

CHAPTER 3650
SECRETARY OF STATE
INTERNATIONAL STUDENT EXCHANGE

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3650.0010 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 3650.0010 to 3650.0040, the following terms have the meanings given them.

Subp. 2. **CSIET.** "CSIET" means the Council on Standards for International Educational Travel.

Subp. 3. **CSIET approval for listing letter.** "CSIET approval for listing letter" means the letter from CSIET showing that the international student exchange visitor placement organization meets the standards set by CSIET and has been accepted for the current listing.

Subp. 4. **CSIET standards.** "CSIET standards" means standards published by CSIET and used by CSIET to evaluate the operations of international student exchange visitor placement organizations.

Subp. 5. **Host family.** "Host family" means the family residing in Minnesota that the international student exchange visitor lives with during the student's period of academic study.

Subp. 6. **Immediate family.** "Immediate family" means the parents or legal guardians of an international student exchange visitor.

Subp. 7. **International student exchange visitor or student.** "International student exchange visitor" or "student" means a foreign national who:

- A. is up to 21 years of age;
- B. is accepted for a course of study for at least 30 days at a school;
- C. has been selected to participate in an exchange visitor program by an international student exchange visitor placement organization; and
- D. enters Minnesota on a nonimmigrant visa.

Subp. 8. **International student exchange visitor placement organization.** "International student exchange visitor placement organization" means an organization which arranges for the placement of international student exchange visitors in Minnesota.

Subp. 9. **Nonimmigrant visa.** "Nonimmigrant visa" means a visa category assigned by the United States government and used by nonresident aliens whose primary purpose for visiting the United States is to study at a school approved by the United States Citizenship and Immigration Services.

Subp. 10. **Organization.** "Organization" means an international student exchange visitor placement organization.

Subp. 11. **Responsible officer.** "Responsible officer" means the officer or employee of the international student exchange visitor placement organization located in the United States who has primary authority for supervising placements in Minnesota.

Subp. 12. **Responsible officer address.** "Responsible officer address" means the description of the physical location of the responsible officer in the United States. This description must be a street address, rural route and rural route box or fire number, or directions how to reach the location from a landmark. The address must include a city, state, and zip code. The address must not be a post office box.

Subp. 13. **School.** "School" means a public or private elementary or secondary institution of learning in Minnesota.

Subp. 14. **Secretary.** "Secretary" means the secretary of state or an authorized employee of the secretary.

Subp. 15. **USIA.** "USIA" means the United States Information Agency.

Subp. 16. **USIA designation letter.** "USIA designation letter" means the letter from the USIA to an international student exchange visitor placement organization showing acceptance into USIA's Exchange Visitor Program.

Subp. 17. **USIA regulations.** "USIA regulations" means rules and regulations promulgated by the USIA for the Exchange Visitor Program which governs international student visitor placement organizations.

Statutory Authority: *MS s 5A.04; 14.06*

History: *18 SR 1520; L 2007 c 13 art 1 s 25*

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3650.0020 REGISTRATION STANDARDS.

Subpart 1. **Selection of student.** The organization must be responsible for the selection of suitable students for participation in its international student exchange visitor program. Selection must be limited to students who have a command of the English language that enables them to participate in an English-speaking academic and community environment. Students shall also be screened for demonstrated maturity, good character, and ability to receive maximum benefit from the program experience.

Subp. 2. **Orientation of students and host families.** The organization must provide:

A. each student and the immediate family of each student with orientation before departure from the student's home to acquaint the student with information about Minnesota and the United States. Detailed information about the school and academic program in which the student will be participating and the host family must also be provided;

B. each student with orientation upon arrival in Minnesota regarding customs and the educational experience; and

C. each host family with orientation in advance of the student's arrival. Information to be provided includes: information on the student, the student's immediate family, school, and native land and information about the academic program in which the student will be enrolled.

Each organization must maintain records proving proper notification of the student, immediate family, and host family of the orientation sessions.

Subp. 3. **Insurance.**

A. Each organization must ensure that each student participating in the exchange program has health and accident insurance from the time of departure from home to the time the student returns home. Coverage may be provided by the student or the organization. Minimum acceptable insurance is:

(1) medical and accident coverage of \$50,000 per illness or accident; and

(2) at least \$5,000 in coverage for preparation and transportation of remains to the student's home country in the event of death.

B. The organization must provide each student and the student's immediate family and the host family with detailed printed information regarding the terms and limits of insurance coverage and procedures for filing a claim. Forms for filing claims shall be included whenever possible.

C. The organization must maintain in its files proof of health and accident insurance coverage for each student.

Subp. 4. **Acceptance of students.** No student shall be brought into Minnesota by an organization unless the student has been accepted in writing as a student for at least 30 days by a legally authorized person at the admitting school. The organization must maintain copies of documents authorizing enrollment for each student in its files.

Subp. 5. **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 school in which the student is to be enrolled.

B. The organization must make every effort to ensure the maximum degree of compatibility between the host family and the student.

C. An employee, officer, or volunteer of the organization must visit the home of, and personally interview, each host family before a student is assigned to the family.

D. The organization must ensure that each member of the host family age 18 or older who will reside in the same house as the student signs a document authorizing a felony background check on that person according to Minnesota Statutes, section 299C.62, subdivision 2.

E. A written record must be made of the interview of a visit to the host family by the representative. A copy of the record must be maintained by the organization.

F. Selection of host families and assignment of students must be made as far in advance of the student's arrival as possible, and must be made before the student's departure from the student's home.

G. An organization must not bring a student into the United States without written acceptance from the host family.

H. The host family must be advised in writing of the name, age, educational status, anticipated arrival time, and other background information about the assigned student.

I. At the earliest possible time, the student's immediate family must be advised in writing of the name, address, family composition, and other background information concerning the host family to permit the exchange of correspondence between the respective families in advance of the student's arrival in the United States.

J. Copies of these notifications must be maintained by the organization in its file.

Subp. 6. **Host family housing requirements for students.**

A. Each organization must place the student with a host family that can provide housing that:

(1) furnishes separate private sleeping quarters for each sex; and

(2) furnishes the student with a bed of the student's own.

B. The host family's home and household equipment must be maintained in a clean and sanitary condition, free of hazards and in good repair. The home must be accessible to other resources, such as the telephone and ambulance services, in the event of an emergency.

Subp. 7. **Change in host family assignment.** If it is in the best interest of the student or host family, the organization may make a change in the host family assignment of the student. Reports of any changes and the reasons for the changes must be maintained by the organization. Notification of any change must be sent within 24 hours to the immediate family, host families, and school of placement.

Subp. 8. **Employment of students.**

A. Each organization must 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, babysitting, or cutting grass.

C. Students may not perform the duties of a household domestic for compensation.

D. Students may be asked to assist in normal daily chores in the host family household that other members of the family perform.

Subp. 9. **Supervision by organization.** The organization must maintain continuous personal contact with each student, the host family, and the school in which the student is enrolled. The organization must initiate action to attempt to resolve any problems that may arise with respect to the student's participation in the student's academic program or with respect to the student's relationship with the student's host family.

Subp. 10. **Travel responsibility of organization.**

A. Transportation must be provided both to and from the student's home to the student's destination by air or surface modes of commercial transportation.

B. Travel arrangements must be carried out by the purchase of a round trip ticket or tickets to the final destination for each student before entry of each student into Minnesota. These travel arrangements may be made either by the organization or by the student.

C. A copy of the travel itinerary and a copy of the prepaid round trip ticket must be maintained by the organization in its files.

Subp. 11. **Information to be provided.**

A. An organization must provide each student, the student's immediate family, and the host family with an informational document regarding the organization's services. The organization must also disclose all money paid to the organization that is to be paid to the host family, student, or to be used for special or additional activities during the program period. The timing and method of payment must be specified.

B. Each student and host family must receive a document that states the amount of the fee, if any, to be charged to the student.

Subp. 12. **Agency record requirements.**

A. Each organization must keep records at the responsible officer's address of services rendered to host families and students. The record for each student must include:

- (1) the name, home address, and telephone number of the student in the 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. This information must be on file at least seven days before the student's arrival in Minnesota;
- (3) proof that the student entered Minnesota on a nonimmigrant visa;
- (4) proof that the student is enrolled in a school;
- (5) a copy of the records that show the organization's interview of the host family;
- (6) a copy of the correspondence to the student's immediate family giving them information about the host family including the name, address, family composition, and other background information;
- (7) a copy of the correspondence to the host family giving them information about the student including the student's name, home address, age, educational status, anticipated arrival time, and other background information;
- (8) the amount of the fee received by the organization and used to support the student in Minnesota and an itemization of the services and charges covered by the fee;
- (9) a complete copy of any written agreements entered into between the organization, student, and host family;
- (10) a copy of the health and accident insurance policy covering the student;
- (11) a copy of the student's travel itinerary and a copy of the prepaid round trip ticket for the student; and
- (12) a copy of the orientation information provided to the student, immediate family, and host family.

B. The records must be maintained for a period of one year from the date on which the student departs from Minnesota. If a complaint is received, the records must be open for inspection by the secretary of state or designee on request.

Statutory Authority: *MS s 5A.04; 14.06*

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3650.0030 REGISTRATION ELEMENTS.

Subpart 1. Appointment of responsible officer.

- A. Each organization must appoint and continuously maintain a responsible officer in the United States who has primary responsibility for supervising placements in Minnesota.
- B. The responsible officer must be an employee or officer of the organization.
- C. An individual's signature on an application form as responsible officer indicates acceptance by that person of the duties and responsibilities of the position of responsible officer.

Subp. 2. **Change of responsible officer or responsible officer address.** If an organization changes its responsible officer or the address of the responsible officer, it must change its registration by delivering to the secretary of state a statement that includes:

- A. the name of the organization;
- B. the new responsible officer address, if the address is to be changed; and
- C. the name of the new responsible officer and a written statement from the new officer accepting the duties of responsible officer, if the officer is to be changed.

The statement must be signed by someone who has authority to sign documents on behalf of the organization and must be filed with the secretary within 30 days of the date of the change.

Subp. 3. **Resignation of responsible officer.** If a responsible officer resigns, a statement of resignation must be sent to the organization. The organization shall then use the procedure outlined in subpart 2 to change the information on file with the secretary.

Subp. 4. **Duties of responsible officer.** The person who signs the application form as responsible officer must:

- A. accept all official communications and inquiries from the secretary on behalf of the organization;
- B. maintain copies of documentation as required by part 3650.0020, subpart 12, for each student placed in Minnesota; and
- C. furnish all documentation, information, reports, books, files, and other records requested by the secretary on all matters relating to students placed in Minnesota by the organization.

Subp. 5. **In-state telephone number.**

A. The organization must maintain an in-state telephone number as required by Minnesota Statutes, section 5A.05. To be considered an in-state telephone number, the telephone number must either be registered to an employee, officer, or volunteer of the organization living in Minnesota or must be a toll-free telephone number for the organization which is answered seven days a week, 24 hours a day.

- B. The organization must ensure that the person answering the in-state telephone number has:
- (1) a listing of all students placed by the organization in Minnesota and the location of each student;
 - (2) knowledge of emergency procedures;
 - (3) 24-hour-a-day contact with the organization for emergencies; and
 - (4) the knowledge and capability to assist and advise students in resolving the situation which has prompted the telephone call.

Subp. 6. **Application for registration.**

A. An organization meeting the requirements in this chapter and Minnesota Statutes, chapter 5A, must register with the secretary. The registration must be made on a form prescribed by the secretary and filed with the secretary's office. The fee must accompany the filing before the filing will be accepted by the secretary.

- B. The organization must supply the following:

(1) a copy of the USIA designation letter showing current registration;

(2) a copy of the CSJET's approval for listing letters showing current registration; or

(3) a notarized statement, on a form prescribed by the secretary, declaring that the organization has met all the standards and obligations as required by this chapter and Minnesota Statutes, chapter 5A.

C. Registration is effective for a period of one year from the date of filing by the secretary.

D. Any changes in information must be sent to the secretary of state within 30 days of the change.

Subp. 7. Registration renewal.

A. Before the expiration of an organization's current registration period, the organization must renew its registration for a one year term by completing the registration form if the organization wishes to maintain its registration in Minnesota.

B. The secretary must mail a renewal form to the responsible officer at the responsible officer's address 45 days before the expiration of the registration.

C. The failure of an organization to receive a renewal form does not relieve the organization of its obligation to file its renewal documents in a timely fashion.

D. An application for renewal must be filed by the end of the organization's current registration period. The secretary shall not grant an extension to file a registration renewal to an organization. An organization is considered to be registering for the first time if the previous registration expired before a valid renewal was filed.

Subp. 8. [Repealed, L 1997 c 137 s 19]

Statutory Authority: *MS s 5A.04; 14.06*

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3650.0040 TERMINATION AND REVOCATION.

Subpart 1. **Termination.** The registration of an organization terminates when any of the conditions in items A to C occur.

A. The organization requests that its registration be terminated. The request must be made in writing and is effective when filed by the secretary.

B. If the organization does not renew its registration before the previous registration expires, the registration automatically terminates in which case the organization must apply for a new registration, and pay the initial registration fee established in part 3650.0030, subpart 8, item A.

C. An organization's registration automatically terminates if the organization fails to remain in compliance with local, state, and federal statutes and regulations.

Subp. 2. **Responsibilities after termination.** The termination of an organization's registration does not relieve the organization's obligation to all students it has placed in Minnesota. The terminated organization must immediately cancel any student's visit before the student's arrival in Minnesota unless a transfer to another registered program can be obtained. If the student has already arrived in Minnesota,

the organization must make arrangements to support the student's experience in a manner consistent with the requirements of this chapter and Minnesota Statutes, chapter 5A.

Statutory Authority: *MS s 5A.04; 14.06*

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