

Title 6. Education

Chapter XX. Secretary of State

Subchapter A. Generally

Part 540. Registration of International Student Exchange Visitor Placement Organizations

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"1.01 The Arkansas Secretary of State's authority for promulgating this rule is pursuant to Ark. Code Ann. § 6-18-1705."

"22.0 Effective Date

The effective date of this rule shall be December 31, 2009"

Subpart 1. Generally

6 CAR § 540-101. Title.

This part shall be known as the rule for the "Registration of International Student Exchange Visitor Placement Organizations".

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-102. Purpose.

The purpose of this part is to provide a procedure to implement Acts 2009, No. 966, also known as the "International Student Exchange Visitor Placement Organization Registration Act".

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-103. Definitions.

Terms defined in Arkansas Code § 6-18-1703 shall apply in this part:

- (1) "Act" means the International Student Exchange Visitor Placement Organization Registration Act, Arkansas Code § 6-18-1701 et seq.;
- (2) "Foreign entity" means any corporation, limited liability company, or other business entity whether for profit or not-for-profit organized under laws other than the laws of the State of Arkansas;
- (3) "Host family" means the family residing in the State of Arkansas with whom the international student exchange visitor resides during his or her period of academic study;
- (4) "International student exchange visitor" or "student" means any foreign national who:
 - (A) Is eighteen (18) years of age or under, or up to the age of twenty-one (21);
 - (B) Is engaged in full-time participation in a prescribed course of study in this state conducted by any secondary public or private institution of learning;
 - (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 Arkansas with a nonimmigrant visa;
- (5) "Local representative" means a natural person who is responsible on behalf of an international student exchange visitor placement organization for:
 - (A) The selection of a suitable host family for the placement of a foreign exchange student;
 - (B) The enrollment of a foreign exchange student in a local public or private school; and
 - (C) The periodic monitoring of the foreign exchange student and his or her living conditions and educational progress;
- (6) "Local representative address" means the physical street address of the local representative;

(7) "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; and

(8) "Secretary of State" means the Arkansas Secretary of State or any employee of the Secretary of State acting under the authority of the Secretary of State.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-104. General.

(a) Every organization required by the provisions of the Arkansas International Student Exchange Visitor Placement Organization Registration Act of 2009, Arkansas Code § 6-18-1701 et. seq., shall, prior to placing a foreign exchange student with a host family or in a public or private school in this state, obtain a valid certificate of registration from the Secretary of State.

(b) Registration shall not be considered or be represented as an endorsement of the organization by the Secretary of State or the State of Arkansas.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-105. Place of filing.

(a) The addresses to be used for delivery and receipt of mail are:

(1) Mailing address shall be the mailing address of the Business and Commercial Services Division of the office of the Secretary of State; and

(2) Physical address shall be the physical address of the Business and Commercial Services Division of the office of the Secretary of State.

(b) The telephone numbers to be used for inquiries relating to the Arkansas International Student Exchange Visitor Placement Organization Registration Act of 2009, Arkansas Code § 6-18-1701 et seq., and to be disclosed by the organization as required by the Arkansas International Student Exchange Visitor Placement Organization Registration Act of 2009 are: (501) 682-3409 or 1-888-233-0325.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-106. Time of registration and renewal.

(a) The initial registration and annual renewals shall be filed with the Secretary of State by January 1 immediately preceding the next regular school year in which the organization proposes to place a foreign exchange student.

(b) The Secretary of State shall issue a certificate of registration to the organization by February 1 if the application is in order.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-107. Service of process and service of notices.

(a) The organization shall be required for the purpose of service of process and service of notices to provide the name, address, and telephone number of an officer or employee of the organization authorized to receive and accept service of process and service of notices.

(b)(1) In addition, the organization shall provide a statement indicating that if service of process and service of notices cannot be reasonably given to the officer as provided by the organization, service of process and service of notices shall be effected by service upon the Secretary of State.

(2) Service of process or service of notice to the Secretary of State shall be delivered to "Attention: Legal Division" at the address indicated above.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-108. Application for registration.

(a) All registration applications shall be submitted in the manner and on the form or forms prescribed by the Secretary of State.

(b) The application for registration as an international student exchange visitor placement organization shall include the following information:

- (1) The name, address, and telephone number of:
 - (A) The organization;
 - (B) Its chief executive officer; and
 - (C) The person within the organization who has primary responsibility for supervising placements within the state;
- (2) Evidence of the organization's most recent listing with the Council on Standards for International Educational Travel, by submitting a copy of the Council on Standards for International Education Travel's approval for listing letter showing current registration;
- (3) Evidence of the organization's federal income tax exemption status, if applicable, by submitting the appropriate letter from the Internal Revenue Service;
- (4) A statement of compliance declaring that all monetary and nonmonetary compensation paid to employees who are residents of Arkansas has been reported in accordance with current state income tax law, if the organization has paid employees;
- (5) A list of the organization's placements in Arkansas for the previous academic year, including:
 - (A) The number of students placed;
 - (B) Their home countries;
 - (C) The school districts in which they were placed if placed in a public school or the private school in which they were placed; and
 - (D) The length of time of their placements;
- (6) The organization's most recent brochure describing its programs;
- (7) Evidence that students participating in the exchange program have health and accident insurance from the time of departure from home to the time the student returns to his or her home country, by providing evidence of the agreement or contract between the organization and the insurance carrier or carriers;
- (8) The names, addresses, and telephone numbers of the organization's local representatives for Arkansas; and

(9) A sample copy of an actual informational document which must be provided to each student, host family, and school principal of the school in which the student is being placed as required by the Arkansas International Student Exchange Visitor Placement Organization Registration Act of 2009, Arkansas Code § 6-18-1701 et seq.

(c) If any of these requirements do not apply to the organization, an explanation concerning the requirement shall be provided.

(d) The application must be signed by the chief executive officer of the organization and the person within the organization who has primary responsibility for supervising placements within the State of Arkansas.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-109. Change of information on application.

Organizations that have registered shall inform the Secretary of State of any changes in the information required by the Arkansas International Student Exchange Visitor Placement Organization Registration Act of 2009, Arkansas Code § 6-18-1701 et seq., within thirty (30) days of the change.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-110. Annual renewal of registration.

(a)(1)(A) No later than January 1 immediately preceding the next regular school year in which the organization proposes to place a foreign exchange student, the organization shall file a renewal of registration with the Secretary of State, by completing the registration requirements.

(B) Such renewal of registration shall be effective for one (1) calendar year.

(2) If an organization registers with the Secretary of State after January 1 of the calendar year:

(A) The effective date of the registration will be the date that the registration is approved by the Secretary of State; and

(B) The registration will expire at the end of the same year.

(b)(1) Organizations may file an application for renewal up to ninety (90) days prior to the expiration period.

(2) Failure of the Secretary of State to notify the organization of renewal does not relieve the organization's obligation to file renewal documents.

(3) Organizations that do not have an approved and filed registration by February 1 may not place students in the upcoming school year.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-111. Fees for registration.

(a) Organizations required to register under the Arkansas International Student Exchange Visitor Placement Organization Registration Act of 2009, Arkansas Code § 6-18-1701 et seq., shall pay an initial registration fee of one hundred fifty dollars (\$150).

(b) Organizations required to file renewal of registration under the Arkansas International Student Exchange Visitor Placement Organization Registration Act of 2009 shall pay an annual renewal fee of fifty dollars (\$50.00).

(c) A notification of change of information required under the Arkansas International Student Exchange Visitor Placement Organization Registration Act of 2009 shall be accepted without fee so long as the organization has current registration status.

Authority. Arkansas Code §§ 6-18-1705, 6-18-1706.

6 CAR § 540-112. Public records.

(a) The information provided the Secretary of State under the Arkansas International Student Exchange Visitor Placement Organization Registration Act of 2009, Arkansas Code § 6-18-1701 et seq., is a public record and shall be open to inspection

and copying by any citizen of the State of Arkansas during the regular business hours of the Secretary of State's office.

(b)(1) Such inspections shall at all times be subject to the control and supervision of an employee of the office of the Secretary of State.

(2) Federal identification, social security numbers, and student's personal information are not subject to inspection or release.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-113. United States Department of State.

An international student exchange visitor placement organization shall submit evidence that the organization has been approved by the United States Department of State for the placement of foreign exchange students.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-114. Local representative.

An international student exchange visitor placement organization shall submit a statement of compliance stating it will have a local representative who lives within one hundred twenty (120) miles of the host families of his or her assigned students.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-115. List of registered organizations.

(a) Each year following the end of the registration deadline, the Secretary of State shall publish a list of international student exchange visitor placement organizations registered to place foreign exchange students in host homes.

(b) The list will be published on the Secretary of State's website and will also be available in a printed format.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-116. Registration applications.

(a) Any application received by the Secretary of State which is not on the prescribed form is incomplete, unsigned, illegible, or does not include all required fees, information, and documents, as required by the Arkansas International Student Exchange Visitor Placement Organization Registration Act of 2009, Arkansas Code § 6-18-1701 et seq., shall not be accepted for filing.

(b) Upon successful filing, the Secretary of State shall send a copy of the filed certificate of registration with a receipt for the fees to the organization.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-117. Informational document.

International student exchange visitor placement organizations that provide services to place students in this state shall provide, prior to arrival, to each student, host family, and school principal of the school in which the student is being placed, an informational document in English that shall include the items required by the Arkansas International Student Exchange Visitor Placement Organization Registration Act, Arkansas Code § 6-18-1701 et seq.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-118. Termination and expiration.

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

(1) **Voluntary termination.**

(A) An organization may voluntarily terminate its registration by notifying the Secretary of State of such intent.

(B) The organization's registration shall terminate upon such notification;
and

(2) Failure to apply for renewal of registration.

(A) Failure to apply for renewal of registration will result in the automatic expiration of the organization's registration.

(B) If expired, the organization must apply for a new registration.

(C) The effective date of the new registration will be the date that the registration is approved by the Secretary of State, and the registration will again expire at the end of the same calendar year.

(b) An organization that fails to register as required or that submits false or incorrect information to the Secretary of State in filing statements required, whether or not the statement or report is verified, shall be prohibited from placing students in this state during the following academic year.

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-119. Foreign entities.

Any foreign corporation, foreign limited liability company, or other foreign entity applying for registration under the Arkansas International Student Exchange Visitor Placement Organization Registration Act of 2009, Arkansas Code § 6-18-1701 et seq., shall be registered to transact business in this state and be in "good standing".

Authority. Arkansas Code § 6-18-1705.

6 CAR § 540-120. Sole proprietorships and partnerships.

Any sole proprietorship or partnership applying for registration under the Arkansas International Student Exchange Visitor Placement Organization Registration Act of 2009, Arkansas Code § 6-18-1701 et seq., using a dba, fictitious, assumed, or designated name shall provide evidence of the filing of that name with the appropriate county clerk.

Authority. Arkansas Code § 6-18-1705.

Codification Notes. "dba" means doing business as.

6 CAR § 540-121. Requests by Secretary of State.

Organizations shall furnish all information, reports, documents, books, files, and other records requested by the Secretary of State on all matters related to the registration of the international student exchange visitor placement organization.

Authority. Arkansas Code § 6-18-1705.