

Guidelines for Enrolling Students in Public Schools

When enrolling any student, local educational agencies (LEA) must follow procedures that do not discriminate on the basis of race, creed, color, sex, national origin, or disability. In light of the prohibition on national origin discrimination, LEA's in Ohio can only require the following documentation to enroll a student:

1. Proof of residency in the district;
2. For students under 18, proof that the student lives with the parents or legal guardian (as defined by the U.S. court system);
3. Proof of appropriate immunizations.

According to the decision of the U.S. Supreme Court in *Plyler v. Doe*, 457 U.S. 202 (1982), school district officials may not require children or their families to present documents relating to their immigration status, such as green cards, citizenship papers, etc. Also, school districts may not require that students present a Social Security number as a condition for enrollment.

Additional guidelines for school districts based on the *Plyler v. Doe* decision can be found at the following Websites:

- <http://www.americanpatrol.com/REFERENCE/PlylerVDoeSummary.html>
- <http://www3.ksde.org/sfp/esol/federallawandenglishlanguagelearners.htm>
(Summary in English of various court cases related to limited English proficient students)
- http://www.idra.org/IDRA_Newsletters/September_2000_Leadership_in_Diversity/Immigrant_Students'_Rights_to_Attend_Public_Schools/
(Summary in English and Spanish)

Student Visas

Student visas may be granted to students in foreign countries who make arrangements **before arriving to the United States to study in a specific school**. Students who are granted student visas by the U.S. government must abide by certain requirements. The following are the most common visas for students:

F-1 Visa

For an F-1 Visa, a student in a foreign country first must apply to study at a Bureau of Citizenship and Immigration Services (CIS)-approved school in the United States. When the student contacts a school that he/she is interested in attending, he/she should be told immediately if the school accepts foreign national students. If the student is accepted, the school should give the student a CIS Form I-20 A-B/ID (Certificate of Eligibility for Nonimmigrant (F-1) Student Status for Academic and Language Students). The student should take the CIS Form I-20 to the nearest U.S. consulate to obtain a student visa. The student also must prove to the consulate that they have the financial resources required for education and stay in the United States.

Additional restrictions for students on **F-1 Visas** are the following:

- Students who attend public high schools in the U.S. are limited to twelve months of study. Public school attendance in the U.S. prior to November 30, 1996 does not count toward this limit.
- F-1 visas can no longer be issued to attend public elementary or middle schools (Kindergarten - 8th grade) or publicly funded adult education programs.
- Before an F-1 visa for a public school can be issued, the student must show that the public school in the U.S. has been reimbursed for the full, unsubsidized per capita cost of the education as calculated by the school. Reimbursement may be indicated on the I-20. Consular officers may request copies of canceled checks and/or receipts confirming the payment as needed.

Sources: http://travel.state.gov/visa/temp/types/types_1269.html# and <http://www.ice.gov/sevis/>.

M-1 Visa

The M-1 category includes students in vocational or nonacademic programs, other than language training. Application guidelines for persons interested in applying for the M -1 Visa are similar to those of the F-1 Visa. However, the additional restrictions for persons with F-1 Visa as indicated above do not apply to the M-1 Visa.

J-1 Visa

Foreign Exchange visitors/students classified as J-1 have residence in a foreign country to which they plan to return. They come temporarily to the United States as visitors/participants in a program that has been approved by the U.S. The foreign exchange program sponsoring high school students who come to the U.S. on a J-1 Visa are required to enter into an agreement with a school district and arrange for host families in the community to house the student.

The J-1 visa also is for an exchange visitor program designed to promote the interchange of persons, knowledge and skills in the fields of education, arts and sciences. Participants include students at all academic levels; trainees obtaining on-the-job training with firms, institutions and agencies; teachers of primary, secondary and specialized schools; professors coming to teach or do research at institutions of higher learning; research scholars; professional trainees in the medical and allied fields; and international visitors coming for the purpose of traveling, observing, consulting, conducting research, training, sharing or demonstrating specialized knowledge or skills, or participating in organized people-to-people programs.

Additional information regarding student visas may be found on the following website:

- http://travel.state.gov/visa/temp/types/types_1268.html

J-2 Visa

This type of visa is issued to a dependent of a person in the United States on a J-1 visa.

Source: http://travel.state.gov/visa/temp/types/types_1267.html

Free Education

According to regulations in 22 C.F.R. Part 62 of the U.S. Bureau of Citizenship and Immigration Services (formerly, the office of Immigration and Naturalization Services), a person with a J-1 or J-2 visa **may** attend school tuition free. However, federal law does not mandate that a public school district admit and educate students on J-1 or J-2 visas without payment of tuition. Ohio law, specifically Ohio Revised Code Section 3313.64 (G), states that after approving admission of an exchange student, the local board of education may waive tuition for these students.

The decision about whether to admit the foreign exchange student and educate him or her tuition free is a local district decision. However, a child who has changed his or her status to that of a permanent resident alien from a J-2 nonimmigrant is entitled to a free public education in the district of residence.

Occasionally, school districts question whether they must enroll foreign exchange students or other students who have graduated from schools in another country. Ohio law (Revised Code sections 3313.64 and 3321.03) provides that school-aged children are entitled to attend public schools of their residence until they graduate. Thus, the right to a free public education ends upon graduation. If a student has graduated from high school in his or her home country, the student is not eligible to attend public schools in Ohio. However, districts are cautioned to evaluate the transcripts of these students carefully. Exiting a secondary school in another country might not be the equivalent of graduating high school in Ohio. For example, some countries have preparatory programs after secondary school. Completing the preparatory program may be the equivalent of high school graduation in Ohio.