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The official publication of the Maine Association of School Business Officials

Fall 2013

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How to get started:

Foreign students at public schools

Michael J. Murray, Esq.

The past decade has seen a marked upswing in the number of public high schools in Maine establishing foreign student programs. More than 15 schools have set up such programs and more than half of them were established in the past three years. The trend can be attributed to a growing awareness regarding the numerous benefits these programs can bring to a school, both culturally and financially.

Historically, foreign student placements were arranged via third-party cultural exchange programs such as the Rotary Club or the Council on International Educational Exchange using the J-1 Exchange Visitor Visa.

However, the current trend is for schools to become the direct sponsor of foreign students using the F-1 Student Visa.

A school must take certain procedural steps to become a certified foreign student sponsor and obtain visa clearance for foreign students. Also there are legal limitations and compliance matters inherent in the process.

The Process

The federal government's Student and Exchange Visitor Program (SEVP) governs oversight of foreign student spon-

Although recruitment agencies are usually beneficial to the process, schools are advised to vet the companies carefully as there may be little to no regulation of recruitment practices in the foreign country.

sorship and visa issuance. SEVP is jointly managed by the Department of Homeland Security and the State Department.

To be approved for foreign student sponsorship, a school must file an I-17, Petition for Approval of School for Attendance by Nonimmigrant Student with the Department of Homeland Security. The petition will solicit information and documentation to prove up the school's bona fides as a licensed academic institution. The petitioning process will also include a site inspection and interview component.

A representative from Immigration and Customs Enforcement will schedule an onsite inspection to confirm that the school has the facilities and academic resources to host foreign students and will also question the school official tasked with managing the program as to his or her knowledge of the

regulations and procedures related to foreign student sponsorship.

Once approved, the school may immediately begin sponsoring foreign students. The school must identify one or more Designated School Officials who will manage the foreign student program and interface with the government via its on-line program management platform known as the Student and Exchange Visitor Information System (SEVIS).

The dual purpose of SEVIS is to facilitate visa issuance to foreign students and closely monitor the immigration status and physical whereabouts of each foreign student who enters the United States.

The school must use SEVIS to inform the government of its intention to sponsor a student, process necessary visa documentation, and regularly report the academic and immigration status of each sponsored student.

Schools generally identify foreign student candidates with the assistance of recruitment agencies located in the student's home country. These agencies will also assist the foreign student through the visa issuance process at the U.S. Consulate abroad.

Although these agencies are usually beneficial to the process, schools are advised to vet the companies carefully as there may be little to no regulation of recruitment practices in the foreign country.

The school will use SEVIS to issue a Form I-20, Certificate of Eligibility, which will form the basis of the student's visa eligibility and U.S. immigration status upon arrival. The student will present the Form I-20, along with a host of other supporting documentation, to the Consulate and to Customs and Border Protection at the Port of Entry.

Finally, the school will confirm the student's arrival and registration for the academic term. For the remainder of the student's visit in the U.S., the school will be responsible for closely monitoring the student's whereabouts, academic performance, and immigration status and will be required to report these items to the

government via SEVIS.

Legal limitations


Special legal limitations will shape the scope of a foreign student program at a public high school. A federal statute restricts the attendance of a foreign student at a secondary school pursuant to an F-1 visa to 12 months, or, effectively, one academic year.¹ This limitation does not apply to private schools.

Also, the student and his or her family are legally obligated to pay the school for the full, unsubsidized per capita cost

of providing education at the school for the period of the student's attendance.²

Proof of this full-cost reimbursement is a pre-condition to issuance of the F-1 Student Visa. The one-year limitation significantly restricts the scope of the school's sponsorship. However, even one year of cost reimbursement per foreign student will significantly benefit the school financially.

Federal regulations detail a number
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Foreign students

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of additional requirements, including a qualifying admissions process, host family arrangements, training of school officials in visa and immigration rules, and establishment of partnerships with recruiting agencies and other vendors.³

These regulations, as well as the practical mechanics of hosting a foreign student in the U.S. far from home and family, will require the sponsoring school to develop thoughtful policies for the management of the program. Developing these policies and the on-going day-to-day oversight of the program require a long-term commitment by the school and the staff assigned to the project.

Summary

A school that decides to become a direct sponsor of foreign students using the F-1 Student Visa and SEVP will need to devote time and resources to developing a comprehensive Foreign Student Program, many aspects of which must hew closely to regulatory requirements.

Despite the initial challenges of establishing the program, opening a school's doors to foreign students is often very rewarding for the foreign students, the student body at the recipient school, the local community, and the administrators who make it happen. •••

Federal grant compliance

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guidance document as a "base" and then work in procedural details that would tie the manual in with policies and procedures at the individual district level. She hopes the subcommittee can begin its work in November.

Lambert's goal for the subcommittee is to complete a manual template by the end of the school year so that MeASBO members can begin using and building upon it in their own districts.

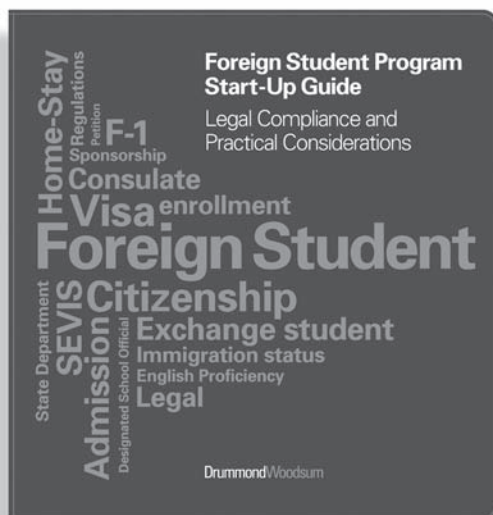
Neal's advice for districts?

"The biggest thing is, become aware," she said. "If you haven't attended ASBO or the other workshops, reach out to those who did, or reach out to me. Become aware of the expectations. Take them back to your district and start identifying areas of weakness. Because the feds say ignorance is no excuse."

The fiscal guidance working document, along with many other resources, is now available on the MDOE "Fiscal Review and Compliance" website at <http://www.maine.gov/education/audit>. Directly beneath the link is a date "last updated" so districts will always know when changes have been made to the document.

Neal also will use Commissioner's Updates, the MeASBO e-mail list and School Nutrition e-mail list to communicate changes to the document as they happen. •••

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