

## HB0230S01 compared with HB0230

~~text~~ shows text that was in HB0230 but was deleted in HB0230S01.

text shows text that was not in HB0230 but was inserted into HB0230S01.

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Representative Dan N. Johnson proposes the following substitute bill:

### REFUGEE AND IMMIGRANT STUDENT POLICIES

#### AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dan N. Johnson**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ requires the State Board of Education to create a repository for immigrant students' and foreign exchange students' transcripts;
- ▶ amends requirements for when:
  - an individual enrolling a student in a school is unable to produce the student's birth certificate; and

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- a student's birth certificate does not accurately reflect the student's age;
- ▶ amends requirements related to conditional enrollment when a school has not received a student's complete immunization record;
- ▶ defines terms; and
- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

**53G-9-306**, as renumbered and amended by Laws of Utah 2018, Chapter 3

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

ENACTS:

**53E-3-524**, Utah Code Annotated 1953

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

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

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

(1) As used in this section:

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

(i) is three through ~~23~~21 years old;

(ii) was not born in any state; and

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

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

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

(d) "Social service provider" means:

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

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(A) a clinical social worker;

(B) a certified social worker;

(C) a certified social worker intern; or

(D) a social service worker; or

(ii) staff employed to provide direct support to a professional described in Subsection

(1)(d)(i).

(e) "State" means:

(i) a state of the United States;

(ii) the District of Columbia; or

(iii) the Commonwealth of Puerto Rico.

(f) "Student" means an individual who is enrolled in:

(i) a public school within the state of Utah; and

(ii) any grade from kindergarten through grade 12.

(g) (i) "Transcript" means documentation of a newcomer student's or foreign exchange student's prior educational experience.

(ii) "Transcript" includes oral representations about prior educational experience that a school or an LEA documents.

(2) On or before July 1, 2024, the state board shall establish and maintain, as part of the Utah school information management system described in Section 53E-3-518, an online repository for transcripts.

(3) The state board shall:

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

(i) an LEA to upload transcripts; and

(ii) LEAs and qualified service providers to share information regarding transcripts,

including:

(A) best practices for linguistic interpretation;

(B) interpretation of educational experiences; and

(C) placement of newcomer students;

(b) ensure that use of the repository:

(i) is voluntary; and

(ii) complies with all state and federal student privacy requirements, including:

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(A) Title 53E, Chapter 9, Student Privacy and Data Protection; and  
(B) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;  
(c) provide the repository at no cost to LEAs;  
(d) provide access to the repository to qualified social service providers;  
(e) establish appropriate access protocols in coordination with LEAs and qualified social service providers; and

(f) annually, before the school enrollment period begins, provide notice of the repository to interested parties that the state board designates in state board rule.

(4) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this section, including rules:

(a) establishing procedures:

(i) to protect student data related to the repository in compliance with Title 53E, Chapter 9, Student Privacy and Data Protection; and

(ii) for the use of the repository by the state board, LEAs, and qualified social service providers;

(b) requiring repository users to enter into a data sharing agreement; and

(c) designating the interested parties described in Subsection (3)(f).

Section 2. Section **53G-6-603** is amended to read:

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

### **Procedures.**

(1) As used in this section:

(a) "Child trafficking" means human trafficking of a child in violation of Section 76-5-308.5.

(b) "Enroller" means an individual who enrolls a student in a public school.

(c) "Review team" means a team described in Subsection (4), assigned to determine a student's biological age as described in this section.

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

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

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either:

- (a) a certified copy of the student's birth certificate[;]; or
- (b) (i) other reliable proof of the student's [identity and age, together with]:
  - (A) identity;
  - (B) biological age; and
  - (C) relationship to the student's legally responsible individual; and
- (ii) an affidavit explaining the enroller's inability to produce a copy of the student's birth certificate.

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

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

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

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

- (i) an affidavit explaining the reasons for the inaccuracy described in Subsection (3)(a);
- and
- (ii) except as provided in Subsection (4), supporting documentation that establishes the student's biological age.

(b) The supporting documentation described in Subsection (3)(a)(ii) may include:

- (i) a religious, hospital, or physician certificate showing the student's date of birth;
- (ii) an entry in a family religious text;
- (iii) an adoption record;
- (iv) previously verified school records;
- (v) previously verified immunization records;
- (vi) documentation from a social service provider; or
- (vii) other legal documentation, including from a consulate, that reflects the student's

biological age.

(4) (a) If the supporting documentation described in Subsection (3)(b) is not available,

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the school shall assign a review team to work with the enroller to determine the student's biological age for an LEA to use for a student's enrollment and appropriate placement in a public school.

(b) The review team described in Subsection (4)(a):

(i) may include:

(A) an appropriate district administrator;

(B) the student's teacher or teachers;

(C) the school principal;

(D) a school counselor;

(E) a school social worker;

(F) a school psychologist;

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

(H) a school nurse or other school health specialist;

(I) an interpreter, if necessary; or

(J) a relevant educational equity administrator; and

(ii) shall include at least ~~one member who~~ **three members, at least one of which** has completed the ~~child sexual abuse prevention~~ instruction described in ~~Section~~ **Subsection** 53G-9-207**(3)(a)**, no more than two years prior to the member's appointment to the review team.

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

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

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

(1) Each school:

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Procedure.**

(1) As used in this section:

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

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

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

~~[(1)]~~ (2) A student for whom a school has not received a complete immunization record may attend the school on a conditional enrollment:

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

(b) for ~~[21]~~ 30 calendar days after the day on which the school provides the notice described in Subsection ~~[(2)]~~ (3).

~~[(2)]~~ ~~[(a)]~~ (3) (a) Within five days after the day on which a school places a student on

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conditional enrollment, the school shall provide [~~written notice to the student's legally responsible individual, in person or by mail, that~~] notice to the enroller ~~in the enroller's preferred language and method of communication~~ that:

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

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

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

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

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

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

(ii) using the enroller's choice of the following methods of delivery:

(A) written notice delivered in person;

(B) written notice by mail;

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

(D) by telephone, including voicemail.

~~(4)~~ (4) A school shall remove the conditional enrollment status from a student after the school receives an immunization record for the student that complies with Subsection 53G-9-302(1).

~~(5)~~ (5) Except as provided in Subsection ~~(2)(d)~~ (6), at the end of the conditional enrollment period, a school shall prohibit a student who does not comply with Subsection 53G-9-302(1) from attending the school until the student complies with Subsection 53G-9-302(1).

~~(6)~~ (6) A school principal or administrator:

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

~~(b)~~ (b) may grant an additional extension of the conditional enrollment period in



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cases of extenuating circumstances, if the school principal or administrator and [~~a school nurse, a health official, or a health official designee~~] one of the following agree that an additional extension will likely lead to compliance with Subsection 53G-9-302(1) [~~during the additional extension period.~~]:

(i) a school nurse;

(ii) a health official; or

(iii) a health official designee, including:

(A) a social service provider; or

(B) a culturally competent and trauma-informed community representative.

(7) For purposes of Subsection (6), a newcomer student enrolling in a school for the first time is an extenuating circumstance.