

R277. Education, Administration.

R277-612. Foreign Exchange Students.

R277-612-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53F-2-303(3)(b), which directs the Board to make rules to administer the cap on the number of foreign exchange students for purposes of apportioning state monies for the students; and

(c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to:

(a) administer the cap on the number of foreign exchange students that may be counted by school districts and charter schools for state funding; and

(b) provide guidance to school districts and charter schools in working with exchange student agencies and accepting foreign exchange students to provide for safety and fairness to the exchange students and Utah public school students.

R277-612-2. Definitions.

(1) "Foreign exchange student" means a student sponsored by an agency approved by an LEA governing board, subject to the limitations of Subsection 53F-2-303(3).

R277-612-3. Foreign Exchange Student Cap.

(1) The Superintendent shall allocate funds to an LEA from a specific legislative appropriation designated annually to pay the costs of educating foreign exchange students who meet all criteria of the law.

(2) School districts and charter schools are encouraged to enroll foreign exchange students and report those enrollment numbers annually to the Superintendent in the October 1 Superintendents' Report.

(3) School districts and charter schools shall include in their report to the

Superintendent only foreign exchange students that satisfy all requirements of Subsection 53G-6-707(7) and LEA policies.

(4) An LEA may enroll foreign exchange students who do not qualify for state monies and:

- (a) pay the costs of the student with other LEA funds; or
- (b) charge the student tuition.

(5) Nothing in this section shall prevent an LEA from enrolling a foreign exchange student in accordance with Subsection 53G-6-707(2).

R277-612-4. LEA Policy for Working with Foreign Exchange Student Agencies and Protecting Students.

(1) An LEA that enrolls foreign exchange students shall have a policy that includes:

- (a) adherence to the requirements of Subsection 53G-6-707(7); and
- (b) provisions which create a safe environment for foreign exchange students and school district/charter school students.

(2) Prior to accepting students through a foreign exchange student agency, each LEA shall require and maintain a sworn affidavit of compliance.

(3) A sworn affidavit of compliance shall include confirmation that the agency:

- (a) is in compliance with all applicable policies of the LEA governing board;
- (b) has completed a household study, including a background check consistent with Section 53G-6-707, of all adult residents of each household where foreign exchange students will reside;

(c) has reviewed the information revealed through the background checks required by Subsection (b) with an appropriate LEA official;

(d) has completed a background study to assure that the exchange student will receive proper care and supervision in a safe environment;

(e) has provided host parents with training appropriate to their positions, including information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who are in a position of special trust;

(f) will send a representative to visit each student's place of residence at least

monthly during the student's stay in Utah;

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

(h) will give each exchange student names and telephone numbers of agency representatives and others who could be called at any time if a serious problem occurs, in the exchange student's native language; and

(i) will provide alternate placements so that no student is required to remain in a household if conditions appear to exist which unreasonably endanger the student's welfare.

(4) An LEA that accepts foreign exchange students shall provide each approved foreign exchange student agency with a list of names and telephone numbers of individuals not associated with the agency who could be called by an exchange student in the event of a serious problem.

(5) A foreign exchange student agency shall provide a copy of a list in the student's native language provided by an LEA in accordance with Subsection (4) to each foreign exchange student.

KEY: foreign exchange students, enrollment

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Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53F-2-303(3), 53E-3-401(4)