cures the deficiencies, or provides an immunization record that
176 complies with Subsection **53G-9-302**(1), within the conditional enrollment period described in
177 Subsection (1)(b); and

178 ~~[(iv)]~~ (d) describes the process for obtaining a required vaccination.

179 ~~[(b)]~~ (3) A school shall remove the conditional enrollment status from a student after
180 the school receives an immunization record for the student that complies with Subsection
181 **53G-9-302**(1).

182 ~~[(c)]~~ (4) Except as provided in Subsection ~~[(2)(d)]~~ (5), at the end of the conditional

183 enrollment period, a school shall prohibit a student who does not comply with Subsection
184 [53G-9-302\(1\)](#) from attending the school until the student complies with Subsection
185 [53G-9-302\(1\)](#).

186 ~~[(d)]~~ (5) A school principal or administrator:

187 ~~[(i)]~~ (a) shall grant an additional extension of the conditional enrollment period, if the
188 extension is necessary to complete all required vaccination dosages, for a time period medically
189 recommended to complete all required vaccination dosages; and

190 ~~[(ii)]~~ (b) may grant an additional extension of the conditional enrollment period in
191 cases of extenuating circumstances, if the following agree that an additional extension will
192 likely lead to compliance with Subsection [53G-9-302\(1\)](#):

193 (i) school principal or administrator; and

194 (ii) (A) a school nurse[;];

195 (B) a health official[;]; or

196 (C) a health official designee [~~agree that an additional extension will likely lead to~~
197 ~~compliance with Subsection [53G-9-302\(1\)](#) during the additional extension period], including a
198 social services provider or other culturally competent and trauma-informed community
199 representative.~~

200 (6) For purposes of Subsection (5), the arrival of a newcomer student, as that term is
201 defined in Section [53E-3-523](#), is an extenuating circumstance.