

ASSEMBLY, No. 1995

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

SYNOPSIS

Requires registration of international student exchange visitor placement organizations with Secretary of State.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the placement of international students in
2 public schools and supplementing Title 52 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in this act:

9 “Homestay” means the housing accommodation offered by a host
10 family.

11 “Host family” means a family, including a single parent or empty
12 nester, residing in New Jersey that an international student
13 exchange visitor resides with during his period of study.

14 “International student exchange visitor” or “student” means a
15 person 18 years of age or under, or up to age 21 if enrolled or to be
16 enrolled in high school in this State, placed by an international
17 student exchange visitor placement organization, who enters the
18 United States with a nonimmigrant visa.

19 “International student exchange visitor placement organization”
20 or “organization” means a person, partnership, corporation, or other
21 entity that regularly arranges the placement of international student
22 exchange visitors for the purpose, in whole or in part, of allowing
23 the student an opportunity to attend school in the United States.

24 “Responsible officer” means the officer or employee of the
25 international student exchange visitor placement organization who
26 has primary authority for supervising placements in New Jersey.

27 “Secretary” means the Secretary of State.
28

29 2. a. (1) An international student exchange visitor placement
30 organization that places students in public schools in the State shall
31 register with the Secretary of State. Registration with the secretary
32 shall not be considered or represented as an endorsement of the
33 organization by the secretary or by the State. Information provided
34 to the secretary pursuant to this act is a public record.

35 (2) The secretary shall annually provide to the Commissioner of
36 Education a list of all registered international student exchange
37 visitor placement organizations. The commissioner shall annually
38 distribute the list to all school districts.

39 b. An application for registration as an international student
40 exchange visitor placement organization shall be submitted in the
41 form prescribed by the secretary. The application shall include, but
42 need not be limited to:

43 (1) evidence that the organization meets the standards
44 established by the secretary pursuant to section 3 of this act;

45 (2) the name, address, and telephone number of the
46 organization, its chief executive officer, and the responsible officer;

47 (3) the organization’s business identification number, if any;

1 (4) the organization's Office of Exchange Coordination and
2 Designation, United States Department of State number, if any;

3 (5) evidence of Council on Standards for International
4 Educational Travel listing, if any;

5 (6) information on whether the organization is exempt from
6 federal income tax; and

7 (7) a list of the organization's placements in New Jersey for the
8 previous school year including the number of students placed, their
9 home countries, the public schools in which they were placed, and
10 the length of their placements.

11 c. The application shall be signed by the chief executive officer
12 of the organization and the responsible officer. If the secretary
13 determines that the application is complete, the secretary shall file
14 the application and the applicant shall be registered upon the
15 payment of an initial registration fee in such amount as determined
16 by the secretary.

17 d. A registered organization shall inform the secretary of any
18 changes in the information required under subsection b. of this
19 section within 30 days of the change.

20 e. A registration issued pursuant to this act shall be valid for
21 one year and shall be renewed annually.

22

23 3. The secretary shall adopt standards for the registration of
24 international student exchange visitor placement organizations. The
25 secretary may incorporate the standards of the Office of Exchange
26 Coordination and Designation, United States Department of State,
27 or the Council on Standards for International Educational Travel by
28 reference, and may accept an organization's designation by the
29 Office of Exchange Coordination and Designation as evidence of
30 compliance with such standards.

31

32 4. The organization shall ensure that a student participating in
33 the exchange program has medical and accident insurance from the
34 time of departure from home to the time the student returns home.
35 Coverage may be provided by the student or the organization. The
36 minimum acceptable insurance shall be medical and accident
37 coverage of \$50,000 per illness or accident, and at least \$5,000 in
38 coverage for preparation and transportation of remains to the
39 student's home county in the event of death. The organization shall
40 maintain proof of insurance for each student.

41

42 5. An organization shall not bring a student into the State
43 unless the student has been accepted in writing by a legally
44 authorized person employed by the admitting public school. The
45 organization shall maintain copies of documents authorizing the
46 enrollment of the student.

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1 6. a. The organization shall be responsible for making all
2 arrangements for the placement of a student with a host family
3 whose home is located in a place convenient to the school in which
4 the student will be enrolled. The organization shall make every
5 effort to ensure the maximum degree of compatibility between the
6 host family and the student.

7 b. The responsible officer shall visit the home of, and
8 personally interview, a host family before a student is assigned to
9 the family. A written record of the interview with the host family
10 shall be made and maintained by the organization.

11 c. The organization shall ensure that each member of the host
12 family 18 years of age or older and any other individual 18 years of
13 age or older who will reside in the same house as the student is
14 subject to a criminal history record check pursuant to section 13 of
15 this act.

16 d. An organization shall only place the student with a host
17 family that can provide housing that furnishes separate private
18 sleeping quarters for each sex, and provides the student with the
19 student's own bed. A host family's home shall be maintained in a
20 clean and sanitary condition, free of hazards and in good repair.

21 e. The selection of a host family and the assignment of a
22 student shall be made as far in advance of the student's arrival as
23 possible, and before the student's departure from his home country.
24 An organization shall not bring a student into the State without
25 written acceptance from the host family. The host family shall be
26 advised in writing of the name, age, educational status, anticipated
27 arrival time, and other background information about the assigned
28 student.

29 f. At the earliest possible time, a student's immediate family
30 shall be advised in writing of the name, address, family
31 composition, and other background information concerning the host
32 family to permit the exchange of correspondence between the
33 respective families in advance of the student's arrival in the State.

34 g. Copies of the notifications required pursuant to subsections
35 e. and f. of this section shall be maintained by the organization.
36

37 7. a. The host family shall provide for the physical and
38 emotional needs of the international student exchange visitor during
39 the homestay, including food, water, and a study area.

40 b. The host family shall seek counseling for the student in the
41 event that the student exhibits signs of emotional distress. If the
42 host family needs assistance in arranging counseling, the host
43 family shall contact the school district coordinator and the
44 responsible officer for assistance in arranging the counseling
45 services.

46 c. The host family shall provide for regular communication
47 between the student and the student's immediate family.

- 1 d. The host family shall provide transportation to school and
2 school-sponsored functions in the event that school bus services are
3 not provided to the student.
- 4 e. The host family shall ensure that the student has clothing
5 that is appropriate for the particular event or occasion.
6
- 7 8. a. The designated school official of the school district who
8 coordinates the enrollment of the international student exchange
9 visitor in the district shall contact the host family when the
10 student's arrival details are finalized. The designated school
11 official shall arrange for the transportation of the student to the
12 school district or to the homestay location. If the student is
13 transported to the school district, the host family shall transport the
14 student from the district to the homestay location.
- 15 b. Upon the student's arrival, the student and the host family
16 shall enter into a homestay responsibility agreement to be signed by
17 both parties. The agreement shall specify the student's expected
18 standards of behavior, the use of household facilities, the making
19 and receiving of international calls, and internet rules and access.
20 The school district shall keep the original of the homestay
21 agreement and provide copies to both the student and the host
22 family.
- 23 c. The homestay responsibility agreement shall provide for the
24 prior notification of the host family by the student if the student
25 intends to stay overnight at a location other than the homestay. The
26 student shall notify the host family of the alternate location and the
27 time at which the students intends to return to the homestay.
28
- 29 9. A host family shall demonstrate:
- 30 a. a knowledge and understanding of the needs of adolescents;
31 b. an understanding of the cultural, linguistic, and religious
32 differences between the host family and the student;
33 c. an understanding of the needs of adolescents when away
34 from their home environment;
35 d. a flexible approach to matters of discipline, house rules, and
36 cooperative living; and
37 e. an understanding of the procedures to handle a problem in
38 accordance with the provisions of section 10 of this act, should a
39 problem occur.
40
- 41 10. The responsible officer shall maintain continuous contact
42 with the student, the host family, and the designated school official.
43 The responsible officer, in consultation with the designated school
44 official, shall initiate action to resolve any problem that may arise
45 with respect to the student's school program or with the student's
46 relationship with the host family. If it is determined that the
47 problem cannot be resolved, the student shall be moved to an
48 alternate homestay.

1 11. International student exchange visitor placement
2 organizations that place students in the State shall provide an
3 informational document to each student, host family, and designated
4 school official of the school district in which the student is being
5 placed. The document shall be provided before placement and shall
6 include the following:

7 a. An explanation of the services to be performed by the
8 organization for the student, host family, and school district;

9 b. A summary of the requirements of this act prepared by the
10 secretary; and

11 c. telephone numbers that the student, host family, and school
12 district may call for assistance. The telephone numbers shall
13 include, at a minimum, an in-State telephone number for the
14 responsible officer, and the telephone numbers of the organization's
15 national headquarters, if any, the Office of Exchange Coordination
16 and Designation, United States Department of State, and the Office
17 of the Secretary of State.

18

19 12. a. An international visitor student exchange placement
20 organization registered pursuant to this act shall submit to the
21 Office of the Attorney General fingerprint images and related
22 information as required by the Attorney General of any member of
23 a family that applies to be a host family who is 18 years of age or
24 older and any individual 18 years of age or older who resides in the
25 host family residence for the purpose of conducting a State and
26 federal criminal background check. The Attorney General is hereby
27 authorized to exchange fingerprint data with and receive criminal
28 history record information from the Federal Bureau of Investigation
29 and the Division of State Police for use in making a determination
30 on the fitness of the applicant. The Attorney General shall forward
31 that determination to the international visitor student exchange
32 placement organization and to the secretary.

33 b. No criminal history record check shall be performed
34 pursuant to this act unless the applicant has furnished written
35 consent to such a check. The international visitor student exchange
36 placement organization shall bear the cost of the criminal history
37 record check, including all costs for administering and processing
38 the check.

39

40 13. The secretary may, upon receipt of a complaint regarding an
41 international student exchange visitor placement organization,
42 report the matter to the organization involved, the Office of
43 Exchange Coordination and Designation, United States Department
44 of State, or the Council on Standards for International Educational
45 Travel, as the secretary considers appropriate. The secretary may
46 also investigate complaints received under this act to determine if
47 the complaint is limited to one student or if there are systemic
48 problems with placements made by the organization. The secretary

1 may terminate an organization's registration if the secretary
2 determines the organization has failed to remain in compliance with
3 local, State, and federal statutes, rules, and regulations.
4

5 14. A person who fails to register as required pursuant to this act
6 or who knowingly gives false information to the secretary in filing
7 statements required by this act is guilty of a misdemeanor.
8

9 15. The Secretary of State shall adopt by rules and regulations
10 pursuant to the "Administrative Procedures Act," P.L.1968, c.410
11 (C.52:14B-1 et seq.), to implement the provisions of this act.
12

13 16. This act shall take effect 180 days following the date of
14 enactment except that the Secretary of State may immediately take
15 such anticipatory action as may be required to implement the
16 provisions of this act.
17

18
19 STATEMENT
20

21 This bill requires that international student exchange visitor
22 placement organizations annually register with the Secretary of
23 State, and directs the secretary to establish standards that an
24 organization must meet in order to secure registration. An
25 international student exchange visitor placement organization is
26 defined as an entity that regularly arranges the placement of
27 international student exchange visitors for the purpose of allowing
28 the student an opportunity to attend school in the United States.
29 Under the bill, an international student is a person 18 years of age
30 or under, or up to 21 years of age if enrolled in high school, placed
31 by an international student exchange visitor placement organization,
32 who enters the United States with a nonimmigrant visa. These
33 organizations are overseen at the federal level by the Office of
34 Exchange Coordination and Designation in the United States
35 Department of State.

36 The bill outlines the information that an organization must
37 provide in its application, including whether the organization is
38 listed on the Council of Standards for International Educational
39 Travel. The application must be signed by the chief executive
40 officer of the organization and the officer or employee of the
41 organization who will have the primary authority for supervising
42 placements in New Jersey.

43 The bill establishes the following requirements, among others,
44 that must be met by the organization in regard to the placement of
45 international students:

- 46 • Evidence that an exchange student has medical and accident
47 insurance;

- 1 • Written documentation of authorization for the enrollment of
2 the student in a public school by a person employed by the
3 school;
- 4 • Proof of a visit to the home of the host family by the officer
5 or employee of the organization who will have the primary
6 authority for supervising placements;
- 7 • Proof of a criminal background check on each member of
8 the host family who is 18 years of age or older and any
9 individual 18 years of age or older who resides in the
10 residence;
- 11 • Exchange of background information on the host family and
12 the student's family to ease the transition of the student to
13 his new living arrangement;
- 14 • Continuous contact with the student, the host family, and the
15 designated school official of the school district in which the
16 student is enrolled by the employee of the organization who
17 will have the primary authority for supervising placements;
- 18 • An assurance that the homestay, which is the housing
19 accommodation provided by a host family, includes separate
20 private sleeping quarters for each sex, provides the student
21 with the student's own bed, and is maintained in a clean and
22 sanitary condition;
- 23 • A demonstration that the host family has a knowledge and
24 understanding of the cultural, linguistic, and religious
25 differences between the family and the student, and a
26 flexible approach to matters of discipline, house rules, and
27 cooperative living;
- 28 • A process for the completion of a homestay responsibility
29 agreement between the host family and the student that
30 outlines expected standards of behavior, the use of
31 household facilities, international calls, and the use of the
32 internet;
- 33 • A process for the resolution of any problems that may arise
34 with respect to the student's placement with a host family,
35 and the provision of an alternate placement in the event that
36 the problem cannot be resolved;
- 37 • Provision of an informational document to the student, the
38 host family, and the designated school official of the school
39 district prior to placement that includes an explanation of the
40 services to be performed by the organization, a summary of
41 the bill's requirements, and contact telephone numbers.

42 The bill directs the international visitor student exchange
43 placement organization to provide to the Attorney General
44 fingerprint images and related information as required by the
45 Attorney General for the purpose of conducting a criminal
46 background check on any person who is 18 years of age or older

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1 who resides in the residence of a host family. The organization will
2 bear the costs of the background checks.

3 Finally the bill authorizes the Secretary of State to investigate
4 complaints received in regard to an international visitor student
5 exchange placement organization and to terminate its registration if
6 he determines that the organization is not in compliance with local,
7 State, or federal law or regulations.