

# Foreign Exchange Questions and Answers

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## **1. Can a district request a waiver to limit the number of foreign exchange students (FES) admitted to the district?**

The district can request a waiver as per Texas Education Code TEC §25.001 (e) to limit the number of FES it admits to the district.

## **2. What criteria can be used to limit the number of FES?**

According to TEC §25.001 (e)(1)(2)(3), the district may only limit the number of FES if the commissioner determines that the admission of an FES would:

- 1) create a financial or staffing hardship for the district;
- 2) diminish the district's ability to provide high quality educational services for the district's domestic students; or
- 3) require domestic students to compete with foreign exchange students for educational resources.

## **3. What is the process for obtaining a waiver?**

In order to obtain a waiver, a district must complete the Application for Expedited and General State Waivers which can be found on the Texas Education Agency (TEA) website at <http://www.tea.state.tx.us/waivers/cdd-106r06.doc>.

The commissioner will respond with an approval or denial letter no later than the 60th day after the date of receipt of the request.

## **4. For what period of time may the FES waiver be requested/granted?**

The district may request a waiver for up to three years and the Agency may grant the waiver not to exceed a period of three years.

## **5. Can the district reapply for a new FES waiver?**

The district may reapply for a new FES waiver at the end of the period in which the existing waiver will expire. An application for a new waiver should be submitted no earlier than May 1 of the year in which the currently approved waiver expires. A district that does not have a FES waiver may submit an application at any time.

## **6. What is the minimum number of FES that can be admitted into a district?**

A district may choose any number above zero as its limit. A limit of five or more per high school may be submitted for an expedited waiver. If the limit is less than five per high school, an application must be submitted for a general waiver. Only in the most compelling circumstances will a waiver request for less than five per high school be considered.

## **7. Which foreign exchange student organizations are considered nationally recognized?**

Districts may refer to the Advisory List of International Educational Travel and Exchange Programs outlined by the Council on Standards for International Educational Travel (CSIET). Visit the [www.csiet.org](http://www.csiet.org) to obtain the latest information. The United States Department of State may sponsor special government programs for foreign students that would not necessarily be listed in the Advisory List, but the students would be eligible to attend Texas public schools.

## **8. Can a district set its own procedures for admitting FES such as timelines for signing acceptance letters or last date to accept students?**

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A district may develop its own procedures as long as the procedures are not in violation of state or federal law. The U. S. Department of State federal J-Visa regulations permit the placement of exchange students up to August 31 of each year, but a district may adopt timelines with an earlier deadline. However, district timelines must be reasonable and may not work adversely against the admittance of FES into Texas public schools. If the district applies for a waiver, the local requirements must be submitted with the waiver application.

## **9. Can a school district show preference to foreign exchange organizations?**

The Agency concurs with CSJET that "the school reserves the right to work with exchange organizations that have proved their commitment and responsiveness, but will also be open to new organizations that demonstrate a serious commitment to the school and community." However, the district cannot reject an organization in order to deny admittance of foreign exchange students into the district. If the district applies for a waiver, the local requirements for selecting or excluding organizations must be submitted with the waiver application.

## **10. What is a School Acceptance Form?**

The school acceptance form is a form that a designated district official signs stating that it will accept the FES. The form is necessary for a student to be granted a J-1 visa.

## **11. If a district has filed a waiver with TEA to limit the number of FES in the district, does the district have to admit an FES if the waiver is still being processed?**

A district cannot deny admittance to an FES until the waiver process has been completed and the approved waiver is received by the district. After the district receives the approved waiver, the district must admit FES until it reaches its approved limit, not counting those FES that have already been admitted.

## **12. Does a district have to admit an FES if the district has reached its waiver limit?**

A district does not have to admit an FES into one of its schools under Section 25.001(b)(6) if the district has reached its waiver limit; however, if the student is residing in the district, the student may be entitled to admission under (b)(4) or another provision of Section 25.001

## **13. Must a district accept an FES if the student exchange organization shows up at school with the student or if the host family of an FES shows up at the school to register the student without any prior contact with the school or district?**

An FES organization must follow protocol and have the district sign the School Acceptance Form for the FES prior to the student's arrival in the district. However, if the student already resides in the district, the district must admit the student as per Texas Education Code §25.001 (b)(6). If the district has reached its waiver limit, the student may be entitled to admission under (b)(4) or another provision of Section 25.001.

## **14. Can an FES transfer from one district to another?**

An FES may enroll in a different district if the student is entitled to admission in that district under Texas Education Code §25.001(b)(6), (b)(4), or another provision of Section 25.001.

## **15. How does a district evaluate the transcript of an FES and what credits should be awarded?**

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Texas Administrative Code §74.26 (a) (2) Award of Credit states: "A school district must ensure that the records or transcripts of an out-of-state or out-of-country transfer student (including foreign exchange students) or a transfer student from a Texas nonpublic school are evaluated and that the student is placed in appropriate classes promptly. The district may use a variety of methods to verify the content of courses for which a transfer student has earned credit."

## **16. What is a J-1 Visa?**

A J-1 Visa is a non-immigrant visa that allows foreign exchange students to study in the United States if they are sponsored by a nationally recognized foreign exchange organization. Exchange students on this visa may stay for one year.

## **17. What is an F-1 Visa?**

An F-1 Visa is a non-immigrant visa that allows foreign students to study in the United States on a full time basis. These students are not sponsored by an exchange organization. This visa requires the school to complete an I-20 form (see following question).

## **18. What is an I-20 form?**

An I-20 form is a document needed by students seeking an F-1 Visa. A Texas school district must not complete this form as it requires the district to verify that the student has reimbursed the district for the full unsubsidized per capita cost of the student's education. Texas districts do not have statutory authority to accept such reimbursement. Due to this lack of authority, a public school may not complete an I-20 form, but a Texas private school may be able to do so.

## **19. Can a foreign student attend school in Texas when he enters the country with a tourist visa?**

A foreign student cannot attend Texas public schools on a full-time basis with a tourist visa as this would be in violation of his/her visa status. However, the school district cannot deny the student enrollment on the basis of his/her visa status. The student only has to demonstrate eligibility to enroll under a provision of TEC §25.001.

## **20. For PEIMS purposes, is an FES classified as alien or immigrant?**

For PEIMS purposes, an FES is classified like any other regular student.

## **21. Can an FES graduate from a Texas high school?**

An FES can graduate from a Texas high school as long as he/she completes the Texas graduation requirements including passing the End of Course Tests.

22. Does an FES have to take the Texas Assessment of Knowledge and Skills (TAKS)/STAAR if he/she does not wish to receive a Texas diploma? The district shall administer to a FES the state assessments for the grade level of the student's placement, except that a FES may be excused from the exit-level testing requirements if the student waives in writing his or her intention to receive a Texas public high school diploma. See the TAKS/STAAR Coordinator's Manual.

## **23. Can an FES graduate from a Texas high school if he/she has already graduated from high school in his country?**

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Texas Education Code §42.003 (a) states that "students may attend Texas schools if they are 5 years of age or older and under 21 years of age on September 1 of the school year and have not graduated from high school." If the student has graduated from high school in his home country, the student is not eligible to attend school in Texas. However, districts are cautioned to evaluate the transcripts carefully as some countries have different school systems which may indicate that the student has exited secondary school, but in reality the student has not graduated. Students exit secondary to enter the next tier of schooling. Whereas, the U.S. system has elementary, middle school/junior high, high school, another country could have elementary, secondary, preparatory. The district should evaluate the transcript based on equivalent education.

## **24. Can an FES participate in graduation ceremonies?**

A FES may participate in graduation ceremonies on the same basis as other district students, whether he is receiving a diploma or a certificate of completion as per TEC §28.025 (d).

## **25. What are the rights of an FES?**

A foreign exchange student admitted into a Texas public school has the same rights and privileges as Texas students and is held accountable for his/her actions.

## **26. Is an FES eligible for English as a Second Language (ESL) services?**

Exchange organizations are required to interview the FES and determine if the student has an acceptable level of English. If district identification assessment shows that the student is limited English proficient (LEP), the FES is eligible for ESL services as any other student who meets the qualification criteria.

## **27. Is an FES eligible for Special Education and 504 services?**

An FES student is eligible for Special Education and 504 services.