

NONRESIDENT FOREIGN STUDENTS (Continued)**A. Purpose and Scope**

Effective November 30, 1996, federal immigration law prohibits foreign students from obtaining an F-1 visa to attend public adult or elementary schools (grades K-8). However, pursuant to 8 USC 1184, students may be granted an F-1 visa to attend public school in grades 9-12 for a maximum of one year, as long as the student pays tuition. This new law does not affect students who are currently enrolled with a previously approved F-1 visa. However, when the visa expires or the student leaves the country, he/she will need to meet these new requirements in order to return to school.

Students in the United States with an F-1 visa designation are, by definition, non-residents. Public schools still must provide education to all school-age students who reside within their boundaries, whether or not they are legal residents.

Nonresident Foreign Students attend public schools to gain first hand experience with American culture, pursue education and share experiences with other students.

B. GeneralDefinitions

F-1 Visa Students: An F-1 visa student is a nonimmigrant visa category intended for use by nonresident aliens whose primary purpose for visiting the United States is to study at an academic school. (8 USC 1184).

J-1 Visa Students: A J-1 visa student is a nonimmigrant exchange student who has come to the United States to study for a specific period of time under the sponsorship of a government approved agency. (9 USC 1184).

Nonimmigrant foreign students may be admitted to the United States for a temporary stay for the purpose of study.

The new federal law does not affect the admission requirements of students with a J-1 visa designation, such as students participating in the AFS program.

C. ProceduresF-1 Visa Students

On a case-by-case basis, students with or seeking an F-1 visa designation shall be accepted for admission to district schools in grades 9-12 through the Student Services office.

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In determining whether to admit the student, under F-1 or J-1 status, the Superintendent or designee shall consider whether the following conditions exist: (8CFR 214.3, 22 CFR 41.61).

1. A suitable program exists at the school the student has selected.
2. The student's English proficiency is sufficient for successful study at that school.
3. Space is available.
4. The student has provided proof of financial responsibility and insurance.
5. The host family shows proof of address and any other verification requested by and with the districts designee.

In addition, the student shall also submit evidence that he/she has been fully immunized in accordance with California law.

A student shall be admitted for maximum of one year. In addition, under F-1 status a student granted admission under this program shall pay the district the full, unsubsidized per-student cost of attendance at the secondary school. (8USC 1184).

D. Forms

None

E. Records Required

Verification document

F. Records Retention

None

G. Responsible Administrative Unit

Educational Services
Student Services

H. Approved By

Assistant Superintendent of Educational Services

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Legal Reference:

EDUCATION CODE

48050-48054 Nonresidents

UNITED STATES CODE, TITLE 8

1184 Foreign students

CODE OF FEDERAL REGULATIONS, TITLE 8

214.3 Petition for school approval

214.4 Withdrawal of school approval

CODE OF FEDERAL REGULATIONS, TITLE 22

41.61 Students; academic and nonacademic

Management Resources:

CDE LEGAL ADVISORIES

0319.97 Amendments to F-1 Student Visa Requirements, LO: 1-97