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**SUBSTITUTE HOUSE BILL 1051**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Higher Education (originally sponsored by Representatives Fraser, Forner, Prince, Jacobsen, Van Luven, Peery, Brough, Miller, Cantwell, Basich, Valle, Ogden, Dellwo, Wood, Ludwig, Sheldon, Morris, Tate, Ferguson, Silver, May, Ballard, Bowman, Haugen, Brumsickle, Jones, Broback, R. King, Mitchell, McLean and Winsley).

Read first time February 5, 1991.

1            AN ACT Relating to international student exchange programs;  
2 amending RCW 74.15.020; adding a new chapter to Title 28A RCW;  
3 prescribing penalties; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.**            It is the intent of the legislature to:

6            (1) Promote the health, safety, and welfare of international  
7 student exchange visitors in Washington in accordance with uniform  
8 national standards;

9            (2) Promote quality education and living experiences for  
10 international student exchange visitors living in Washington;

11            (3) Promote international awareness among Washington residents, by  
12 encouraging Washington residents to interact with international student  
13 exchange visitors;

14            (4) Encourage public confidence in international student exchange  
15 visitor placement organizations operating in Washington;

1 (5) Encourage and assist with compliance with United States  
2 information agency regulations and nationally established standards;  
3 and

4 (6) Promote the existence and quality of international student  
5 visitor exchange programs operating in Washington.

6 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
7 otherwise, the definitions in this section apply throughout this  
8 chapter.

9 (1) "Superintendent" means the Washington state superintendent of  
10 public instruction.

11 (2) "International student exchange visitor placement organization"  
12 or "organization" means a person, partnership, corporation, or other  
13 entity that regularly arranges the placement of international student  
14 exchange visitors for the purpose, in whole or in part, of allowing the  
15 student an opportunity to attend school in the United States.

16 (3) "International student exchange visitor" or "student" means any  
17 person eighteen years of age or under, or up to age twenty-one if  
18 enrolled or to be enrolled in high school in this state, placed by an  
19 international student exchange visitor placement organization, who  
20 enters the United States with a nonimmigrant visa.

21 (4) "USIA" means the United States Information Agency.

22 (5) "USIA regulations" means the USIA regulations governing  
23 designated exchange-visitor programs, 22 C.F.R. Ch. V, Section 514.

24 (6) "CSIET" means the council on standards for international  
25 educational travel.

26 (7) "CSIET standards" means the standards published by the council  
27 on standards for international educational travel and used by CSIET to  
28 evaluate the operations of international student exchange visitor  
29 placement organizations.

1        NEW SECTION.    **Sec. 3.**        It is unlawful for an international  
2 student exchange visitor placement organization to place international  
3 student exchange visitors in Washington public schools unless such  
4 organization (1) is registered with the superintendent pursuant to the  
5 provisions of this chapter, and (2) either (a) is designated by USIA as  
6 qualified under USIA regulations, or (b) is accepted for listing by  
7 CSIET under CSIET standards, or (c) is an organization approved by the  
8 superintendent, in his or her discretion, to place students in  
9 Washington public schools.    An organization approved by the  
10 superintendent under subsection (2)(c) of this section must provide  
11 such information as required by the superintendent and assurances  
12 satisfactory to the superintendent that its program meets standards  
13 which are substantially equivalent to those of national organizations,  
14 such as CSIET and USIA, which set standards for international student  
15 exchange placement organizations.    The superintendent may require a  
16 criminal background check of an organization's staff and local  
17 representatives prior to such approval and may limit or condition the  
18 approval as he or she deems appropriate.    The superintendent's approval  
19 under subsection (2)(c) of this section shall be for a maximum of one  
20 year but may be for a shorter period as the superintendent may  
21 determine, but may be renewed by the superintendent.

22        NEW SECTION.    **Sec. 4.**        The superintendent shall notify the  
23 public and private schools on an annual basis which international  
24 student exchange visitor placement organizations are eligible to place  
25 students in Washington public schools under the provisions of this  
26 chapter.

27        NEW SECTION.    **Sec. 5.**        (1) An international student exchange  
28 visitor placement organization shall register pursuant to the

1 provisions of this chapter by filing the following information with the  
2 superintendent on a form prescribed by the superintendent:

3 (a) The name, address, and telephone number of the organization and  
4 of its chief executive officer;

5 (b) The name, address, and telephone number of the person within  
6 the organization who has primary responsibility for supervising  
7 placements within this state;

8 (c) The organization's unified business identification number, if  
9 any; and

10 (d) The organization's USIA number or evidence of CSIET listing, if  
11 any;

12 (2) The registration shall be signed by the registrant. An  
13 organization's registration shall expire on July 31 of each year unless  
14 a new registration is filed for the succeeding year.

15 (3) An organization shall file an amended registration within  
16 thirty days after any material change in the information required to be  
17 filed with the superintendent under this section.

18 (4) In addition to the information required for registration under  
19 subsection (1) of this section, the superintendent may require  
20 registrants to file such minimal additional information as may be  
21 necessary to carry out the functions assigned to the superintendent.

22 NEW SECTION. **Sec. 6.** An international student exchange  
23 visitor placement organization shall provide each student and host  
24 family with an informational document regarding the organization's  
25 services, in English, which shall have printed on it or attached to it  
26 a summary of this chapter prepared by the superintendent, and an in-  
27 state telephone number that students may call for help for problem  
28 resolution.

1        NEW SECTION.    **Sec. 7.**        The superintendent shall provide general  
2 information, and assistance to public school districts regarding  
3 international student exchange visitors thereby encouraging state-wide  
4 participation in international student exchange visitor programs.

5        As part of the process of informing school districts, the  
6 superintendent may:

7        (1) Provide information on the type of visas required for a  
8 student's enrollment;

9        (2) Provide guidance to school districts on how to promote positive  
10 educational experiences for international student exchange visitors;

11        (3) Provide guidance on how to integrate the international student  
12 into the Washington school environment to benefit the education of both  
13 the international student exchange visitor and Washington students; and

14        (4) Promote study abroad opportunities for Washington residents.

15        The superintendent shall keep generally informed on activities and  
16 issues pertaining to organizations and students affected by this  
17 chapter.

18        NEW SECTION.    **Sec. 8.**        The superintendent shall:

19        (1) Upon receipt of a complaint, or information about a potential  
20 violation of this chapter, refer the matter to the organization  
21 involved.

22        (2) The superintendent may also notify USIA or CSIET of complaints,  
23 as he or she deems appropriate.

24        NEW SECTION.    **Sec. 9.**        (1) The superintendent may refer  
25 information to USIA, the United States immigration and naturalization  
26 service, or other federal agencies concerning potential violations of  
27 federal laws or regulations.

1           (2) The superintendent may refer evidence concerning violations of  
2 this chapter to the attorney general or the prosecuting attorney of the  
3 county in which the alleged violation arose. The attorney general or  
4 prosecuting attorney may, in his or her discretion, with or without  
5 such referral and in addition to any other action that might be  
6 commenced, bring an action in the name of the state against any person  
7 to restrain the doing of any act or practice prohibited by this  
8 chapter.

9           (3) In the enforcement of this chapter, the attorney general or  
10 prosecuting attorney may accept an assurance of discontinuance from a  
11 person deemed in violation of this chapter. The assurance shall be in  
12 writing and shall be filed with and subject to the approval of the  
13 superior court of the county in which the alleged violator resides or  
14 has its principal place of business, or in Thurston county.

15           NEW SECTION.   **Sec. 10.**       An international student exchange  
16 visitor placement organization may not bring or maintain a cause of  
17 action in any court of this state for compensation for, or seeking  
18 equitable relief in regard to, services rendered to students or host  
19 families unless the agency alleges and proves that at the time of  
20 rendering the services or contracting for the services, it was validly  
21 registered under this chapter.

22           NEW SECTION.   **Sec. 11.**       The legislature finds that unfair or  
23 deceptive acts or practices in trade or commerce affecting the public  
24 interest related to the placement of or contracting for services to  
25 international student exchange visitors are violations of the consumer  
26 protection act, chapter 19.86 RCW. The legislature further finds that  
27 the following are unfair or deceptive acts or practices affecting the  
28 public interest:     (1) A pattern of material misrepresentations

1 regarding future services to be provided by an organization; (2) a  
2 pattern of material misrepresentations regarding the quality and  
3 character of the home in which a student is to be placed; and (3)  
4 contracting to place a student in violation of section 3 of this act.

5 NEW SECTION. **Sec. 12.** It is a misdemeanor for any organization  
6 to place a student in the public schools of this state in violation of  
7 section 3 of this act.

8 **Sec. 13.** RCW 74.15.020 and 1988 c 176 s 912 are each amended to  
9 read as follows:

10 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
11 otherwise clearly indicated by the context thereof, the following terms  
12 shall mean:

13 (1) "Department" means the state department of social and health  
14 services;

15 (2) "Secretary" means the secretary of social and health services;

16 (3) "Agency" means any person, firm, partnership, association,  
17 corporation, or facility which receives children, expectant mothers, or  
18 persons with developmental disabilities for control, care, or  
19 maintenance outside their own homes, or which places, arranges the  
20 placement of, or assists in the placement of children, expectant  
21 mothers, or persons with developmental disabilities for foster care or  
22 placement of children for adoption, and shall include the following  
23 irrespective of whether there is compensation to the agency or to the  
24 children, expectant mothers or persons with developmental disabilities  
25 for services rendered:

26 (a) "Group-care facility" means an agency, other than a foster-  
27 family home, which is maintained and operated for the care of a group  
28 of children on a twenty-four hour basis;

1 (b) "Child-placing agency" means an agency which places a child or  
2 children for temporary care, continued care, or for adoption;

3 (c) "Maternity service" means an agency which provides or arranges  
4 for care or services to expectant mothers, before or during  
5 confinement, or which provides care as needed to mothers and their  
6 infants after confinement;

7 (d) "Day-care center" means an agency which regularly provides care  
8 for a group of children for periods of less than twenty-four hours;

9 (e) "Foster-family home" means an agency which regularly provides  
10 care on a twenty-four hour basis to one or more children, expectant  
11 mothers, or persons with developmental disabilities in the family abode  
12 of the person or persons under whose direct care and supervision the  
13 child, expectant mother, or person with a developmental disability is  
14 placed;

15 (f) "Crisis residential center" means an agency which is a  
16 temporary protective residential facility operated to perform the  
17 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
18 74.13.032 through 74.13.036.

19 (4) "Agency" shall not include the following:

20 (a) Persons related by blood or marriage to the child, expectant  
21 mother, or persons with developmental disabilities in the following  
22 degrees: Parent, grandparent, brother, sister, stepparent,  
23 stepbrother, stepsister, uncle, aunt, and/or first cousin;

24 (b) Persons who are legal guardians of the child, expectant mother,  
25 or persons with developmental disabilities;

26 (c) Persons who care for a neighbor's or friend's child or  
27 children, with or without compensation, where the person does not  
28 engage in such activity on a regular basis, or where parents on a  
29 mutually cooperative basis exchange care of one another's children, or  
30 persons who have the care of an exchange student in their own home;

1       (d) A person, partnership, corporation, or other entity that  
2 provides placement or similar services to exchange students or  
3 international student exchange visitors;

4       (e) Nursery schools or kindergartens which are engaged primarily in  
5 educational work with preschool children and in which no child is  
6 enrolled on a regular basis for more than four hours per day;

7       ~~((e))~~ (f) Schools, including boarding schools, which are engaged  
8 primarily in education, operate on a definite school year schedule,  
9 follow a stated academic curriculum, accept only school-age children  
10 and do not accept custody of children;

11       ~~((f))~~ (g) Seasonal camps of three months' or less duration  
12 engaged primarily in recreational or educational activities;

13       ~~((g))~~ (h) Hospitals licensed pursuant to chapter 70.41 RCW when  
14 performing functions defined in chapter 70.41 RCW, nursing homes  
15 licensed under chapter 18.51 RCW and boarding homes licensed under  
16 chapter 18.20 RCW;

17       ~~((h))~~ (i) Licensed physicians or lawyers;

18       ~~((i))~~ (j) Facilities providing care to children for periods of  
19 less than twenty-four hours whose parents remain on the premises to  
20 participate in activities other than employment;

21       ~~((j))~~ (k) Facilities approved and certified under chapter 71A.22  
22 RCW;

23       ~~((k))~~ (l) Any agency having been in operation in this state ten  
24 years prior to June 8, 1967, and not seeking or accepting moneys or  
25 assistance from any state or federal agency, and is supported in part  
26 by an endowment or trust fund;

27       ~~((l))~~ (m) Persons who have a child in their home for purposes of  
28 adoption, if the child was placed in such home by a licensed child-  
29 placing agency, an authorized public or tribal agency or court or if a

1 replacement report has been filed under chapter 26.33 RCW and the  
2 placement has been approved by the court;

3 ~~((m))~~ (n) An agency operated by any unit of local, state, or  
4 federal government or an agency, located within the boundaries of a  
5 federally recognized Indian reservation, licensed by the Indian tribe;

6 ~~((n))~~ (o) An agency located on a federal military reservation,  
7 except where the military authorities request that such agency be  
8 subject to the licensing requirements of this chapter.

9 (5) "Requirement" means any rule, regulation or standard of care to  
10 be maintained by an agency.

11 NEW SECTION. **Sec. 14.** Sections 1 through 12 of this act shall  
12 constitute a new chapter in Title 28A RCW.

13 NEW SECTION. **Sec. 15.** If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 16.** This act shall take effect January 1,  
18 1992.