

MIDDLETOWN UNIFIED SCHOOL DISTRICT

Regulation 5111.2: Nonresident Foreign Students

Adopted Date: 12/13/2023

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)

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)

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.

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)

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.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 48050-48054

Description

[Nonresidents](#)

Federal

22 CFR 41.61

Description

Students; academic and nonacademic

8 CFR 214.3

Petition for school approval

8 CFR 214.4

Withdrawal of school approval

8 USC 1184

Foreign students

8 USC 1372

Reporting requirements; nonimmigrant foreign students

Management Resources

Description

CDE Legal Advisory

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

U.S. Department of State Publication

Foreign Students (F-1) in Public Schools

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[U.S. Department of Homeland Security. Student and Exchange Visitor Program](#)

Website

[U.S. Department of State](#)

Website

[U.S. Immigration and Customs Enforcement](#)

Cross References

Code

Description

3260

[Fees And Charges](#)

3260

[Fees And Charges](#)

5111.1

[District Residency](#)

5111.1

[District Residency](#)

5125

[Student Records](#)

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5141.31

[Immunizations](#)

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[International Exchange](#)

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