

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 966 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S3/19/09 S3/24/09

A Bill

SENATE BILL 903

5 By: Senator Madison
6
7

8 **For An Act To Be Entitled**

9 TO ENACT THE INTERNATIONAL STUDENT EXCHANGE
10 VISITOR PLACEMENT ORGANIZATION REGISTRATION ACT;
11 AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 THE INTERNATIONAL STUDENT EXCHANGE
15 VISITOR PLACEMENT ORGANIZATION
16 REGISTRATION ACT.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 *SECTION 1. Arkansas Code Title 6, Chapter 18, is amended to add an*
22 *additional subchapter to read as follows:*

23 *6-18-1701. Title.*

24 *This subchapter shall be known as the "International Student Exchange*
25 *Visitor Placement Organization Registration Act".*
26

27 *6-18-1702. Legislative findings.*

28 *The General Assembly finds that:*

29 *(1) Many international student exchange visitor placement*
30 *organizations have been established to provide students from other countries*
31 *the opportunity to share their histories, languages, and cultures with their*
32 *counterparts in this state;*

33 *(2) International exchange programs give the state's students*
34 *and school faculty the opportunity to share their histories, languages, and*
35 *cultures with foreign students;*



1 (3) Arkansas's own former United States Senator James William
2 Fulbright championed efforts to establish international exchange programs,
3 the most famous of which bears his name, the "Fulbright Fellowships"; and

4 (4) This subchapter is necessary to provide a registration
5 procedure and process for these organizations in order to make information
6 concerning these organizations accessible to the people of Arkansas.

7
8 6-18-1703. Definitions.

9 As used in this subchapter:

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

15 (2) "Representative" means a natural person who is responsible
16 on behalf of an international student exchange visitor placement organization
17 for:

18 (A) The selection of a suitable host family for the
19 placement of a foreign exchange student;

20 (B) The enrollment of a foreign exchange student in a
21 local public or private school; and

22 (C) The periodic monitoring of the foreign exchange
23 student and his or her living conditions and educational progress.

24
25 6-18-1704. Compliance required.

26 An international student exchange visitor placement organization shall
27 not place a foreign exchange student with a host family or in a public or
28 private school in this state without complying with this subchapter.

29
30 6-18-1705. Rules.

31 The Secretary of State shall adopt by rule necessary regulations
32 concerning the registration of international student exchange visitor
33 placement organizations for the implementation of this subchapter.

34
35 6-18-1706. International student exchange visitor placement
36 organization - Registration.

1 (a)(1)(A) Beginning January 1, 2010 for the 2010-2011 school year, an
2 international student exchange visitor placement organization that proposes
3 to place a foreign exchange student in a public or private school in this
4 state shall submit an application for a certificate of registration with the
5 Secretary of State by January 1 immediately preceding the next regular school
6 year in which the organization proposes to place a foreign exchange student.

7 (B) The Secretary of State shall issue a certificate of
8 registration to the organization by February 1 if the application is in
9 order, otherwise the application shall be returned to the organization with
10 resubmission instructions.

11 (2)(A) For the purpose of service of process and service of
12 notices, an international student exchange visitor placement organization
13 shall provide the name, address, and telephone number of an officer or
14 employee of the organization authorized to receive and accept service of
15 process and service of notices.

16 (B) If service of process and service of notices cannot be
17 reasonably given to the officer as provided by the organization, service of
18 process and service of notices shall be effected by service upon the
19 Secretary of State who shall make a reasonable effort to contact and provide
20 any process and notices to the organization.

21 (b) An application for registration as an international student
22 exchange visitor placement organization shall be submitted in the form
23 prescribed by the Secretary of State. The application shall include:

24 (1) The name, address, and telephone number of the organization,
25 its chief executive officer, and the person within the organization who has
26 primary responsibility for supervising placements within the state.

27 (2) The organization's unified business identification number if
28 any;

29 (3) Evidence of Council on Standards for International
30 Educational Travel listing if any;

31 (4) The organization's federal income tax exemption status;

32 (5) A statement of compliance declaring that all monetary and
33 nonmonetary compensation paid to employees who are residents of Arkansas has
34 been reported in accordance with current state income tax law.

35 (6) A list of the organization's placements in Arkansas for the
36 previous academic year, including the number of students placed, their home

1 countries, the school districts in which they were placed if placed in a
2 public school or the private school in which they were placed, and the length
3 of time of their placements;

4 (7) The organization's most recent brochure describing its
5 programs;

6 (8) Evidence of the organization's health and accident
7 insurance;

8 (9) The names, addresses, and telephone numbers of the
9 organization's local representatives for Arkansas; and

10 (10) Any other information the Secretary of State determines is
11 necessary for his or her examination of the request by the organization.

12 (c) The application must be signed by the chief executive officer of
13 the organization and the person within the organization who has primary
14 responsibility for supervising placements within Arkansas.

15 (d) Organizations that have registered shall inform the Secretary of
16 State of any changes in the information required under subsection (b) of this
17 section within thirty (30) days of the change.

18 (e)(1) Registration is valid for one (1) year and may be renewed
19 annually.

20 (2) Organizations registering for the first time in Arkansas
21 must pay an initial registration fee of one hundred fifty dollars (\$150).

22 (3) The fee to renew a registration is fifty dollars (\$50) per
23 year.

24 (f) Fees collected by the Secretary of State under this section shall
25 be deposited into the State Treasury and credited to the General Revenue
26 Fund.

27 (g) The information provided the Secretary of State under this section
28 is a public record and shall be open to inspection and copying by any citizen
29 of the State of Arkansas during the regular business hours of the Secretary
30 of State's office.

31 (h) Registration shall not be considered or be represented as an
32 endorsement of the organization by the Secretary of State or the State of
33 Arkansas.

34 (i)(1) Only an international student exchange visitor placement
35 organization for students from other countries to attend a public or private
36 school approved by the United States Department of State may be considered

1 for registration.

2 (2) Only an international student exchange visitor placement
3 organization on the Advisory list of the Council on Standards for
4 International Educational Travel may be considered for registration.

5 (j) An international student exchange visitor placement organization
6 shall have a local representative who lives within one hundred twenty (120)
7 miles of his or her assigned students.

8 (k)(1) An international student exchange visitor placement
9 organization shall not place a foreign exchange student in a home or seek
10 admission of a student in a public or private school until the international
11 student exchange visitor placement organization has been registered with the
12 Secretary of State for that school year.

13 (2) Each year, the Secretary of State shall publish a list of
14 international student exchange visitor placement organizations registered to
15 place foreign exchange students in host homes.

16 (3) Unless the Secretary of State determines that an application
17 for registration does not comply with the filing requirements of this
18 chapter, the Secretary of State, upon payment of all filing fees, shall file
19 the application, prepare, sign, and file a certificate of registration, and
20 send a copy of the filed certificate of registration with a receipt for the
21 fees to the organization.

22
23 6-18-1707. Informational document.

24 International student exchange visitor placement organizations that
25 provide services to place students in this state shall provide prior to
26 arrival to each student, host family, and school principal of the school in
27 which the student is being placed, an informational document in English that
28 shall include the following:

29 (1) An explanation of the services to be performed by the
30 organization for the student, host family, and school district, which shall
31 include:

32 (A) The name, address, and telephone number of the local
33 representative of the placement organization and the local representative's
34 immediate superior; and

35 (B) The responsibilities and duties of the local
36 representative of the placement organization and the local representative's

1 immediate superior;

2 (2) A copy of this subchapter; and

3 (3)(A) Telephone numbers and email addresses that the student,
4 host family, and school district may use for assistance, which shall include
5 the telephone numbers and email addresses of the following organizations:

6 (i) The United States Department of State; and

7 (ii) The Council on Standards for International
8 Educational Travel.

9 (B) The telephone numbers shall include, at a minimum, a
10 telephone number for the organization and the telephone numbers of the
11 organization's national headquarters if any.

12
13 6-18-1708. Violations.

14 An organization that fails to register as required by this subchapter
15 or that submits false or incorrect information to the Secretary of State in
16 filing statements required by this subchapter, whether or not the statement
17 or report is verified, shall be prohibited from placing students in this
18 state during the following academic year.

19
20 /s/ Madison

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22 **APPROVED: 4/6/2009**