

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1051

Chapter 128, Laws of 1991
(partial veto)

52nd Legislature
1991 Regular Session

INTERNATIONAL STUDENT EXCHANGE PROGRAMS

EFFECTIVE DATE: 1/1/92

Passed by the House March 8, 1991
Yeas 96 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate April 15, 1991
Yeas 44 Nays 1

JOEL PRITCHARD
President of the Senate

Approved May 10, 1991 with
the exception of section
12 which is vetoed.

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1051** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 10, 1991 - 2:20 p.m.

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1051

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

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 28A.300.200 and 74.15.020; adding a new section to chapter
3 28A.300 RCW; adding a new chapter to Title 19 RCW; creating a new
4 section; prescribing penalties; and providing an effective date.

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

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

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

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

12 (3) Promote international awareness among Washington residents, by
13 encouraging Washington residents to interact with international student
14 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) "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 (2) "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 NEW SECTION. **Sec. 3.** (1) All international student exchange
22 visitor placement organizations that place students in public schools
23 in the state shall register with the secretary of state.

24 (2) Failure to register is a violation of this chapter.

25 (3) Information provided to the secretary of state under this
26 chapter is a public record.

1 (4) Registration shall not be considered or be represented as an
2 endorsement of the organization by the secretary of state or the state
3 of Washington.

4 NEW SECTION. **Sec. 4.** The secretary of state shall adopt
5 standards for international student exchange visitor placement
6 organizations. In adopting the standards, the secretary of state shall
7 strive to adopt standards established by the United States Information
8 Agency and the council on standards for international educational
9 travel and strive to achieve uniformity with national standards. The
10 secretary of state may incorporate standards established by the United
11 States Information Agency or the council on standards for international
12 educational travel by reference and may accept an organization's
13 designation by the United States Information Agency or acceptance for
14 listing by the council on standards for international educational
15 travel as evidence of compliance with such standards.

16 NEW SECTION. **Sec. 5.** (1) An application for registration as
17 an international student exchange visitor placement organization shall
18 be submitted in the form prescribed by the secretary of state. The
19 application shall include:

20 (a) Evidence that the organization meets the standards established
21 by the secretary of state under section 4 of this act;

22 (b) The name, address, and telephone number of the organization,
23 its chief executive officer, and the person within the organization who
24 has primary responsibility for supervising placements within the state;

25 (c) The organization's unified business identification number, if
26 any;

27 (d) The organization's United States Information Agency number, if
28 any;

1 (e) Evidence of council on standards for international educational
2 travel listing, if any;

3 (f) Whether the organization is exempt from federal income tax; and

4 (g) A list of the organization's placements in Washington for the
5 previous academic year including the number of students placed, their
6 home countries, the school districts in which they were placed, and the
7 length of their placements.

8 (2) The application shall be signed by the chief executive officer
9 of the organization and the person within the organization who has
10 primary responsibility for supervising placements within Washington.
11 If the secretary of state determines that the application is complete,
12 the secretary of state shall file the application and the applicant is
13 registered.

14 (3) International student exchange visitor placement organizations
15 that have registered shall inform the secretary of state of any changes
16 in the information required under subsection (1) of this section within
17 thirty days of the change.

18 (4) Registration under this chapter is valid for one year. The
19 registration may be renewed annually.

20 NEW SECTION. **Sec. 6.** The secretary of state may adopt rules
21 as necessary to carry out its duties under this chapter. The rules may
22 include providing for a reasonable registration fee, not to exceed
23 fifty dollars, to defray the costs of processing registrations.

24 NEW SECTION. **Sec. 7.** International student exchange
25 organizations that have agreed to provide services to place students in
26 the state shall provide an informational document, in English, to each
27 student, host family, and superintendent of the school district in

1 which the student is being placed. The document shall be provided
2 before placement and shall include the following:

3 (1) An explanation of the services to be performed by the
4 organization for the student, host family, and school district;

5 (2) A summary of this chapter prepared by the secretary of state;

6 (3) Telephone numbers that the student, host family, and school
7 district may call for assistance. The telephone numbers shall include,
8 at minimum, an in-state telephone number for the organization, and the
9 telephone numbers of the organization's national headquarters, if any,
10 the United States Information Agency, and the office of the secretary
11 of state.

12 NEW SECTION. **Sec. 8.** The secretary of state may, upon receipt
13 of a complaint regarding an international student exchange
14 organization, report the matter to the organization involved, the
15 United States Information Agency, or the council on standards for
16 international education travel, as he or she deems appropriate.

17 NEW SECTION. **Sec. 9.** Any person who violates any provision of
18 this chapter or who willfully and knowingly gives false or incorrect
19 information to the secretary, attorney general, or county prosecuting
20 attorney in filing statements required by this chapter, whether or not
21 such statement or report is verified, is guilty of a misdemeanor
22 punishable under chapter 9A.20 RCW.

23 NEW SECTION. **Sec. 10.** The legislature finds that the practices
24 covered by this chapter are matters vitally affecting the public
25 interest for the purpose of applying the consumer protection act,
26 chapter 19.86 RCW. Violations of this chapter are not reasonable in
27 relation to the development and preservation of business. A violation

1 of this chapter is an unfair or deceptive act in trade or commerce and
2 an unfair method of competition for the purpose of applying the
3 consumer protection act, chapter 19.86 RCW.

4 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.300
5 RCW to read as follows:

6 (1) The superintendent of public instruction shall annually make
7 available to school districts and approved private schools, from data
8 supplied by the secretary of state, the names of international student
9 exchange visitor placement organizations registered under chapter 19.--
10 RCW (sections 1 through 10 of this act) to place students in public
11 schools in the state and a summary of the information the organizations
12 have filed with the secretary of state under chapter 19.-- RCW
13 (sections 1 through 10 of this act).

14 (2) The superintendent shall provide general information and
15 assistance to school districts regarding international student exchange
16 visitors, including, to the extent feasible with available resources,
17 information on the type of visa required for enrollment, how to promote
18 positive educational experiences for visiting exchange students, and
19 how to integrate exchange students into the school environment to
20 benefit the education of both the exchange students and students in the
21 state.

22 *NEW SECTION. **Sec. 12.** (1) *The secretary of state shall create*
23 *and chair a task force on international student exchange. The task*
24 *force shall include representatives of the legislature, the office of*
25 *the superintendent of public instruction, international student*
26 *exchange visitor placement organizations operating in Washington,*
27 *school districts, business, exchange students, and other*
28

1 *representatives as the secretary deems appropriate. Members shall be*
2 *selected by the secretary of state.*

3 *(2) The task force shall, within available resources:*

4 *(a) Estimate the number of foreign exchange students studying in*
5 *Washington schools in a given year, and provide summary information*
6 *about the countries they are from, the school districts in which they*
7 *are placed, the type of organization placing them, and the students'*
8 *average length of stay;*

9 *(b) Estimate the number of public school students from this state*
10 *who are foreign exchange students in other nations in a given year, and*
11 *provide summary information about the school districts they are from,*
12 *the countries in which they are placed, the type of organization*
13 *placing them, and the students' average length of stay;*

14 *(c) Investigate ways to promote student and teacher exchanges with*
15 *K-12 schools in other nations, with an emphasis on sending more*
16 *Washington students to other nations;*

17 *(d) Examine reported problems in the international student exchange*
18 *visitor placement industry operating in the public schools of the state*
19 *and the effect of sections 1 through 10 of this act on these problems;*

20 *(e) Examine the adequacy of the fee structure established under*
21 *section 6 of this act.*

22 *(3) The task force shall report findings and recommendations to the*
23 *legislature by December 1, 1992.*

24 *(4) This section shall expire December 1, 1992.*

25 **Sec. 12 was vetoed, see message at end of chapter.*

26 **Sec. 13.** RCW 28A.300.200 and 1990 c 243 s 9 are each amended to
27 read as follows:

28 To complement RCW 28A.630.230 and chapter 28B.107 RCW, the
29 superintendent of public instruction shall ((encourage school districts

1 ~~to establish exchange programs for teachers with~~)), subject to
2 available funding, coordinate and sponsor student and teacher exchanges
3 between Washington schools and schools in Pacific Rim nations and other
4 nations. The superintendent may solicit and accept grants and
5 donations from public and private sources for the student and teacher
6 exchange program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (c) Persons who care for a neighbor's or friend's child or
25 children, with or without compensation, where the person does not
26 engage in such activity on a regular basis, or where parents on a
27 mutually cooperative basis exchange care of one another's children, or
28 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. 15. Sections 1 through 10 of this act shall
12 constitute a new chapter in Title 19 RCW.

13 NEW SECTION. Sec. 16. 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. 17. Sections 1 through 11 and 13 through 16
18 of this act shall take effect January 1, 1992.

Passed the House March 8, 1991.
Passed the Senate April 15, 1991.
Approved by the Governor May 10, 1991 with the exception of certain
items which were vetoed.
Filed in Office of Secretary of State May 10, 1991.

1 Note: Governor's explanation of partial veto is as follows:

2 I am returning herewith, without my approval as to section 12,
3 Substitute House Bill No. 1051 entitled:

4 "AN ACT Relating to international student exchange programs."

5 This bill takes a first step toward regulating organizations
6 involved in international student exchange activities in Washington by
7 requiring that these organizations register with the Office of the
8 Secretary of State. In addition, the Superintendent of Public

1 Instruction is required to notify school districts of the names of
2 international student exchange organizations that have registered with
3 the state. I concur with the need to provide greater accountability by
4 establishing standards and providing public access to certain basic
5 information regarding such organizations.

6 Section 12 of the bill requires the Secretary of State to establish
7 a task force on international student exchange and requires the task
8 force to examine a list of specific issues related to international
9 student exchange programs. No funding was provided for the task force
10 in either the House or Senate proposed budgets. Both the Secretary of
11 State and the Superintendent of Public Instruction have authority to
12 establish ad-hoc committees to study issues under their respective
13 jurisdictions. Should the task force actually receive funding in the
14 coming biennium, either official has the capacity to respond by
15 convening a group with the broad membership outlined in this section.

16 For the reasons stated above, I have vetoed section 12 of
17 Substitute House Bill No. 1051.

18 With the exception of section 12, Substitute House Bill No. 1051 is
19 approved.