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HOUSE BILL 1051

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State of Washington

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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 January 17, 1991. Referred to Committee on Higher Education.

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;

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

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

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

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

11 (1) "Superintendent" means the Washington state superintendent of  
12 public instruction.

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

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

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

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

26 (6) "CSIET" means the council on standards for international  
27 travel.

28 (7) "CSIET standards" means the standards published by the council  
29 on standards for international educational travel and used by CSIET to

1 evaluate the operations of international student exchange visitor  
2 placement organizations.

3 NEW SECTION. **Sec. 3.** It is unlawful for an international  
4 student exchange visitor placement organization to place international  
5 student exchange visitors in Washington public schools unless such  
6 organization (1) is registered with the superintendent pursuant to the  
7 provisions of this chapter, and (2) (a) is designated by USIA as  
8 qualified under USIA regulations, (b) is accepted for listing by CSIET  
9 under CSIET standards, (c) is an organization which places students  
10 only in Washington state and is approved by the superintendent, in his  
11 or her discretion, to place students in Washington public schools, or  
12 (d) is an organization which has applied for USIA designation or CSIET  
13 listing but whose application has not been formally acted upon and is  
14 approved by the superintendent to place students in Washington public  
15 schools. An organization approved by the superintendent under  
16 subsection (2) (c) or (d) of this section must provide such information  
17 as required by the superintendent and assurances satisfactory to the  
18 superintendent that its program meets standards which are substantially  
19 equivalent to those of national organizations, such as CSIET and USIA,  
20 which set standards for international student exchange placement  
21 organizations. The superintendent may require a criminal background  
22 check of an organization's staff and local representatives prior to the  
23 approval and may limit or condition the approval as he or she deems  
24 appropriate. The superintendent's approval under subsection (2) (c) or  
25 (d) of this section shall be for a maximum of one year but may be for  
26 a shorter period as the superintendent may determine, but may be  
27 renewed by the superintendent.

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

6        NEW SECTION.    **Sec. 5.**        (1) An international student exchange  
7 visitor placement organization shall register pursuant to the  
8 provisions of this chapter by filing the following information with the  
9 superintendent on a form prescribed by the superintendent.

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

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

15        (c) The organization's unified business identification number; and

16        (d) The organization's USIA number or evidence of CSIET listing.

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

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

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

27        NEW SECTION.    **Sec. 6.**        An international student exchange  
28 visitor placement organization shall provide each student and host

1 family with an informational document regarding the agency services, in  
2 English, which shall have printed on it or attached to it a summary of  
3 this chapter prepared by the superintendent, and an in-state telephone  
4 number that students may call for help for problem resolution.

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

9 As part of the process of informing school districts, the  
10 superintendent may:

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

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

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

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

19 The superintendent shall keep generally informed on activities and  
20 issues pertaining to organizations and students affected by this  
21 chapter.

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

23 (1) Upon receipt of a complaint, or information about a potential  
24 violation of this chapter, refer the matter to the organization  
25 involved.

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

1        NEW SECTION.    **Sec. 9.**        (1)    The superintendent may refer  
2 information as may be available to the superintendent concerning  
3 potential violations of federal laws or regulations to USIA, the United  
4 States immigration and naturalization service or other federal law  
5 enforcement agencies.

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

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

20        NEW SECTION.    **Sec. 10.**        An international student exchange  
21 visitor placement organization may not bring or maintain a cause of  
22 action in any court of this state for compensation for, or seeking  
23 equitable relief in regard to, services rendered to students or host  
24 families unless the agency alleges and proves that at the time of  
25 rendering the services or contracting for the services, it was validly  
26 registered under this chapter. The legislature finds that unfair or  
27 deceptive acts or practices affecting the public interest related to  
28 the placement or contracting for services to international student

1 exchange visitors is in violation of the consumer protection act,  
2 chapter 19.86 RCW.

3 NEW SECTION. **Sec. 11.** (1) It is a misdemeanor for any  
4 organization to place a student in the public schools of this state in  
5 violation of section 3 of this act.

6 NEW SECTION. **Sec. 12.** The higher education coordinating board  
7 may provide a leadership role for colleges and universities on issues  
8 concerning international student exchange visitor programs. In  
9 fulfilling this role the board's duties shall include but not be  
10 limited to:

11 (1) Providing information on the availability of international  
12 student exchange visitor programs;

13 (2) Disseminating information on methods to improve the  
14 international education of American as well as international students  
15 by means of these programs;

16 (3) Providing advice on methods for integrating the international  
17 student exchange visitors into the local campus life; and

18 (4) Investigate methods for increasing the study-abroad  
19 opportunities for Washington students.

20 The higher education coordinating board may establish an advisory  
21 committee to assist in providing information on international student  
22 exchange visitor programs. The committee shall be composed of  
23 representatives of international student exchange visitor placement  
24 agencies, United States immigration and naturalization service, host  
25 parents, foreign students, Washington state students, and faculty and  
26 staff from public and private colleges and universities.

1        NEW SECTION.    **Sec. 13.**        The state board for community college  
2 education may provide a leadership role for community colleges on  
3 issues concerning international student exchange visitor programs. In  
4 fulfilling this role the board's duties shall include but not be  
5 limited to:

6        (1) Providing information on the availability of international  
7 student exchange visitor programs;

8        (2) Disseminating information on methods to improve the  
9 international education of American as well as international students  
10 by means of these programs;

11       (3) Providing advice on methods to integrate the international  
12 student exchange visitors into the local campus life; and

13       (4) Investigate methods for increasing the study-abroad  
14 opportunities for Washington students.

15       The board may establish an advisory committee to assist in  
16 providing information on international student exchange visitor  
17 programs. The committee shall be composed of representatives of  
18 international student exchange visitor placement agencies, United  
19 States immigration and naturalization service, host parents, foreign  
20 students, Washington state students, and faculty and staff from public  
21 and private colleges and universities.

22       **Sec. 14.**    RCW 74.15.020 and 1988 c 176 s 912 are each amended to  
23 read as follows:

24       For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
25 otherwise clearly indicated by the context thereof, the following terms  
26 shall mean:

27       (1) "Department" means the state department of social and health  
28 services;

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

1       (3) "Agency" means any person, firm, partnership, association,  
2 corporation, or facility which receives children, expectant mothers, or  
3 persons with developmental disabilities for control, care, or  
4 maintenance outside their own homes, or which places, arranges the  
5 placement of, or assists in the placement of children, expectant  
6 mothers, or persons with developmental disabilities for foster care or  
7 placement of children for adoption, and shall include the following  
8 irrespective of whether there is compensation to the agency or to the  
9 children, expectant mothers or persons with developmental disabilities  
10 for services rendered:

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

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

16       (c) "Maternity service" means an agency which provides or arranges  
17 for care or services to expectant mothers, before or during  
18 confinement, or which provides care as needed to mothers and their  
19 infants after confinement;

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

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

28       (f) "Crisis residential center" means an agency which is a  
29 temporary protective residential facility operated to perform the

1 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
2 74.13.032 through 74.13.036.

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

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

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

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

15 (d) A person, partnership, corporation, or other entity that  
16 provides placement or similar services to exchange students or  
17 international student exchange visitors;

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

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

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

27 ~~((g))~~ (h) Hospitals licensed pursuant to chapter 70.41 RCW when  
28 performing functions defined in chapter 70.41 RCW, nursing homes  
29 licensed under chapter 18.51 RCW and boarding homes licensed under  
30 chapter 18.20 RCW;

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

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

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

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

11       (~~(l)~~) (m) Persons who have a child in their home for purposes of  
12 adoption, if the child was placed in such home by a licensed child-  
13 placing agency, an authorized public or tribal agency or court or if a  
14 replacement report has been filed under chapter 26.33 RCW and the  
15 placement has been approved by the court;

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

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

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

24       NEW SECTION.   **Sec. 15.**       Sections 1 through 13 of this act shall  
25 constitute a new chapter in Title 28A RCW.

26       NEW SECTION.   **Sec. 16.**       If any provision of this act or its  
27 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 17.** This act shall take effect January 1,  
4 1992.