

1 **REFUGEE AND IMMIGRANT STUDENT POLICIES**

2 **AMENDMENTS**

3 2022 GENERAL SESSION

4 STATE OF UTAH

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

6 Senate Sponsor: Daniel W. Thatcher

7 Cosponsors: Steve Waldrip

8 Karen Kwan Christine F. Watkins

 Carol Spackman Moss

9

10 **LONG TITLE**

11 **General Description:**

12 This bill amends provisions related to enrollment of refugee and immigrant students in
13 public schools.

14 **Highlighted Provisions:**

15 This bill:

16 ▶ requires the State Board of Education to create a repository for immigrant students'
17 and foreign exchange students' transcripts;

18 ▶ amends requirements for when:

19 • an individual enrolling a student in a school is unable to produce the student's
20 birth certificate; and

21 • a student's birth certificate does not accurately reflect the student's age;

22 ▶ amends requirements related to conditional enrollment when a school has not
23 received a student's complete immunization record;

24 ▶ defines terms; and

25 ▶ makes technical changes.

26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **53G-6-603**, as renumbered and amended by Laws of Utah 2018, Chapter 3

33 **53G-9-306**, 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-3-524**, Utah Code Annotated 1953



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

39 Section 1. Section **53E-3-524** is enacted to read:

40 **53E-3-524. Newcomer student and foreign exchange student transcript repository.**

41 (1) As used in this section:

42 (a) "Newcomer student" means a student who:

43 (i) is three through 21 years old;

44 (ii) was not born in any state; and

45 (iii) has not attended one or more schools in one or more states for more than three full
46 academic years.

47 (b) "Qualified social service provider" means a social service provider that works
48 directly with a student's family.

49 (c) "Repository" means the online transcript repository described in Subsection (2).

50 (d) "Social service provider" means:

51 (i) one of the following professionals, licensed to practice under Section **58-60-205**:

52 (A) a clinical social worker;

53 (B) a certified social worker;

- 54 (C) a certified social worker intern; or
- 55 (D) a social service worker; or
- 56 (ii) staff employed to provide direct support to a professional described in Subsection
- 57 (1)(d)(i).
- 58 (e) "State" means:
- 59 (i) a state of the United States;
- 60 (ii) the District of Columbia; or
- 61 (iii) the Commonwealth of Puerto Rico.
- 62 (f) "Student" means an individual who is enrolled in:
- 63 (i) a public school within the state of Utah; and
- 64 (ii) any grade from kindergarten through grade 12.
- 65 (g) (i) "Transcript" means documentation of a newcomer student's or foreign exchange
- 66 student's prior educational experience.
- 67 (ii) "Transcript" includes oral representations about prior educational experience that a
- 68 school or an LEA documents.
- 69 (2) On or before July 1, 2024, the state board shall establish and maintain, as part of
- 70 the Utah school information management system described in Section [53E-3-518](#), an online
- 71 repository for transcripts.
- 72 (3) The state board shall:
- 73 (a) ensure that the repository provides a central location for:
- 74 (i) an LEA to upload transcripts; and
- 75 (ii) LEAs and qualified service providers to share information regarding transcripts,
- 76 including:
- 77 (A) best practices for linguistic interpretation;
- 78 (B) interpretation of educational experiences; and
- 79 (C) placement of newcomer students;
- 80 (b) ensure that use of the repository:

- 81 (i) is voluntary; and
82 (ii) complies with all state and federal student privacy requirements, including:
83 (A) Title 53E, Chapter 9, Student Privacy and Data Protection; and
84 (B) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;
85 (c) provide the repository at no cost to LEAs;
86 (d) provide access to the repository to qualified social service providers;
87 (e) establish appropriate access protocols in coordination with LEAs and qualified
88 social service providers; and
89 (f) annually, before the school enrollment period begins, provide notice of the
90 repository to interested parties that the state board designates in state board rule.
91 (4) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
92 Administrative Rulemaking Act, to implement this section, including rules:
93 (a) establishing procedures:
94 (i) to protect student data related to the repository in compliance with Title 53E,
95 Chapter 9, Student Privacy and Data Protection; and
96 (ii) for the use of the repository by the state board, LEAs, and qualified social service
97 providers;
98 (b) requiring repository users to enter into a data sharing agreement; and
99 (c) designating the interested parties described in Subsection (3)(f).
100 Section 2. Section **53G-6-603** is amended to read:
101 **53G-6-603. Requirement of birth certificate for enrollment of students --**
102 **Procedures.**
103 (1) As used in this section:
104 (a) "Child trafficking" means human trafficking of a child in violation of Section
105 [76-5-308.5](#).
106 (b) "Enroller" means an individual who enrolls a student in a public school.
107 (c) "Review team" means a team described in Subsection (4), assigned to determine a

108 student's biological age as described in this section.

109 (d) "Social service provider" means the same as that term is defined in Section
110 53E-3-524.

111 ~~[(1) Upon]~~ (2) Except as provided in Subsection (3), upon enrollment of a student for
112 the first time in a particular school, that school shall notify the enroller in writing [the person
113 enrolling the student] that within 30 days [he must] the enroller shall provide to the school
114 either:

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

116 (b) (i) other reliable proof of the student's [identity and age, together with];

117 (A) identity;

118 (B) biological age; and

119 (C) relationship to the student's legally responsible individual; and

120 (ii) an affidavit explaining the enroller's inability to produce a copy of the student's
121 birth certificate.

122 ~~[(2)(a) Upon the failure of a person enrolling a student to comply with Subsection (1);~~
123 ~~the school shall notify that person in writing that unless he complies within 10 days the case~~
124 ~~shall be referred to the local law enforcement authority for investigation.]~~

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

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

129 (3) (a) If the documentation described in Subsection (2)(a) or (2)(b)(i) inaccurately
130 reflects the student's biological age, the enroller shall provide to the school:

131 (i) an affidavit explaining the reasons for the inaccuracy described in Subsection (3)(a);
132 and

133 (ii) except as provided in Subsection (4), supporting documentation that establishes the
134 student's biological age.

135 (b) The supporting documentation described in Subsection (3)(a)(ii) may include:
136 (i) a religious, hospital, or physician certificate showing the student's date of birth;
137 (ii) an entry in a family religious text;
138 (iii) an adoption record;
139 (iv) previously verified school records;
140 (v) previously verified immunization records;
141 (vi) documentation from a social service provider; or
142 (vii) other legal documentation, including from a consulate, that reflects the student's
143 biological age.

144 (4) (a) If the supporting documentation described in Subsection (3)(b) is not available,
145 the school shall assign a review team to work with the enroller to determine the student's
146 biological age for an LEA to use for a student's enrollment and appropriate placement in a
147 public school.

148 (b) The review team described in Subsection (4)(a):
149 (i) may include:
150 (A) an appropriate district administrator;
151 (B) the student's teacher or teachers;
152 (C) the school principal;
153 (D) a school counselor;
154 (E) a school social worker;
155 (F) a school psychologist;
156 (G) a culturally competent and trauma-informed community representative;
157 (H) a school nurse or other school health specialist;
158 (I) an interpreter, if necessary; or
159 (J) a relevant educational equity administrator; and
160 (ii) shall include at least three members, at least one of which has completed the
161 instruction described in Subsection [53G-9-207\(3\)\(a\)](#), no more than two years prior to the

162 member's appointment to the review team.

163 (c) In addition to any duty to comply with the mandatory reporting requirements
164 described in Sections 53E-6-701 and 62A-4a-403, a school shall report to local law
165 enforcement and to the division any sign of child trafficking that the review team identifies in
166 carrying out the review team's duties described in Subsection (4)(a).

167 Section 3. Section 53G-9-306 is amended to read:

168 **53G-9-306. Immunization record part of student's record -- School review**
169 **process at enrollment -- Transfer.**

170 (1) Each school:

171 (a) shall request an immunization record for each student at the time the student enrolls
172 in the school;

173 (b) may not charge a fee related to receiving or reviewing an immunization record or a
174 vaccination exemption form; and

175 (c) shall retain an immunization record for each enrolled student as part of the student's
176 permanent school record.

177 (2) (a) Within five business days after the day on which a student enrolls in a school,
178 an individual designated by the school principal or administrator shall:

179 (i) determine whether the school has received an immunization record for the student;

180 (ii) review the student's immunization record to determine whether the record complies
181 with Subsection 53G-9-302(1); and

182 (iii) identify any deficiencies in the student's immunization record.

183 (b) If the school has not received a student's immunization record or there are
184 deficiencies in the immunization record, the school shall:

185 (i) place the student on conditional enrollment, in accordance with Section 53G-9-308;
186 and

187 (ii) within five days after the day on which the school places the student on conditional
188 enrollment, provide the [~~written~~] notice described in Subsection [~~53G-9-308(2)~~] 53G-9-308(3).

189 (3) A school from which a student transfers shall provide the student's immunization
190 record to the student's new school upon request of the student's legally responsible individual.

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

192 **53G-9-308. Conditional enrollment -- Suspension for noncompliance --**

193 **Procedure.**

194 (1) As used in this section:

195 (a) "Enroller" means the same as that term is defined in Section [53G-6-603](#).

196 (b) "Newcomer student" means the same as that term is defined in Section [53E-3-524](#).

197 (c) "Social service provider" means the same as that term is defined in Section
198 [53E-3-524](#).

199 ~~[(+)]~~ (2) A student for whom a school has not received a complete immunization
200 record may attend the school on a conditional enrollment:

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

203 (b) for ~~[2+]~~ 30 calendar days after the day on which the school provides the notice
204 described in Subsection ~~[(2)]~~ (3).

205 ~~[(2)]~~ (3) (a) Within five days after the day on which a school places a student on
206 conditional enrollment, the school shall provide ~~[written notice to the student's legally~~
207 ~~responsible individual, in person or by mail, that]~~ notice to the enroller that:

208 (i) the school has placed the student on conditional enrollment for failure to comply
209 with the requirements of Subsection [53G-9-302\(1\)](#);

210 (ii) describes the identified deficiencies in the student's immunization record or states
211 that the school has not received an immunization record for the student;

212 (iii) gives notice that the student will not be allowed to attend school unless the legally
213 responsible individual cures the deficiencies, or provides an immunization record that complies
214 with Subsection [53G-9-302\(1\)](#), within the conditional enrollment period described in
215 Subsection ~~[(+)]~~ (2)(b); and

216 (iv) describes the process for obtaining a required vaccination.

217 (b) The school shall deliver the notice described in Subsection (3)(a):

218 (i) when possible, in the enroller's preferred language; and

219 (ii) using one of the following methods of delivery, as determined by mutual agreement

220 between the school and the enroller:

221 (A) written notice delivered in person;

222 (B) written notice by mail;

223 (C) written notice by email or other electronic means; or

224 (D) by telephone, including voicemail.

225 ~~[(b)]~~ (4) A school shall remove the conditional enrollment status from a student after

226 the school receives an immunization record for the student that complies with Subsection

227 53G-9-302(1).

228 ~~[(c)]~~ (5) Except as provided in Subsection ~~[(2)(d)]~~ (6), at the end of the conditional

229 enrollment period, a school shall prohibit a student who does not comply with Subsection

230 53G-9-302(1) from attending the school until the student complies with Subsection

231 53G-9-302(1).

232 ~~[(d)]~~ (6) A school principal or administrator:

233 ~~[(i)]~~ (a) shall grant an additional extension of the conditional enrollment period, if the

234 extension is necessary to complete all required vaccination dosages, for a time period medically

235 recommended to complete all required vaccination dosages; and

236 ~~[(ii)]~~ (b) may grant an additional extension of the conditional enrollment period in

237 cases of extenuating circumstances, if the school principal or administrator and ~~[a school nurse,~~

238 ~~a health official, or a health official designee]~~ one of the following agree that an additional

239 extension will likely lead to compliance with Subsection 53G-9-302(1) ~~[during the additional~~

240 ~~extension period.]:~~

241 (i) a school nurse;

242 (ii) a health official; or

243 (iii) a health official designee, including:
244 (A) a social service provider; or
245 (B) a culturally competent and trauma-informed community representative.
246 (7) For purposes of Subsection (6), a newcomer student enrolling in a school for the
247 first time is an extenuating circumstance.