



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Office of the Secretary of State

- | | |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 09-20-021 ; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: (Describe Subject)
International Student Exchange Program

Hearing location(s):

801 Capitol Way S
Olympia, WA 98504

Date: January 26, 2010 Time: 10:00 am

Date of intended adoption: January 27, 2010
(Note: This is NOT the effective date)

Submit written comments to:

Name: Scott Murphy
Address: PO Box 40234
Olympia, WA 98504-0234

e-mail Scott.Murphy@sos.wa.gov
fax (360)586-4989 by (date) January 25, 2010

Assistance for persons with disabilities: Contact

Sharon Baker by January 25, 2010

(360) 725-0312,

Sharon.baker@sos.wa.gov

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Updating references and creating consistency between state and federal standards.

Reasons supporting proposal:

Current rules reference requirements to be obtained from a federal agency that no longer exists but has been replaced by another. Federal standards on insurance had changed and state standards should meet this same standard.

Statutory authority for adoption: RCW 19.166.050

Statute being implemented: RCW 19.166.010 thru 100

Is rule necessary because of a:

- | | | |
|-------------------------|---|--|
| Federal Law? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

DATE
December 10, 2009

NAME (type or print)
Steve Excell

SIGNATURE

TITLE
Assistant Secretary of State

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 10, 2009
TIME: 9:45 AM

WSR 10-01-059

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization)
Division of Corporations, Office of the Secretary of State

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Pamela Floyd	801 Capitol Way S, Olympia, WA 98504	(360) 725-0310
Implementation.... Scott Murphy	801 Capitol Way S, Olympia, WA 98504	(360) 725-0310
Enforcement..... Douglas D Walsh	800 Fifth Avenue, Suite 2000, Seattle, WA 98104	(206) 464-6388

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

These changes reflect changes in federal law and have no further economic impact on small business.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: These rules are adopting by reference without material change, Washington state statutes and are not required to do a cost-benefit analysis per RCW 34.05.328 (5)(iii).

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-010 Authority. These rules are adopted under the authority of chapter 19.166 RCW (~~((19.166.040 and 19.166.060))~~) to provide for the administration of the International Student Exchange Agency Registration Act, hereafter referred to as the "act." These regulations shall be considered a supplement to and not a replacement for the act.

AMENDATORY SECTION (Amending WSR 00-21-086, filed 10/17/00, effective 11/17/00)

WAC 434-166-030 Official address, telephone number of the office of the secretary of state, international student exchange ((division)) program. The address to be used for delivery and receipt of mail, information, registration applications, amendments, fees, and other material required by the act is:

Office of the Secretary of State
International Student Exchange (~~(Division~~
~~801 Capitol Way S)~~) Program
P.O. Box 40234
Olympia WA 98504-0234

The telephone number to be used for inquiries relating to this act and to be disclosed by the organization as required by RCW 19.166.070, is: (~~((360) 753-7120)~~) 360-725-0377.

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-040 Office hours. Customary hours of operation of the International Student Exchange Division are 8:00 a.m. to (~~((4:30))~~) 5:00 p.m., Monday through Friday, except holidays. Registration documents received after (~~((4:00))~~) 4:30 p.m. will not be processed until the next day.

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-050 Public records. Except as provided by RCW ((42.17.310)) 42.56.230, all documents relating to the International Student Exchange Division are public record and are available for public inspection and copying pursuant to rules of procedure, chapter 434-12A WAC.

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-080 Definitions. Terms defined in RCW 19.166.020 shall apply in these regulations. In addition, the following definitions shall be applicable when used in these regulations:

(1) "Secretary" means the secretary of state or an employee of the secretary acting under the authority of the secretary.

(2) "Act" means the International Student Exchange Agency Registration Act, chapter 128, Laws of 1991 and Title 19 RCW.

(3) "International student exchange visitor placement organization" or "organization" means any organization which arranges for the placement of two or more international student exchange visitors in the state of Washington during any consecutive five-year period.

(4) "International student exchange visitor" or "student" means any foreign national who:

(a) Is eighteen years of age or under, or up to the age of twenty-one; and

(b) Is engaged in full-time participation in a prescribed course of study in this state conducted by any secondary public institution of learning; and

(c) Has been selected to participate in an exchange visitor program sponsored by an international student exchange visitor placement organization; and

(d) Enters the state of Washington with a nonimmigrant visa.

(5) "Responsible officer" means the officer or employee of the international student placement organization who has primary authority for supervising placements in the state of Washington.

(6) "Responsible officer address" means the physical location of the responsible officer.

(7) "Immediate family" means the parent(s) or legal guardian(s) of an international student exchange visitor.

(8) "Nonimmigrant visa" means a visa category used by nonresident aliens whose primary purpose for visiting the United States is to study full time at an approved institution.

(9) "Host family" means the family residing in the state of Washington that the international student exchange visitor resides with during his or her period of academic study.

~~(10) ("USIA" shall mean United States Information Agency.~~
~~(11) "USIA regulations" means regulations promulgated by the United States Information Agency (USIA) governing exchange visitor programs designated by them.~~

~~(12) "USIA designation letter" means the letter from USIA showing acceptance into its' program.~~

~~(13)) "CSIET" means the Council on Standards for International Educational Travel.~~

~~((14)) (11) "CSIET standards" means standards published by CSIET and used by the CSIET to evaluate the operations of international student exchange visitor placement organizations.~~

~~((15)) (12) "CSIET's approval for listing letter" means the letter from CSIET showing that the placement organization meets the standards set by the CSIET and has been accepted for the current listing.~~

~~((16)) (13) "High school" means any secondary public institution of learning in the state of Washington.~~

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-110 Health and accident insurance. (1) Each organization shall ensure that every student participating in the exchange program has health and accident insurance from the time of departure from home to the time the student returns to his or her home country. Minimum acceptable insurance is:

(a) Medical and accident coverage of fifty thousand dollars per illness or accident;

(b) Preparation and transportation of remains to the student's home country (minimum of ~~((five))~~ seven thousand five hundred dollars) in the event of death. Coverage may be provided in one of the following ways:

(i) By the student;

(ii) By the organization.

(2) The organization is responsible for providing each student, each student's immediate family and the host family detailed printed information regarding the terms and limits of insurance coverage and procedures for filing a claim (including forms wherever possible).

(3) The organization shall maintain in its files proof of health and accident insurance.

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-130 Selection of host family. (1) The organization is responsible for making all arrangements for the placement of each student with a host family whose home is located in a place convenient to the educational institution in which the student is to be enrolled.

(2) The organization shall make every effort to assure the maximum degree of compatibility between the family and the student, including, wherever possible, the presence in the family of a teenage student.

(3) The organization's representative shall visit the home of, and personally interview, each host family before a student is assigned to such family including verifying that each member of the host family eighteen years of age and older has undergone a criminal background check.

(4) The organization shall ensure that its representative selects only those homes which reflect the high quality expected of the International Student Exchange Agency Program.

(5) A written record shall be made of this visit and interview by the representative, a copy of which shall be maintained by the organization.

(6) Selection of host families and assignment of students shall be made as far in advance of the student's arrival as possible, but in no event less than three weeks prior to departure from the student's home.

(7) No organization shall bring a student into the United States without written acceptance from the host family.

(8) The host family shall be advised in writing of the name, age, educational status, other background information, and anticipated arrival time of the assigned student.

(9) The student's immediate family shall be advised in writing of the name, address, family composition, and other background information concerning the host family at the earliest possible time, to permit the exchange of correspondence between the respective families in advance of the student's arrival.

(10) Copies of these notifications shall be maintained in its files by the organization.

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-220 Change of responsible officer and/or responsible officer address. An organization may change its responsible officer or responsible officer address by delivering to the secretary, within thirty days of the change, a statement of change form prescribed by the secretary that sets forth:

- (1) The name of the organization;
- (2) If the current officer address is to be changed, the street address of the current officer and the street address of the new officer address in accordance with WAC 434-166-210;
- (3) If the current responsible officer is to be changed, the name of the current responsible officer and the name of the new responsible officer; and
- (4) The new officer's written consent accepting the responsibility of the responsible officer.

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-230 Resignation of responsible officer. (1) A responsible officer may resign by signing and delivering to the secretary of state for filing a statement of resignation. The statement must also include a statement that the responsible officer address is also discontinued.

(2) After filing the statement the secretary of state shall mail a copy of the filed statement and a statement of change form to the organization at its organizational address.

(3) The organization shall appoint a new responsible officer and responsible officer address within thirty days of notification.

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-250 Individual located in state of Washington. (1) The organization shall maintain an in-state telephone number as required by RCW 19.166.070. This telephone number shall be registered to an individual residing in the state of Washington, which may be:

- (a) An employee for the organization; or
- (b) An officer for the organization; or
- (c) A volunteer for the organization.

(2) The organization shall (~~insure~~) ensure that this individual has:

- (a) A listing of all placements of students by the organization and the location of each in the state of Washington;
- (b) Knowledge of emergency procedures;
- (c) Twenty-four-hour contact with the organization for emergencies;
- (d) Knowledge and capability to assist and advise the students in their relationship with the organization;

(e) A business or residential address within a one hundred twenty mile radius of all placements of students.

(3) Each individual maintaining the in-state telephone number for the organization shall sign a written agreement with the organization(~~(-)~~), a copy of which shall be submitted to the secretary with the registration application.

AMENDATORY SECTION (Amending WSR 96-10-052, filed 4/29/96, effective 5/30/96)

WAC 434-166-260 Requirement to register. Each organization operating in Washington is required to register with the secretary, if two or more students are placed in Washington public high schools within a five year period. Registration is due in the office of the secretary during the enrollment period of March 1st through June 15th preceding the beginning of the next school year.

~~((Organizations governed by chapter 19.166 RCW and also registered as a nonprofit corporation under Title 24 RCW shall renew both registrations concurrently in the enrollment period specified in this section.))~~

The secretary shall provide, annually, a list of all international student exchange agencies registered as of June 15th to the superintendent of public instruction on or before August 5th of the same year. Subsequent lists may be provided at a later date.

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-270 Transaction of business or conducting affairs. No organization that is a foreign corporation (~~(or)~~) limited partnership, or limited liability company defined in RCW 23B.01.400(2), 24.03.005(2), 24.06.005(2) (~~(and)~~) 25.10.010(4) and 25.15.005(3) will be registered under this program unless and until the organization complies with foreign corporation (~~(or)~~) limited partnership, or limited liability company registration requirements.

AMENDATORY SECTION (Amending WSR 96-10-052, filed 4/29/96, effective 5/30/96)

WAC 434-166-280 Application for registration. (1) Any organization meeting the requirements set forth in chapters 19.166 RCW and 434-166 WAC shall register with the secretary of state. Such registration shall be made on a form prescribed by the secretary of state and filed with the secretary's office.

(2) The applicant must also provide evidence that they have met the established standards as an international student exchange visitor placement organization, by:

(a) Submitting a copy of the ((USIA's)) U.S. Department of State's Designation Letter showing current registration; or

(b) Submitting a copy of the CSIET's Approval for Listing Letter showing current registration; or

(c) Submitting a notarized statement, on a form prescribed by the secretary of state, declaring that the organization has met all standards and obligations as required by chapters 19.166 RCW and 434-166 WAC.

(3) Registrations filed during the enrollment period specified in WAC 434-166-260 are valid until June 15th of the next year. All other registrations expire June 15th of the next enrollment period.

AMENDATORY SECTION (Amending WSR 99-16-066, filed 8/2/99, effective 9/2/99)

WAC 434-166-290 Application for ((reregistration)) renewal.

(1) Prior to the expiration of the registration period, organizations may seek ((reregistration)) renewal within the enrollment period specified in WAC 434-166-260 by completing the registration requirements as set forth in RCW 19.166.040 and WAC 434-166-280.

(2) The secretary may mail a ((reregistration)) renewal form to the responsible officer/responsible officer address within forty-five days prior to the registration expiration.

(3) Failure of the secretary to notify the organization of ((reregistration)) renewal does not relieve the organization's obligation for filing ((its' reregistration)) its renewal documents.

(4) Applications to ((reregister)) renew must be filed by the due date specified by RCW 19.166.040; no extensions will be granted by the secretary.

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-300 Fees. (1) Organizations required to register or ((reregister)) renew under RCW 19.166.030 and chapter 434-166 WAC shall pay a fee of fifty dollars per application.

(2) A notification of change of information required under RCW 19.166.050 shall be accepted without fee.

AMENDATORY SECTION (Amending WSR 99-16-066, filed 8/2/99, effective 9/2/99)

WAC 434-166-310 Termination. Registrations of organizations shall be terminated when any of the following circumstances set forth occur:

(1) Voluntary termination. An organization may voluntarily terminate its registration by notifying the secretary of such intent. The organization's registration shall terminate upon such notification.

(2) Failure to apply for ((reregistration)) renewal. Failure to apply for ((reregistration)) renewal will result in the automatic termination of the organization's registration. If so terminated, the former organization must apply for a new registration.

(3) Loss of license, permit or accreditation. An organization's registration shall automatically terminate in the event that the organization fails to remain in compliance with local, state statute and regulations, federal, or professional requirements necessary to carry out the activities for which it was registered.

(4) Ownership change. An organization's registration shall automatically terminate in the event of a change of structure of the organization.

(5) Failure to notify. An organization's registration shall automatically terminate in the event the organization fails to notify the secretary within thirty days of any changes in their registration documents within thirty days, as required by RCW 19.166.040(3).