

**SENATE BILL REPORT**

**SHB 1051**

**AS REPORTED BY COMMITTEE ON EDUCATION, APRIL 3, 1991**

**Brief Description:** Requiring international student exchange visitor placement organizations to be registered.

**SPONSORS:** 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).

**HOUSE COMMITTEE ON HIGHER EDUCATION**

**SENATE COMMITTEE ON EDUCATION**

**Majority Report:** Do pass as amended.

Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

**Staff:** Susan Mosborg (786-7439)

**Hearing Dates:** March 27, 1991; April 3, 1991

**BACKGROUND:**

Over the past few years, concerns have been raised about the operation of international student exchange organizations that place students in Washington public schools. Issues include the recruiting of host families in shopping center parking lots, foreign students seeking enrollment with a lack of English speaking skills, students not having a representative to contact in their area, misrepresentation of the medical condition of a foreign exchange student, and sexual abuse of a foreign student.

Currently, international student exchange organizations are not regulated by the state. Under federal law, the organizations must meet a set of standards before their students may qualify for student exchange (J-1) visas. These standards are administered by the United States Information Agency (USIA) and address a wide range of issues including selection of students, orientation of students and host families, health and accident insurance, acceptance of students, employment of students, and supervision of the sponsor. However, once approved, few federal resources are devoted to monitoring the organizations for continued compliance with the standards.

Since 1984, in response to reported problems in the industry, a reputable national group of student exchange organizations, the Council on Standards for International Educational Travel (CSIET), has also been evaluating student exchange programs. CSIET has established a set of standards and publishes an advisory list of organizations meeting those standards.

**SUMMARY:**

The Office of the Superintendent of Public Instruction (OSPI) is responsible for maintaining a registry of international student exchange organizations that place students in Washington public schools. It is a misdemeanor for an international student exchange organization to place students in Washington public schools unless the organization is registered with OSPI. Organizations may register if they are designated as qualified by the United States Information Agency (USIA) or the Council on Standards for International Educational Travel (CSIET), or if they are otherwise approved by OSPI.

Unfair or deceptive acts or practices in trade or commerce related to the placement of or contracting for services to international student exchange visitors are violations of the Consumer Protection Act. Three additional practices are listed as unfair or deceptive acts affecting the public interest. They are misrepresentations regarding future services, misrepresentations regarding the host home, and placing a student in a Washington public school if the organization is not registered with OSPI.

To register, organizations must provide: (1) the name, address, and telephone number of the organization, its chief executive officer, and the person within the organization responsible for placement; (2) the unified business identification number of the organization; and (3) information on whether the organization is approved by CSIET or USIA.

OSPI may require a criminal background check of the organization's staff and local representatives prior to approval, and may limit or condition the approval. The approval is valid for one year or less and may be renewed.

Each year, OSPI shall notify the public and private schools which international exchange organizations are registered. OSPI shall provide the organizations a summary of this legislation. The organizations shall provide each exchange student and host family a written explanation of their services and a state telephone number students may call for help in problem resolution.

OSPI shall forward complaints about an organization to the organization involved. OSPI may notify USIA or CSIET of complaints, as OSPI deems appropriate. OSPI may refer information concerning potential violations of federal rules or regulations to USIA, the U.S. Immigration and Naturalization Service, or other federal agencies. OSPI may also refer

evidence of violations of the act to the state Attorney General or the prosecuting attorney of the appropriate county.

OSPI shall also provide general information and assistance to public school districts regarding international student exchange visitors.

The child care agency licensing statute is amended to clarify that international student exchange organizations are not subject to licensing by the Department of Social and Health Services. Organizations which place exchange students are specifically excluded from the definition of agency used in the child care licensing statute.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**Effective Date:** January 1, 1992

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

International student exchange visitor placement organizations must register with the Secretary of State rather than the Superintendent of Public Instruction. Registration requirements are added to Title 19 RCW, governing business regulations, rather than Title 28A RCW, governing education.

Registration is not considered an endorsement by the Secretary of State or the state, but all organizations that regularly place international exchange students in Washington must register. Failure to register is a misdemeanor.

The Secretary of State shall adopt standards which the organizations must meet to be eligible for registration. In adopting the standards, the secretary must strive to adopt USIA and CSJET standards and must strive to achieve uniformity with national standards.

Additional information must be filed to register, including whether the organization is exempt from federal income tax, and a list of the organization's placements in Washington for the previous academic year, including the number of students placed, their home countries, the school districts in which they were placed, and the length of their placements.

The Secretary of State may charge fees not to exceed \$50 to defray the cost of processing the registrations.

The student exchange organizations must provide their exchange students, host families, and superintendent of the school district in which the student is being placed an informational document regarding services to be provided and telephone numbers for assistance.

Placing students without being registered, deliberately providing false registration information, and deliberately failing to provide students, host families, and school districts the information prescribed is a misdemeanor.

Standard language is used to make international student exchange visitor placement organizations subject to the provisions of the Consumer Protection Act.

The Superintendent of Public Instruction (SPI) annually makes available to schools summary information about registered international student exchange visitor placement organizations and provides general information and assistance to school districts regarding international student exchange visitors.

The Superintendent of Public Instruction is authorized to coordinate and sponsor student and teacher exchanges between Washington schools and schools in Pacific Rim nations and other nations, subject to available funding.

A Task Force on International Student Exchange is created to be chaired by the Secretary of State. The task force will estimate the number of exchange students going to and from Washington, investigate ways to promote international student and teacher exchanges, with an emphasis on sending more Washington students to other nations, examine reported problems in the industry and the effect of the act on those problems, and examine the adequacy of the fee structure established in the act. The task force shall report its findings and recommendations to the Legislature by December 1, 1991.

**TESTIMONY FOR:**

The purpose of the bill is to protect foreign students. Most students have a good experience, but there have been some problems with physical abuse and neglect, fraud with funds, and disorganized administration. There has been explosive growth in the industry over the past few years. Currently, there are no state regulations. This bill connects local, state, and national activities. It implements national standards.

In response to an Attorney General's finding that they must do so, the Department of Social and Health Services has developed rules that would make international student exchange organizations subject to child care agency licensing requirements. This bill prevents implementation of those regulations. It provides a less costly, more reasonable approach. Organizations will be regulated but not overburdened.

Student exchange programs can be extremely beneficial.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Representative Karen Fraser; Representative Fred May; Marcia Costello, Office of the Superintendent of Public

Instruction; Dwayne Slate, Washington State School Directors' Association; Sara Viccello, Bonnie Mortell, Steve Johnson, Clark Sites, Washington International Student Exchange Coalition; NEITHER FOR OR AGAINST: Karen Tvedt, Department of Social and Health Services