

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.

INTERIM STUDY PROPOSAL 2009-090

State of Arkansas  
87th General Assembly  
Regular Session, 2009

# A Bill

SENATE BILL 411

By: Senator Madison  
By: Representative House

Filed with: Senate Interim Committee on Education  
pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

TO ENACT THE ARKANSAS FOREIGN EXCHANGE STUDENT  
PROGRAM ACT; AND FOR OTHER PURPOSES.

### Subtitle

THE ARKANSAS FOREIGN EXCHANGE STUDENT  
PROGRAM ACT.

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

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

6-18-1701. Title.

This subchapter shall be known as the "Arkansas Foreign Exchange Student Program Act".

6-18-1702. Legislative findings.

The General Assembly finds that:

(1) The State of Arkansas has the responsibility under the Arkansas Constitution to provide a general, suitable, and efficient system of free public schools so that all persons in the state between six (6) and twenty-one (21) years of age may receive gratuitous instruction;

(2) The State of Arkansas has the right and the responsibility as parens patriae to protect and educate a minor found within its jurisdiction;



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

5       (4) These programs give the state's students and school faculty the  
6 opportunity to share their histories, languages, and cultures with foreign  
7 students;

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

11       (6) This subchapter is necessary to improve the quality of these  
12 exchanges, to protect foreign students and Arkansas students and schools, and  
13 to promote friendship and understanding among the people of Arkansas and  
14 people of other nations.

15  
16       6-18-1703. Definitions.

17       As used in this subchapter:

18               (1) "Foreign exchange student" means a student who:

19                       (A) Is not a United States citizen;

20                       (B) Is at least fifteen (15) years of age but not eighteen  
21 (18) years of age at the time of enrollment;

22                       (C) Legally resides outside of the United States; and

23                       (D) Is applying to enroll in a public or private high  
24 school in Arkansas and is:

25                               (i) Sponsored by an international student exchange  
26 visitor placement organization that is a member of the Council on Standards  
27 for International Educational Travel; or

28                               (ii) Not sponsored by an officially recognized  
29 international student exchange visitor placement organization but has  
30 immigration status or a visa that allows enrollment in an Arkansas public or  
31 private high school;

32               (2) "Host family" means a family with a home in Arkansas with at  
33 least one (1) adult twenty-five (25) years of age or older regularly residing  
34 in the home who has agreed to allow a foreign exchange student to be placed  
35 in the home to provide the student an opportunity to attend a public or  
36 private high school in Arkansas;

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

6           (4) "Representative" means a natural person who is responsible  
7 on behalf of an international student exchange visitor placement organization  
8 for:

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

11                   (B) The enrollment of a foreign exchange student in a  
12 local public or private high school; and

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

15  
16           6-18-1704. Compliance required.

17           (a) An international student exchange visitor placement organization  
18 shall not place a foreign exchange student with a host family or in a public  
19 or private school in this state without complying with this subchapter.

20           (b) A public or private school shall not enroll a foreign exchange  
21 student whose placement does not comply with this subchapter.

22  
23           6-18-1705. Rules.

24           (a) The State Board of Education shall adopt by rule necessary  
25 standards and regulations for international student exchange visitor  
26 placement organizations for the implementation of this subchapter.

27           (b) The state board shall require that all international student  
28 exchange visitor placement organizations operating in this state subject all  
29 members of a host family sixteen (16) years of age or older to:

30                   (1) A criminal background check performed through the  
31 Identification Bureau of the Department of Arkansas State Police and the  
32 Federal Bureau of Investigation; and

33                   (2) A statewide central registry check for cases involving  
34 allegations of child maltreatment.

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

1 organization - Registration.

2 (a)(1) An international student exchange visitor placement  
3 organization that proposes to place a foreign exchange student in a public or  
4 private school in this state shall have a certificate of registration on file  
5 with the Secretary of State by January 1 immediately preceding the next  
6 regular school year in which the organization proposes to place a foreign  
7 exchange student.

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

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

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

21 (1) Evidence that the organization meets the standards  
22 established by the State Board of Education by rule;

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

27 (B)(i) The compensation, both monetary and nonmonetary, of  
28 the persons within the organization who have primary responsibility for  
29 supervising placements within the state shall be reported to and filed with  
30 the Secretary of State annually.

31 (ii) The compensation information shall be  
32 confidential and shall not be disclosed publicly;

33 (3) The organization's unified business identification number if  
34 any;

35 (4) Evidence of Council on Standards for International  
36 Educational Travel listing if any;

1           (5) The organization's federal income tax exemption status;

2           (6) A list of the organization's placements in Arkansas for the  
3 previous academic year, including the number of students placed, their home  
4 countries, the school districts in which they were placed, and the length of  
5 time of their placements;

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

8           (8) Evidence of the organization's health, accident, and bonding  
9 insurance;

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

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

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

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

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

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

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

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

29          (g) The information provided the Secretary of State under this  
30 section, except compensation information under subdivision (b)(2)(B)(i) of  
31 this section, is a public record and shall be open to inspection and copying  
32 by any citizen of the State of Arkansas during the regular business hours of  
33 the Secretary of State's office.

34          (h) Registration shall not be considered or be represented as an  
35 endorsement of the organization by the Secretary of State or the State of  
36 Arkansas.

1           (i)(1) Only an international student exchange visitor placement  
2 organization for students from other countries to attend a public or private  
3 high school approved by the United States Department of State may be  
4 considered for approval.

5           (2) Only an international student exchange visitor placement  
6 organization on the approved list of the Council on Standards for  
7 International Educational Travel may be considered for approval.

8           (j) An international student exchange visitor placement organization  
9 shall have a local representative who is a resident of Arkansas, lives within  
10 one hundred twenty (120) miles of his or her assigned students, and who bears  
11 responsibility for the organization and its participants in Arkansas.

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

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

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

26           (l) An international student exchange visitor placement organization  
27 sponsoring a foreign exchange student who is determined by the high school to  
28 be deficient in English language proficiency after enrollment will be  
29 required to:

30           (1) Terminate the student's placement; or

31           (2) Provide, if available and at the student's expense, tutorial  
32 help until the student reaches proficiency, as determined by the high school  
33 in which the student is enrolled.

34           (m) Any special requirements for health, education, or welfare needed  
35 by the foreign exchange student will be the responsibility of the  
36 international student exchange visitor placement organization.

1           (n)(1) An international student exchange visitor placement  
2 organization shall provide orientation, both before departure and upon  
3 arrival in the United States, to each foreign exchange student.

4           (2) This orientation shall provide information to the foreign  
5 exchange student concerning the United States and its people, family and  
6 school life, and the nature of the program in which he or she is  
7 participating.

8           (3) The organization shall provide orientation to the host  
9 family, including information as to the host family's duties and  
10 responsibilities and information concerning the foreign exchange student who  
11 is to be placed in their care for the upcoming school year.

12  
13           6-18-1707. Foreign exchange students.

14           (a) To be eligible to participate in the Arkansas Foreign Exchange  
15 Student Program and to attend an Arkansas public or private high school, a  
16 foreign exchange student shall:

17           (1)(A) Be a secondary student in his or her home country.

18           (B) Before enrollment in a public or private high school  
19 in Arkansas, the foreign exchange student shall have completed the equivalent  
20 of grade ten (10);

21           (2)(A) Have on file, with the public or private school district  
22 he or she proposes to attend, an immunization record and a student health  
23 report, both of which comply with Arkansas law, completed by a physician in  
24 the foreign exchange student's home country.

25           (B) The immunization record and student health report  
26 shall both be translated into English; and

27           (3) Have appropriate health, accident, and liability insurance.

28           (b)(1) A foreign exchange student sponsored by an international  
29 student exchange visitor placement organization shall have a J-1 visa.

30           (2) A foreign exchange student with a J-1 visa shall:

31           (A)(i) Have sufficient command of the English language to  
32 function successfully in a regular classroom.

33           (ii) A public or private high school shall not be  
34 required to provide language acquisition or other student services to a  
35 foreign exchange student;

36           (B) Have completed not more than eleven (11) years of

1 primary and secondary study, excluding kindergarten; and

2 (C) Be responsible for all regular school fees and  
3 expenses.

4 (c)(1) A foreign exchange student who is not sponsored by an  
5 international student exchange visitor placement organization shall have an  
6 F-1 student status visa if the student does not have immigration status or a  
7 visa that allows enrollment in a public high school in Arkansas as a resident  
8 of the district and the United States.

9 (2)(A) Only a foreign exchange student of high school age may  
10 qualify for an F-1 visa.

11 (B) A foreign student who has already received a diploma  
12 is not eligible for F-1 status or for enrollment in a public high school.

13 (3)(A) A foreign exchange student with an F-1 visa must have  
14 sufficient command of the English language to function successfully in a  
15 regular classroom.

16 (B) Arkansas shall not be required to provide language  
17 acquisition or other student services to a foreign exchange student with an  
18 F-1 visa.

19 (4)(A) Because a foreign exchange student with an F-1 visa is  
20 required by federal law to pay the full unsubsidized per capita cost for the  
21 period of attendance and because Arkansas does not provide for payments to a  
22 public school, a foreign exchange student with an F-1 visa may not enroll in  
23 a public high school in Arkansas as a foreign exchange student.

24 (B) Nothing in subdivision (c)(4)(A) of this section  
25 prohibits a foreign exchange student with an F-1 visa from enrolling in a  
26 private high school in Arkansas as a foreign exchange student.

27 (d)(1)(A) A foreign exchange student who requests a high school  
28 diploma shall furnish an official document to the Arkansas high school in  
29 which he or she is enrolled from all academic institutions attended  
30 equivalent to grade seven (7) through the most recent school year with an  
31 accompanying English translation provided by an educational institution  
32 indicating courses studied, grades received, and an explanation of the  
33 grading system.

34 (B)(i) A high school diploma shall be awarded if the  
35 foreign exchange student satisfies all requirements for receiving a high  
36 school diploma from the high school in which he or she is enrolled.



1                   (ii) As an alternative to a diploma and at the  
2 discretion of the high school, a foreign exchange student may be awarded a  
3 certificate of achievement or other suitable form of recognition.

4                   (iii) The foreign exchange student may participate  
5 in commencement exercises if he or she has successfully passed all courses  
6 during the school year in which he or she was enrolled.

7                   (2) A foreign exchange student enrolled in a public or private  
8 high school is subject to the same state and federal laws and policies,  
9 regulations, procedures, rules of conduct, attendance requirements, and  
10 academic performance requirements as non-foreign exchange students.

11  
12                   6-18-1708. Informational document.

13                   International student exchange visitor placement organizations that  
14 have agreed to provide services to place students in this state shall provide  
15 prior to enrollment to each student, host family, school principal, and  
16 superintendent of the school district in which the student is being placed an  
17 informational document in English that shall include the following:

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

21                   (A) The name, address, and telephone number of the local  
22 representative of the placement organization and the local representative's  
23 immediate superior; and

24                   (B) The responsibilities and duties of the local  
25 representative of the placement organization and the local representative's  
26 immediate superior;

27                   (2) A summary of this subchapter; and

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

31                   (i) The United States Department of State;

32                   (ii) The Council on Standards for  
33 International Educational Travel; and

34                   (iii) The Committee for Safety of Foreign  
35 Exchange Students.

36                   (B) The telephone numbers shall include, at a minimum, an

1 in-state telephone number for the organization and the telephone numbers of  
2 the organization's national headquarters if any.

3  
4 6-18-1709. Rights of a foreign exchange student.

5 A foreign exchange student has the following rights:

6 (1) Before departing from his or her home country, to have:

7 (A) A properly screened host family awaiting the student's  
8 arrival; and

9 (B) A public or private high school that has agreed in writing  
10 to enroll the student for the next school year;

11 (2) To have the home in which the student is placed to:

12 (A) Not have any person who has plead guilty, nolo  
13 contendere, or been found guilty of a felony offense residing within;

14 (B) Not be the home of a foreign exchange representative  
15 for longer than two (2) weeks; and

16 (C) Meet basic standards of cleanliness and habitability  
17 including, but not limited to:

18 (i) Connection to a sanitary sewer system that meets  
19 local plumbing code requirements; and

20 (ii) Smoke alarms that are properly installed and  
21 maintained;

22 (3) To have the reasonable opportunity to exercise his or her  
23 religious freedom without coercion or threat of retaliation;

24 (4) To be provided by the international student exchange visitor  
25 placement organization or, if there is no program involved, by the host  
26 family, the telephone number of:

27 (A) The United States Department of State in case of  
28 emergencies;

29 (B) The toll-free child abuse hotline; and

30 (C) Local law enforcement agencies;

31 (5) To be informed of his or her rights as a visitor to the  
32 United States;

33 (6) To not be coerced to write letters or sign agreements that  
34 the student does not fully understand;

35 (7) To not be sent back to his or her home country without a  
36 prior review process as provided by the school he or she is attending; and

1           (8) To not be caused to fear being sent back to his or her home  
2 country for any communication made or proposed to be made to:

3           (A) The United States Department of State;

4           (B) The Director of the Department of Human Services;

5           (C) An official of the school in which the student is  
6 enrolled; or

7           (D) Any law enforcement agency.

8  
9           6-18-1710. Host family.

10          (a) An agreement with a school or host family shall be in writing and  
11 shall require notice and agreement by the school district and host family  
12 that the Department of Human Services may conduct an inspection of the school  
13 and the host family's home and interview any school official or employee, any  
14 member of the host family, and any foreign exchange student, before or during  
15 any placement of a foreign exchange student with a host family.

16          (b)(1) Before placement of a foreign exchange student with a host  
17 family, an international student exchange visitor placement organization  
18 shall conduct a home study, including the background and registry check of  
19 all residents sixteen (16) years of age and older required under § 6-18-1705,  
20 of each home where an exchange student is to reside.

21          (2) The study shall be of sufficient scope to provide reasonable  
22 assurance that the student will receive proper care and supervision in a safe  
23 environment.

24          (c)(1) A host family may not be selected based on race, creed, color,  
25 or religion.

26          (2) The host family shall have received training appropriate to  
27 the position.

28  
29          6-18-1711. International student exchange visitor placement  
30 organization representative.

31          (a)(1) The international student exchange visitor placement  
32 organization representative shall provide active supervision and support to  
33 his or her foreign exchange students, including responsibility for resolving  
34 any problems.

35          (2) A problem may include the changing of host families and the  
36 early return to the native home of the student because of personal or family

1 difficulties.

2 (b) The representative shall have complete responsibility for  
3 monitoring the foreign student exchange experience and for notifying the  
4 principal of the high school of changes in the student's host family  
5 placement, withdrawal from school, or other significant changes in the  
6 student's environment.

7 (c)(1) The representative shall provide to the host family and to the  
8 high school in which the foreign exchange student is enrolled information  
9 about the student's interests and general behavior.

10 (2) The representative shall provide the student's school record  
11 from his or her home school district in English.

12 (d)(1)(A) The representative shall make an in-person visit to each  
13 student's place of residence at least one (1) time each month during the  
14 student's stay in Arkansas.

15 (B) The representative shall visit separately with the  
16 student and the host family.

17 (2)(A) A report of the visit shall be sent to the State Board of  
18 Education by the last day of the month immediately following the month the  
19 visit occurred.

20 (B) The monthly reports shall be prepared on forms  
21 established by the state board.

22 (e) A representative or a former representative who has voluntarily  
23 resigned or been involuntarily separated or terminated from an international  
24 student exchange visitor placement organization may not be employed by  
25 another international student exchange visitor placement organization  
26 operating in this state for a period of one (1) year.

27  
28 6-18-1712. High schools.

29 (a)(1) A high school shall have the right to approve or refuse  
30 admission of a foreign exchange student.

31 (2) Upon admission, a foreign exchange student may not be  
32 removed by the school except in a manner authorized for the removal of a  
33 regular student from the school.

34 (b) A high school may require an international student exchange  
35 visitor placement organization to withdraw a foreign exchange student if that  
36 student is not adjusting favorably and is not benefiting from the foreign

1 exchange experience.

2 (c) A high school shall report by the eleventh day of classes each  
3 semester the enrollment numbers of foreign exchange students placed by  
4 international student exchange visitor placement organizations to the State  
5 Board of Education.

6  
7 6-18-1713. Cooperation with authorities.

8 An international student exchange visitor placement organization shall  
9 cooperate with state, school, and other public authorities to ensure that no  
10 foreign exchange student becomes an unreasonable burden upon a school or  
11 other public agency.

12  
13 6-18-1714. Alternative placements.

14 (a) An alternate placement shall be readily available so that no  
15 student remains in a home if conditions appear to exist that endanger the  
16 student's welfare.

17 (b) Before the placement of a student is changed or the student is  
18 sent back to his or her native home before the completion of the exchange  
19 program, the Director of the Department of Human Services shall be notified  
20 of the proposed action and the reasons for the proposed action.

21  
22 6-18-1715. Information for contacting authorities.

23 (a) An approved international student exchange visitor placement  
24 organization shall compile a list of names and telephone numbers of  
25 individuals not associated with the organization who may be called by a  
26 foreign exchange student if there is a serious problem.

27 (b) The organization shall make a copy of the list available to each  
28 of its host families and to each of its foreign exchange students in the  
29 exchange student's native language.

30 (c) An exchange student shall be provided in the exchange student's  
31 native language names and telephone numbers of the organization  
32 representatives and others who may be called at any time if a serious problem  
33 occurs.

34  
35 6-18-1716. Retaliation for contacting authorities prohibited.

36 (a) The host family and the student may contact the Department of

1 Human Services or any law enforcement agency without retaliation by the  
2 organization.

3 (b)(1) Retaliation or threat of retaliation by the international  
4 student exchange visitor placement organization or an international student  
5 exchange visitor placement organization representative shall result in  
6 disqualification from placement of any foreign exchange student in Arkansas.

7 (2) Foreign exchange students in host homes or enrolled in high  
8 schools in Arkansas under the disqualified organization shall be removed from  
9 the organization's control and managed either by the Department of Human  
10 Services or another international student exchange visitor placement  
11 organization as determined by the Department of Human Services.

12 (3) All fees received by the disqualified organization shall be  
13 forfeited, and the Attorney General may seek the forfeiture of all fees  
14 earned or to be earned by the organization in any court of competent  
15 jurisdiction.

16  
17 6-18-1717. Complaints.

18 The State Board of Education, upon receipt of a complaint regarding an  
19 international student exchange organization, shall report the matter to the  
20 organization involved, to the Council on Standards for International  
21 Educational Travel, and the United States Department of State, as the State  
22 Board of Education considers appropriate.

23  
24 6-18-1718. Violations.

25 A person who fails to register as required by this subchapter or who  
26 willfully and knowingly gives false or incorrect information to the Secretary  
27 of State in filing statements required by this subchapter, whether or not the  
28 statement or report is verified, is guilty of a Class A misdemeanor.