

Excerpted From U.S. Department of State – U.S. Department of Education “Frequently Asked Questions”

Legal Requirements for F-1 Foreign Students in Public Schools

Frequently Asked Questions

Restrictions on Attending Public Elementary and Secondary Schools

Congress passed a law in 1996 that placed restrictions on foreign students in U.S. public elementary (kindergarten through eighth grades) and secondary (grades nine through twelve) schools. Secondary school is also called high school. The restrictions are given below:

- prohibits foreign students from attending public elementary schools or publicly-funded adult education programs
- limits secondary school attendance to twelve months
- requires secondary school students to pay the school the full, unsubsidized per capita cost (cost for each student) of education

Can our school waive the tuition requirement for a deserving F-1 foreign high school student?

No. The law does not allow a foreign student in F-1 status to attend public secondary school without paying tuition. The student must pay the full, unsubsidized per capita (for each student) cost of education in all cases.

Can our adult education program continue issuing I-20s if we charge full tuition?

The law prohibits the issuance of F-1 visas to attend publicly funded adult education programs. Publicly funded adult education is defined as:

"education, training or English as second language programs operated by, through, or for a local public school district, system, agency or authority, regardless of whether such a program charges fees or tuition."

Programs under this definition can not accept students in F-1 status, even if tuition is charged.