

## **CALIFORNIA CODE OF REGULATIONS**

### **TITLE 11, DIVISION 1, CHAPTER 4.3. ATTORNEY GENERAL REGULATIONS ADOPTED UNDER THE CALIFORNIA UNIFORM SUPERVISION OF INTERNATIONAL STUDENT EXCHANGE VISITOR PLACEMENT ORGANIZATIONS ACT, GOVERNMENT CODE SECTIONS 12620-12630**

#### **Article 1. General Provisions and Definitions**

##### **§ 350. Registration.**

Every organization required by the provisions of the California Uniform Supervision of International Student Exchange Visitor Placement Organizations Act of 1994 (Article 8.2 of Chapter 6, Division 3, Title 2 of the Government Code commencing with section 12620) shall, prior to arranging the placement of any international student exchange visitor in any elementary or secondary school or other educational program in California, register with the Attorney General's Registry of International Student Exchange Visitor Placement Organizations by filing Form ISEVPO-1, the registration form prescribed by the Attorney General, with the Registry at the address set forth in section 351.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12623 and 12627, Government Code.

##### **§ 351. Place of Filing.**

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 ATTORNEY GENERAL  
ATTN: REGISTRY OF INTERNATIONAL STUDENT EXCHANGE  
VISITOR PLACEMENT ORGANIZATIONS  
455 GOLDEN GATE AVENUE, SUITE 11000  
SAN FRANCISCO, CA 94102-7004

The telephone number to be used for inquiries relating to this Act and to be disclosed by the organization as required by the Act is: (415) 703-1006.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12622, 12623 and 12627, Government Code.

##### **§ 352. Public Records.**

The registration applications, copies of instruments and reports filed with the Attorney General shall be open to public inspection at the Office of the Attorney General in San Francisco at such reasonable times as the Attorney General may determine. Such inspections shall at all times be subject to the control and supervision of an employee of the Office of the Attorney General.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12625 and 12627, Government Code.

**§ 353. Registration Applications.**

All registration applications shall be submitted in the manner and on the form prescribed by the Attorney General, as required by Paragraph (a) of section 12626 of the Government Code.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12626 and 12627, Government Code.

**§ 354. Registration Applications—Grounds for Denial.**

Any application received by the Attorney General which is not on the prescribed form, is incomplete, unsigned, illegible, or does not include all required fees, information and documents, as required by paragraph (a) of section 12626 of the Government Code, shall not be accepted for filing.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12623, 12626 and 12627, Government Code.

**§ 355. Time of Registration and Renewal.**

The initial registration and annual renewals shall be filed as required by paragraph (a) of section 12623 of the Government Code.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12623 and 12627, Government Code.

**§ 356. Fees for Registration.**

Fees for registration and renewal shall be calculated as required by paragraph (b) of section 12623 of the Government Code.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12623 and 12627, Government Code.

**§ 357. Definitions.**

Terms defined in section 12621 of the Government Code shall apply in these regulations. In addition, the following definitions shall be applicable when used in these regulations:

(a) "Attorney General" means the California Attorney General or any employee of the Attorney General acting under the authority of the Attorney General.

(b) "Act" means the California Uniform Supervision of International Student Exchange Visitor Placement Organization Act of 1994.

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

(d) "U.S. Department of State regulations" means regulations promulgated by the United States Department of State, Educational and Cultural Affairs Division (U.S. Department of State) governing exchange visitor programs designated by them.

(e) "U.S. Department of State designation letter" means the letter from the U.S. Department of State showing acceptance into its program.

(f) "Responsible officer" means the officer or employee of the international student placement organization who has primary authority for supervising placements in the State of California.

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

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

(i) "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.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12621 and 12627, Government Code.

## **Article 2. International Student Exchange Agency Registration Standards**

### **§ 358. Selection of Student.**

The organization shall be fully responsible for the selection of suitable students for participation in its international student exchange visitor program. Selection shall be limited to students who have a sufficient command of the English language to enable them to function well in an English-speaking academic and community environment. Students shall also be screened for demonstrated maturity, good character, and ability to derive maximum benefit from the program experience.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12627 and 12628, Government Code.

### **§ 359. Orientation of Students and Host Families.**

(a) The organization shall provide:

(1) Each student and immediate family of each student with suitable orientation prior to departure from their home and upon arrival in the State of California to acquaint them in advance with the customs of the State of California and the United States. In addition, they shall be provided with detailed knowledge of the school and academic program in which he or she will be participating and information relating to their host family.

(2) Each host family with suitable orientation in advance of the student's arrival, including information on family, school, cultures of the student's native country, as well as information relating to the academic program in which the student will be enrolled.

(b) Each organization shall maintain in their records a copy of the letters used to notify the student, immediate family, and host family of the above information.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12627 and 12628, Government Code.

### **§ 360. Health and Accident Insurance.**

(a) 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:

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

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

(A) By the student;

(B) By the organization.

(b) 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).

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

NOTE: Authority cited: Section 12627, Government Code. Reference: Section 12627, Government Code.

### **§ 361. Acceptance of Students.**

No student shall be brought into the State of California by the organization unless he or she has been accepted in writing as a student by the legally authorized designee of the admitting school. The organization shall maintain in its files copies of such documents authorizing enrollment.

NOTE: Authority cited: Section 12627, Government Code. Reference: Section 12627, Government Code.

### **§ 362. Selection of Host Family.**

(a) 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.

(b) 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.

(c) The organization's representative shall visit the home of, and personally interview, each host family before a student is assigned to such family.

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

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

(f) 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.

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

(h) 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.

(i) 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.

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

NOTE: Authority cited: Section 12627, Government Code. Reference: Section 12627, Government Code.

### **§ 363. Host Family Housing Requirements for Students.**

(a) Each organization shall be responsible for placing the student with a host family which can provide housing which:

(1) Furnishes separate private sleeping quarters for each sex;

(2) A bed of his or her own; and

(3) No more than four persons to a bedroom.

(b) The host family's home and household equipment shall be maintained in a clean and sanitary condition, free of hazards, and in good repair. The home shall be accessible to other resources in the event of an emergency (e.g., telephone, emergency services, etc.).

NOTE: Authority cited: Section 12627, Government Code. Reference: Section 12627, Government Code.

### **§ 364. Change in Host Family Assignment.**

If unforeseen events occur and it is in the best interest of the student, the organization may make a change in the host family assignment of a student. Reports of any such changes and the reasons therefore shall be retained by the organization. Notification of any change shall be sent within twenty-four hours to the immediate family, host families, and the school of placement.

NOTE: Authority cited: Section 12627, Government Code. Reference: Section 12627, Government Code.

### **§ 365. Employment of Students.**

(a) Each organization shall advise its students that they may not accept or undertake regular employment while enrolled in the program.

(b) Students may engage in occasional intermittent jobs, such as tutoring, grass-cutting, baby-sitting and the like.

(c) Students may not perform the duties of a household domestic for compensation or otherwise in the home of the host family.

(d) Students may be asked to assist in normal daily chores in the host family household which other members of the family perform.

NOTE: Authority cited: Section 12627, Government Code. Reference: Section 12627, Government Code.

**§ 366. Supervision by Organization.**

The organization shall maintain regular personal contact with each of its students, the host family, and the high school in which each student is enrolled. The organization shall initiate action to attempt to resolve any problems which may arise with respect to the student's participation in his or her academic program or with respect to the student's relationship with his or her host family.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12627 and 12628, Government Code.

**§ 367. Travel Responsibility of Organization.**

(a) Each organization shall be responsible for maintaining records of prepaid travel arrangements of all students placed in the State of California by the organization.

(b) Transportation must be provided both to and from the student's home to their destination by air and/or surface modes of commercial transportation.

(c) Travel arrangements shall be carried out by the purchase of a round-trip ticket or tickets to their final destinations for each student prior to the entry of each student into the State of California. These travel arrangements may be made either:

(1) By the organization; or

(2) By the student.

(d) A copy of the travel itinerary and a copy of the prepaid round-trip ticket shall be maintained by the organization in their files.

(e) A copy of the prepaid round-trip ticket shall be given to the host family.

NOTE: Authority cited: Section 12627, Government Code. Reference: Section 12627, Government Code.

**§ 368. Information to Be Provided.**

(a) An international student placement agency shall provide each student, each student's immediate family, and the host family with the information document which, in addition to the disclosures required by section 12628 of the Government Code, shall contain at a minimum: Disclosure of all monies paid to the agency which are to be paid to the host family, students, or for special or additional activities during the program period. The timing and method of payment are to be specified.

(b) In addition, each student and host family shall receive a statement which includes the amount of the fee to be charged the student.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12627 and 12628, Government Code.

**§ 369. Agency Records Requirements.**

(a) Each organization shall keep records at the organizational office of services rendered to host families and students. The records and obligations shall include:

(1) The name, home address, and telephone number of the student (in that student's home country) to whom services are provided or promised.

(2) The name, address and telephone number of the host family with whom the student is placed, which shall be on file at least seven days prior to the student's arrival in the State of California.

(3) Document that each student entered the State with a non-immigrant visa and is enrolled in an elementary or secondary educational institution, or any other educational program.

(4) Document that authorizes enrollment in school of acceptance.

(5) Copy of written records of interview between the organization's representative and the host family.

(6) Copy of correspondence to the student's immediate family advising them of the name, address, family composition, and other background information concerning the host family.

(7) Copy of correspondence to host family(ies) advising them of the name, age, educational status, other background information, and anticipated arrival time of student.

(8) The amount of the organization's fee(s) charged to a student and an itemization of the services attributable to individual portions of the fee(s).

(9) A complete copy of any written agreements entered into between the organization, students, and the host families.

(10) Copy of health and accident insurance policy covering participating students and a statement of how coverage shall be provided.

(b) The records shall be maintained for a period of one year from the date on which the student departs from the State of California. For purposes of investigating a complaint or otherwise assuring compliance with this Chapter and rules adopted thereunder, the records shall be subject to inspection by the Attorney General upon request.

NOTE: Authority cited: Section 12627, Government Code. Reference: Section 12627, Government Code.

**Article 3. Conditions Applicable to Registration**

**§ 370. Appointment of a Responsible Officer and Responsible Officer Address.**

(a) Each organization shall appoint and continuously maintain a responsible officer, as required by section 12626 of the Government Code, who has primary responsibility for supervising placements within the State of California.

(b) The responsible officer shall be an employee or officer of the organization.

(c) The person who signs the application as responsible officer as required by

section 12626 of the Government Code shows acceptance of assuming the duties of the responsible officer.

(d) The responsible officer shall have an address which shall be a specific geographic location, and be identified by number, if any, and street, or building address, or rural route, city, state, and zip code, or, if a commonly known street or rural route does not exist, by legal description. The responsible officer's address may not be identified by post office box number or other nongeographic address. For purposes of communicating by mail, the Attorney General may permit the use of a post office address in conjunction with the geographic location if they are located in same city, if the organization also maintains on file the specific geographic address of the California office.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12626 and 12627, Government Code.

### **§ 371. Change of Responsible Officer and/or Responsible Officer Address.**

An organization may change its responsible officer or responsible officer address by delivering to the Attorney General, within thirty days of the change, a statement of change that sets forth:

- (a) The name of the organization;
- (b) If the current officer address is to be changed, the street address of the new officer address in accordance with section 12626 of the Government Code;
- (c) If the current responsible officer is to be changed, the name of the new responsible officer and the new officer's written consent accepting the responsibility of the responsible officer.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12626 and 12627, Government Code.

### **§ 372. Resignation of Responsible Officer.**

(a) A responsible officer may resign by signing and delivering to the Attorney General for filing a statement of resignation. The statement must also include a statement that the responsible officer address is also discontinued.

(b) After filing the statement the Attorney General shall mail a copy of the filed statement to the organization at its organizational address.

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

NOTE: Authority cited: Section 12627, Government Code. Reference: Section 12627, Government Code.

### **§ 373. Duties of the Responsible Officer.**

The officer who signs the application consenting to serve as responsible officer shall:

- (a) Accept all official communications and inquiries from the Attorney General on behalf of the organization.



(b) Maintain copies of all documentation, as required by section 369, above, on behalf of the organization for each individual student placed in the State of California.

(c) Furnish all documentation, information, reports, documents, books, files and other records requested by the Attorney General on all matters relating to the students placed in California by the organization.

NOTE: Authority cited: Section 12627, Government Code. Reference: Section 12627, Government Code.

#### **§ 374. Individual Located in the State of California.**

(a) The organization shall maintain an in-State telephone number. This telephone number shall be registered to an individual residing in the State of California, which may be:

(1) An employee for the organization; or

(2) An officer for the organization; or

(3) A volunteer for the organization.

(b) The organization shall insure that this individual has:

(1) A listing of all placements of students by the organization and the location of each in the State of California;

(2) Knowledge of emergency procedures;

(3) Twenty-four-hour contact with the organization for emergencies;

(4) Knowledge and capability to assist and advise the students in their relationship with the organization.

(c) 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 Attorney General with the registration application.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12626, 12627, and 12628, Government Code.

#### **§ 375. Requirement to Register.**

Each organization operating in California is required to register with the Attorney General if two or more students are placed in an elementary or secondary school or other educational program in California within a five year period.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12621, 12623, and 12627, Government Code.

#### **§ 376. Transaction of Business or Conducting Affairs.**

No organization that is a foreign corporation or limited partnership will be registered under this program unless and until the organization complies with foreign corporation or limited partnership registration requirements set forth in Corporation Code 2100 et seq. and 15691 et seq., respectively.

No nonprofit organization that is subject to the provisions of that act entitled the "Supervision of Trustees and Fundraisers for Charitable Purposes Act" (Article 7, Chapter 6, Part 2, Division 3, Title 2, of the Government Code commencing with Section

12580) will be registered under this program unless and until the organization complies with the registration requirements set forth in Government Code section 12580 et seq.

NOTE: Authority cited: Sections 2100 et seq. and 15692 et seq., Corporations Code; and Sections 12585 and 12627, Government Code. Reference: Section 12627, Government Code.

**§ 377. Application for Registration.**

(a) Any organization meeting the requirements set forth in Government Code section 12621 shall register with the Attorney General. Such registration shall be made on ISEVPO-1, the form prescribed by the Attorney General, and filed with the Attorney General's office.

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

(1) All organizations designated by the U.S. Department of State shall submit a copy of the U.S. Department of State Designation letter showing current registration; and submit a notarized statement, on ISEVPO-2, the form prescribed by the Attorney General, declaring that the organization has met all standards and obligations as required by 356 through 374 above.

(2) All organizations not designated by the U.S. Department of State shall submit a notarized statement, on ISEVPO-2, declaring that the organization has met all the standards and obligations as required by Sections 356 through 374 above.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12626 and 12627, Government Code.

**§ 378. Annual Renewal of Registration or Late Registration.**

(a) No later than January 15 of each calendar year in which the organization does business in California, the organization shall file a renewal of registration with the Attorney General, by completing the registration requirements set forth in Section 377 above. Such renewal of registration shall be effective for one calendar year. If an organization registers with the Attorney General after January 15 of the calendar year, the effective date of the registration will be the date that the registration is approved by the Attorney General, and the registration will expire on January 14th of the following year.

(b) The Attorney General may mail a Form ISEVPO-1 to the responsible officer/responsible officer address within forty-five days prior to expiration date of the registration.

(c) Failure of the Attorney General to notify the organization of renewal does not relieve the organization's obligation to file renewal documents.

(d) Applications for renewal of registration shall be filed no later than the due date specified in section 12623 of the Government Code.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12623, 12626, and 12627, Government Code.

**§ 379. Fees.**

(a) Organizations required to register under section 12623 of the Government Code shall pay an initial registration fee of one hundred fifty dollars (\$150).

(b) Organizations required to file renewal of registration under section 12623 of the Government Code shall pay an annual renewal fee of fifty dollars (\$50).

(c) A notification of change of information required under section 12626 of the Government Code shall be accepted without fee so long as the organization has current registration status.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12623 and 12627, Government Code.

**Article 4. Termination and Revocation of International Student Exchange Organization's Registrations**

**§ 380. Termination.**

Registrations of organizations shall be terminated when any of the following circumstances set forth occur:

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

(b) Failure to apply for renewal of registration. Failure to apply for renewal of registration will result in the automatic termination of the organization's registration. If so terminated, the organization must apply for a new registration. The effective date of the new registration will be the date that the registration is approved by the Attorney General, and the registration will expire on January 14th of the following year.

(c) 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 or federal statutes and regulations, or professional requirements necessary to carry out the activities for which it was registered.

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

(e) Failure to notify. An organization's registration shall automatically terminate in the event the organization fails to notify the Attorney General within thirty (30) days of any changes in their registration documents, as required by Section 12626 of the Government Code.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12623, 12626, and 12627, Government Code.

**§ 381. Responsibilities of Organization upon Termination.**

(a) The termination of the organization's registration shall not relieve the organization's obligation to all students who are in the State of California.

(b) The organization shall immediately cancel any student's exchange visit prior to entry to the State of California unless a transfer to another registered program can be obtained.

NOTE: Authority cited: Section 12627, Government Code. Reference: Section 12626, Government Code.

## **Article 5. Miscellaneous Provisions**

### **§ 382. Adherence to Regulations.**

Organizations are required to adhere to Sections 12620 through 12630 of the Government Code and Sections 350 through 384 of Title 11, Chapter 4.3 of the California Code of Regulations.

NOTE: Authority cited: Section 12627, Government Code. Reference: Section 12627, Government Code.

### **§ 383. Requests by Attorney General.**

Organizations shall furnish all information, reports, documents, books, files and other records requested by the Attorney General on all matters related to the organization's international student exchange visitor placement programs.

NOTE: Authority cited: Section 12627, Government Code. Reference: Section 12627, Government Code.

### **§ 384. Inquiries and Investigations.**

Organizations shall cooperate fully with any inquiry or investigation that may be undertaken by the Attorney General.

NOTE: Authority cited: Section 12627, Government Code. Reference: Sections 12627 and 12629, Government Code.