

Procedure 25

Reporting of Foreign Students

Data Elements: State Aid Category

Procedure

This procedure covers the Minnesota Automated Reporting Student System (MARSS) reporting for students who are citizens of a foreign country who seek to enter the U.S. It also includes a discussion on reporting students of families who are in the U.S. on green cards or work visas and eligibility for Postsecondary Enrollment Options (PSEO) for these students.

A foreign student with a J-1 visa who is enrolled in a Minnesota public school is eligible to generate state aid for the enrolling school as a resident of Minnesota as long as the cultural exchange program is registered with the Secretary of State's office. The student is considered a resident of the district in which the student enrolls. If the enrolling school is a charter school, the student is considered a resident of the district in which the student is living. The enrolling school reports the student on MARSS with State Aid Category (SAC) 02 if the exchange program is registered with the Secretary of State's office. If the program is not registered with the Secretary of State's office, report the student with a SAC 15.

A foreign student with an F-1 visa is required by federal law to pay the full cost of the instructional program and no state aid can be generated by the student. The student is considered a non-Minnesota resident. For MARSS, report Resident District Number 9998, Resident District Type 98 and SAC 15.

In either case, there is advance paperwork that is filed by the intended school of enrollment prior to the student's arrival and the enrolling school must be registered with the federal government. Contact the Office of Homeland Security for more information.

A foreign visitor with a B visa is considered to be in the U.S. under the criteria of tourism.

The student would be in the U.S. for the following reasons:

- tourism
- vacation (holiday)
- visit with friends or relatives
- medical treatment
- participation in social events hosted by fraternal, social, or service organizations
- participation by amateurs in musical, sports, or similar events or contests, if not being paid for participating
- enrollment in a short recreational course of study, not for credit toward a degree (for example, a two-day cooking class while on vacation)

The school is not obligated to enroll this child/youth and the child is not eligible to generate state aid. It is up to the school to decide if a child/youth on a B-1 visa can attend. Study for longer than a short time requires a different category of visa.

If the child/youth does attend, the school should either not report the visitor on MARSS because the visitor is not considered enrolled, or report the visitor with MARSS State Aid Category 15 so that no state aid is generated. The school could charge the family tuition under Minnesota Statutes, section 124D.02, subdivisions 2-4 but it is not obligated to charge tuition. Either way, no state aid should be generated.

Other Visas

Students can be in the U.S. under visas other than J, F and B. For example, R visa is for religious workers. There's nothing in state statute that would prohibit the family in the U.S. under other visas from enrolling their children in school. The family would be considered a resident of the school district in which the parent and student are living.

More information on U.S. Visas can be found on the U.S. Department of State, Bureau of Consular Affairs.

Other Considerations

The students of families in the U.S. on green cards or work visas are considered a resident of the district in which they are living with their parents. They are eligible to enroll as a resident student and generate state aid.

The enrolling school should determine the appropriate grade level under which to serve and report foreign students.

Many other visas cover families and regular residency determination applies. No student with a diploma is eligible to generate state aid unless they are enrolled under a J-1 visa.

State statute specifically prohibits J-1 students from participation in PSEO. Federal law prohibits F-1 students from generating state aid which leaves them ineligible for PSEO. Generally if a student is in the U.S. with their parent(s)/legal guardian under other visas and is able to generate general education revenue for the public school, the student would be eligible to participate in PSEO.