

## **Nonresident Foreign Students**

AR 5111.2(a)

### **Students**

The Superintendent or designee shall, on behalf of the district, seek and obtain from the U.S. Department of Homeland Security's (DHS) Student and Exchange Visitor Program (SEVP) certification of eligibility to enroll nonimmigrant foreign students in district schools and recertification for the continuing eligibility of the district every two years. (8 CFR 214.3)

(cf. 6145.6 - International Exchange)

On a case-by-case basis, the Superintendent or designee may accept for admission into any of grades 9-12 any nonimmigrant foreign student with or seeking an F-1 visa. Any such student shall be admitted for a maximum of one year and shall pay the district the full, unsubsidized per-student cost of attendance at the school. (8 USC 1184)

(cf. 5111.1 - District Residency)

In determining whether to admit a 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 at the school.
4. The student has provided proof of financial responsibility.

In addition to fulfilling all other requirements for school entry, the student shall submit evidence that he/she has been fully immunized in accordance with California law.

(cf. 5141.31 - Immunizations)

In accordance with law, the Superintendent or designee shall retain and, when required, report to DHS any records for nonimmigrant foreign students required for the operation of the SEVP. Upon request, he/she also shall furnish to DHS representatives other records maintained by the district for nonimmigrant foreign students. (8 CFR 214.3)

(cf. 5125 - Student Records)

The Superintendent or designee shall ensure that any individual dealing with enrollment of nonimmigrant foreign students is trained on the use of the Student Exchange Visitor Information System.

(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)

Legal Reference:

EDUCATION CODE  
48050-48054 Nonresidents  
UNITED STATES CODE, TITLE 8  
1184 Foreign students  
1372 Reporting requirements, nonimmigrant 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:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES  
0319.97 Amendments to F-1 Student Visa Requirements, LO: 1-97  
U.S. DEPARTMENT OF STATE PUBLICATIONS  
Foreign Students (F-1) in Public Schools  
WEB SITES  
U.S. Department of Homeland Security, Student and Exchange Visitor Program:  
<http://www.ice.gov/sevis>  
U.S. Department of State: [http://travel.state.gov/visa/temp/types/types\\_1269.html#1](http://travel.state.gov/visa/temp/types/types_1269.html#1)  
U.S. Immigration and Customs Enforcement: <http://www.ice.gov>