

Introduced by Senator HuffFebruary 18, 2016

An act to amend Section 12621 of, and to add Sections 12626.5 and 12626.7 to, the Government Code, relating to international student exchange visitors.

LEGISLATIVE COUNSEL'S DIGEST

SB 1198, as introduced, Huff. International student exchange visitor placement organizations.

Existing law, the Uniform Supervision of International Student Exchange Visitor Placement Organizations Act of 1994, requires international student exchange visitor placement organizations to register with the Attorney General, meet certain requirements, and perform specified duties, including providing prescribed information to participating students, host families, and school districts. That act requires the Attorney General to establish and maintain the Registry of International Student Exchange Visitor Placement Organizations and to adopt regulations to establish standards and requirements for organizations in a manner consistent with specified federal regulations and for the administration of the act. The act establishes the Registry of International Student Exchange Visitor Placement Organizations Fund in the State Treasury and requires the deposit of all registration and renewal fees collected into that fund for the purposes of administering the act. The act authorizes a school district to require proof of registration with the Attorney General from any organization seeking to place an international student exchange visitor in the school district as a condition to agreeing to enroll that student. A violation of the act, including the failure to register, is a misdemeanor.

This bill would establish specific fees relating to the schooling and care of a student that may be imposed on a student. The bill would require an organization to disclose all charges imposed on students to a prospective student and to submit a schedule of those charges to the Attorney General for publication on the Internet Web site for the registry. The bill would impose other restrictions on an organization's administration of student funds, including a requirement that an organization that has received tuition for schooling, if the student resigns, is expelled, or transfers from the school, refund within 15 days of the event a prorated amount of that tuition directly to the student. The bill would make such an organization, upon failure to comply with that last requirement, liable to the student for up to 10 times that prorated amount.

The bill would require a school to publish, and provide upon request by a prospective student, a full listing of all the courses offered by the school, a proposed class schedule, and graduation requirement plan or worksheet. The bill would require a school to disclose to prospective students the percentage of foreign students at the school. The failure to comply with these publication and disclosure requirements would make a school liable for a full refund of fees and tuition to any student being expelled, transferring, or resigning from the school.

The bill would impose other requirements on a school's administration of a student's tuition, travel permission, and documents, including a specific federal nonimmigrant student status form. The bill would provide for certain related fees and refunds, including a requirement that, if a student requests a transfer, and any required tuition and fees for services provided have been paid, a school transfer the records of the student and the student's federal nonimmigrant student status form within 3 business days of that request. The failure to comply with that requirement would subject a school to the requirement to refund to the student the total tuition and fees paid to that school by the student, and, if it does not comply with that refund requirement, make the school liable for up to 10 times the amount due to the student, plus attorney's fees.

The bill would require an organization or other entity that provides or facilitates homestay for a student under the act to ensure that the host family complies with specific requirements. The bill would make a host family coresponsible with the school and a parent, relative, or any other individual or entity responsible for the overall welfare of the student and would require a host family to ensure that student transportation

and nutrition needs are met. The bill would require unused portions of a host family charge imposed on a student no longer residing with the host family to be refunded to the student.

By imposing new requirements under the act, the violation of which would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12621 of the Government Code is
2 amended to read:

3 12621. For the purposes of this ~~article, the following terms~~
4 ~~shall have the following meaning unless the context clearly requires~~
5 ~~otherwise:~~ *article:*

6 (a) “I-20 form” means a federal Form I-20 titled “Certificate
7 of Eligibility for Nonimmigrant Student Status.”

8 ~~(a)~~

9 (b) “International student exchange visitor placement
10 organization” or “organization” means a person, partnership,
11 corporation, or other entity that regularly arranges the placement
12 of international student exchange visitors for the purpose, in whole
13 or in part, of providing the students with the opportunity to attend
14 a school that maintains kindergarten and grades 1 to 12, inclusive,
15 in the United States.

16 ~~(b)~~

17 (c) “International student exchange visitor” or “student” means
18 any person 18 years of age or under, or up to 21 years of age if
19 enrolled or to be enrolled in high school in this state, who enters
20 the United States on a nonimmigrant visa and who is placed by an
21 international student exchange visitor placement organization in
22 an elementary or secondary school or other educational program
23 in this state.

24 ~~(c)~~

1 (d) “Nonimmigrant visa” means a visa category assigned by the
2 federal Immigration and Naturalization Service *or a successor*
3 *agency* pursuant to Section 1101 of Title 8 of the United States
4 Code to nonresident aliens whose primary purpose for visiting the
5 United States is to study at the elementary or secondary school
6 level or participate in any other educational program.

7 ~~(d)~~

8 (e) “USIA” means the United States Information Agency
9 designated to administer the Mutual Educational and Cultural
10 Exchange Act of 1961 (22 U.S.C. Sec. 2451; 22 C.F.R. 514.1 et
11 ~~seq.~~ *seq.*), *or a successor agency*.

12 (f) “Registered organization” means an organization registered
13 in accordance with this article, including, but not limited to, an
14 agent, guardian, or housing or homestay agency.

15 ~~(e)~~

16 (g) “Registry” means the Registry of International Student
17 Exchange Visitor Placement Organizations established pursuant
18 to Section 12622.

19 SEC. 2. Section 12626.5 is added to the Government Code, to
20 read:

21 12626.5. (a) An organization shall disclose all charges imposed
22 on students to a prospective student and shall submit a schedule
23 of those charges to the Attorney General for publication on the
24 Internet Web site for the registry. The organization, upon request,
25 shall substantiate disclosure to a student pursuant to this
26 subdivision. An organization may fulfill the requirement of this
27 subdivision by providing to a student the link to the Internet Web
28 site for the registry.

29 (b) A registered organization may charge a student the following
30 fees for services provided:

31 (1) A one-time facilitation fee, not to exceed six thousand dollars
32 (\$6,000).

33 (2) A monthly guardian fee, not to exceed five hundred dollars
34 (\$500) per month.

35 (3) A one-time host family placement fee, not to exceed one
36 thousand five hundred dollars (\$1,500).

37 (4) A homestay fee, not to exceed two hundred dollars (\$200)
38 per month, if the agent and homestay agency is a registered
39 organization. If the homestay agency plays any role in the

1 placement of the student in a school or guardianship, the home
2 stay agency shall also be a registered organization.

3 (c) An organization acting as a facilitator shall not borrow
4 money from a student or the family of a student and shall not use
5 the funds received from a student for any purpose not directly
6 related to the education and housing of the individual student. If
7 the organization holds money on a student's behalf, the money
8 shall be placed in a separate bank account and shall not commingle
9 with other funds, and the organization shall keep an accounting of
10 the disbursement of funds in that bank account on behalf of the
11 student.

12 (d) An organization that has received tuition for schooling, if
13 the student resigns, is expelled, or transfers from the school, shall
14 refund within 15 days of the event a prorated amount of that tuition
15 directly to the student. If the organization does not comply with
16 this subdivision, it shall be liable to the student for up to 10 times
17 that amount, regardless of any provision to the contrary in any
18 agreement between the organization and the student, parent of the
19 student, or guardian entered into or amended on or after January
20 1, 2017.

21 (e) (1) If a student requests a transfer, and any required tuition
22 and fees for services provided have been paid, a school shall
23 transfer the records of the student and the student's I-20 form
24 within three business days of that request. A school that does not
25 comply with this paragraph shall refund to the student the total
26 tuition and fees paid to that school by the student. A school that
27 does not comply with that refund requirement shall be liable for
28 up to 10 times the amount due to the student, plus attorney's fees.

29 (2) If a student requests a transfer from a school, the school may
30 impose on the student a transfer fee not to exceed seven hundred
31 fifty dollars (\$750) if the student and the parent, guardian, and
32 facilitator had notice of the transfer fee and there was no
33 misconduct on the part of the school.

34 (f) Except as provided in subdivision (e), a school shall provide
35 a student with copies of documents relating to the student within
36 three business days of a request by the student. A school that does
37 not comply with this subdivision shall pay in damages to the
38 student as a sum equal to the total tuition and fees paid to that
39 school by the student for the current term.

1 (g) A school may charge fees for English as a Second Language
2 (ESL) classes, not to exceed three thousand dollars (\$3,000) per
3 year.

4 (h) A school shall accommodate a student that requests to return
5 to his or her home for any school break that exceeds 10 days,
6 including, but not limited to, providing a travel authorization
7 signature on the student's I-20 form.

8 (i) A school shall accommodate a student needing a replacement
9 I-20 form within five business days of notification. A school may
10 impose a replacement fee of up to two hundred fifty dollars (\$250)
11 for the first request for a replacement document and up to five
12 hundred dollars (\$500) for subsequent requests. The student shall
13 bear any costs for postage or delivery of a replacement document.

14 (j) A school shall publish, and provide upon request by a
15 prospective student, a full listing of all the courses offered by the
16 school, including the semester a course is offered, a proposed class
17 schedule, and a graduation requirement plan or worksheet. A school
18 shall disclose to prospective students the percentage of foreign
19 students at the school, broken down by campus if the school
20 operates multiple campuses. If a school fails to disclose this
21 information in a timely and accurate manner, it shall be liable for
22 a full refund of fees and tuition to any student being expelled,
23 transferring, or resigning from the school.

24 (k) A school that offers host family placement shall not make
25 its placement program mandatory for students.

26 SEC. 3. Section 12626.7 is added to the Government Code, to
27 read:

28 12626.7. (a) An organization or other entity that provides or
29 facilitates homestay for a student under this article, either
30 temporary or longterm, shall ensure that the host family complies
31 with all of the following:

32 (1) Provides a room for the student with a door that has a lock
33 operable by an occupant of the room, a smoke detector, and, for
34 each occupant of the room, a permanent noninflatable bed. A room
35 shall be either private or shared with no more than one other student
36 in accordance with this paragraph. Students sharing a room shall
37 be the same gender, and the sharing shall be by mutual consent of
38 the student's parent, guardian, and homestay facilitator.

39 (2) Provides a key or combination to allow entry to and exit
40 from through an outer door of the home.

1 (3) Provides an alarm code if necessary for entry and exit of the
2 home.

3 (4) Provides window coverings to windows in the student's
4 room to ensure privacy.

5 (b) A host family shall have coresponsibility with the school
6 and a parent, relative, or any other individual or entity responsible
7 for the overall welfare of the student and shall ensure that student
8 transportation and nutrition needs are met.

9 (c) Unused portions of a host family charge imposed on a student
10 no longer residing with the host family shall be refunded to the
11 student.

12 SEC. 4. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.