

## Students

### NONRESIDENT FOREIGN STUDENTS

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.

The district is not required or authorized to determine the visa status of individual students. This issue will only arise when the student requests an I-20 certification from the district or if the district is contacted by the Immigration and Naturalization Service.

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. See 5111.1 District Residency.

### Definitions

*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. (8 USC 1184)

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. For admission requirements of those students, see BP/AR 6145.6 - International Exchange.

*(cf. 6145.6 - International Exchange)*

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

*(cf. 5111.1 - District Residency)*

### F-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.

*(cf. 6200 - Adult Education)*

**NONRESIDENT FOREIGN STUDENTS** (continued)

In determining whether to admit the student, the Superintendent or designee shall consider whether the following conditions exist: (8 CFR 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

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

*(cf. 5141.31 - Immunizations)*

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

*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*

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**CALAVERAS UNIFIED SCHOOL DISTRICT**  
San Andreas, California