Admissions and Attendance Foreign Exchange Students

Permissive and Mandatory Enrollment of Foreign Exchange Students

The District may enroll foreign exchange students that do not qualify for state monies and pay for the costs of those students with other funds available to the District or charge tuition to those students.

Utah Code § 53G-6-707(2) (2022)

Utah Admin. Rules R277-612-3(4) (May 10, 2017)

Notwithstanding the cap in Utah Code § 53F-2-303(3)(a) on including foreign exchange students in the school's membership and attendance, the District shall enroll a foreign exchange student if the foreign exchange student:

1. Is sponsored by an agency approved by the State Board of Education;

2. Attends the same school during the same time period that another student from the school is:

a. sponsored by the same agency; and

b. enrolled in a school in a foreign country; and

3. Is enrolled in the school for one year or less.

Utah Code § 53G-6-707(6) (2022)

FBAA Appendix A - Millard Foreign Exchange Student Agency Affidavit

The District may require a foreign exchange student agency affidavit confirming that the agency has complied with applicable state laws and District policies; that the student has demonstrated English language proficiency, provided translated transcript and health records, provided required TB screening documentation where applicable, and has not already graduated in the home country; and that the agency has conducted host household study, adult resident background checks, student safety review, host parent training, monthly residence visits, emergency contact information in the student's native language, and alternate placement arrangements.

Source: MSD Policy 5090, approved 2021.

Requirements

Prior to enrolling students through an approved foreign exchange student agency, the District shall require the agency to provide a sworn affidavit of compliance, which shall be maintained by the District. The affidavit shall include the confirmation that the agency:

1. is in compliance with all applicable policies of the board;

2. has completed a household study, including a background check of all adult residents consistent with Utah Code § 53E-6-401, has been made of each household where an exchange student is to reside;

3. has reviewed the information reviewed through the background checks required by the foregoing paragraph with an appropriate District official;

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

5. has provided host parents with training appropriate to their positions, including information about enhanced criminal penalties under Utah Code § 76-5-406(2)(j) for persons who are in a position of special trust;

6. will send a representative to visit each student's place of residence at least monthly during the student's stay in Utah;

7. 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;

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

9. 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.

Utah Code § 53G-6-707(5) (2022)

Utah Admin. Rules R277-612-4(2), (3) (May 10, 2017)

The District shall provide the approved exchange student agency sponsoring a foreign exchange student 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. The agency shall make a copy of the list available to each of its exchange students in the exchange student's native language.

Utah Code § 53G-6-707(6) (2022)

Utah Admin. Rules R277-612-4(4), (5) (May 10, 2017)

Inclusion of Foreign Exchange Students in Membership and Attendance

The District shall include foreign exchange students in District and school membership and attendance counts to the extent permitted by Utah Code § 53F-2-303.

Utah Code § 53F-2-303 (2022)

Source Traceability

Source	Use in this policy
USBA Model Policy FBAA, modified 8 April 2022	Model policy retained as the controlling foreign exchange enrollment, agency affidavit, public burden, residence visit, serious-problem contact, alternate placement, and membership/attendance framework.
MSD Policy 5090, approved 2021	Local application deadline, school participation inquiry, CSIET preference, high-school placement limit, student placement records, local expectations, certificate/diploma treatment, fee/tuition treatment, and agency affidavit content preserved in FBAA-1, FBAA-2, and Appendix A where compatible with current law.

Disposition: Local Millard foreign-exchange controls were preserved, but older language that could conflict with state or federal student rights was harmonized with current law and the USBA model.