

# ASSEMBLY, No. 5900

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED NOVEMBER 14, 2019

**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**

As introduced.



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.

- 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

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.