

TEXAS STATE TECHNICAL COLLEGE SYSTEM
SYSTEM OPERATING STANDARD

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DIVISION:	Educational Services	
SUBJECT:	Admission & Enrollment of International Students	
AUTHORITY:	Minute Order# 46-79	
PROPOSED BY:	<i>Original Signed by Francette Carnahan</i>	
TITLE:	Vice Chancellor for Educational Effectiveness	Date: 08/29/08
RECOMMENDED BY:	<i>Original Signed by Francette Carnahan</i>	
TITLE:	Vice Chancellor for Educational Effectiveness	Date: 08/29/08
APPROVED BY:	<i>Original Signed by Bill Segura</i>	
TITLE:	Chancellor	Date: 08/29/08

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 Approved BOR

POLICY

It is the policy of Texas State Technical College to 1) provide institutional admission to all lawfully admitted U.S. or State resident aliens on a nonarbitrary discrimination international basis, 2) to comply with federal and state regulations regarding international students and 3) to provide program and curriculum enrollment according to the standards and specifications of each college catalogue and procedure.

PERTINENT INFORMATION

1. The 14th Amendment of the Constitution of the United States provides all "persons" including lawfully admitted resident aliens of the United States equal protection of the law of the State in which they reside. It reads:

"Nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law."

2. Under traditional equal protection principles, a State retains broad discretion to classify its citizens as long as its classification has a reasonable basis.

The Supreme Court has on occasion upheld state statutes that treat citizens and non-citizens differently, the grounds for distinction being that such laws were necessary to regulate the distribution of the resources of the people of the State. To disqualify aliens is discrimination indeed, but not arbitrary discrimination, for the principle of exclusion is the restriction of the resources of the State to the advancement and profit of the members of the State. Such discrimination is not for that reason unlawful. Whatever is a privilege rather than a right may be made dependent on citizenship, and the right to a university education is not a fundamental right.

While a State (State court decision) has a valid interest in preserving the fiscal integrity of its public education program, it may not accomplish such a purpose by invidious distinction between classes of its citizens and an alien.

3. The highest court decisions regarding alienage and discrimination was a Court of Civil Appeals case of *Rosenstock vs. Board of Governors of the University of North Carolina*. The court said: "When considering equal protection clause allegations, the first question is whether the classification in issue involves a suspect criterion or a fundamental interest. The court has defined as suspect classifications, those based on alienage, national origin and race. If the allegation concerns a suspect classification, the appropriate rule for determining the validity of the claim is whether or not a compelling State interest exists for the classification.

The court has further held that a State University's policy of preferential treatment of in-State applicants was reasonable and does not violate the equal protection clause, in view of the fact that a State University is a State Institution of Higher Education, created for citizens of the State, and in view of the fact that the State University is supported by citizens of the State through taxes paid by citizens. The privilege of attending a State University on a preferential basis is one the State may grant solely to its own citizens without running aground of the privilege and immunity clause.

4. The Texas State Constitution provides the following equal rights statement: Article I-Section 3: "All free men when they form a social compact have equal rights and no man or set of men is entitled to exclusive separate public emoluments or privileges but in consideration of public services."

Equal protection of the law, however, does not prevent classifications in the law which

subject some persons to a form of regulation from which others are relieved, or confers upon some an advantage denied others. However, equal protection does create a test for the classification and requires such to be reasonable and not arbitrary. The classification must be based on reasonable grounds to promote the general welfare of the State. Conversely, if the classification brings about unjust, unreasonable, or arbitrary discrimination, it will be unconstitutional.

5. Section 135.01 (a) of the Texas Education Code states that "Texas State Technical College System is a coeducational two-year institution of higher education offering courses of study in technical-vocational education, for which there is a demand within the State of Texas."

Section 135.02 (b) states that "Texas State Technical College System shall contribute to the educational and economic development of the State of Texas by offering occupational oriented programs with supporting academic course work, emphasizing highly specialized advanced and emerging technical and vocational areas for certificates or associate degrees." Therefore, State statute has not classified or expressly relegated preferential admission to residents of the State of Texas.

6. Statute Section 54.057 states that any alien living in this country under visa permitting permanent residence has the same privilege of qualifying for residence status as has a citizen of the United States.
7. The U.S. Department of Justice, Bureau of Immigration and Naturalization Service has several regulations regarding foreign student by which an institution must process and admit applicants. See procedures (Appendix A).
8. Students enrolling at TSTC Harlingen who are residents of Mexico shall pay tuition equal to that charged Texas residents based upon demonstrating financial need as defined by the Texas Higher Education Coordinating Board.

DELEGATION OF AUTHORITY

It is the authority and responsibility of the Office of Admissions of each college to admit or deny admission of international applicants according to the approved System Operating Standards and the college operating procedures.

OPERATING REQUIREMENTS

A. Non-Sponsored International Students

1. Upon receipt of inquiry or request for admissions from a foreign national, the Office of Admissions will identify the application status of the person and provide all pertinent admissions and enrollment information. The applicant status can generally be categorized by the following:

- A. Foreign person in his home country.

- B. Foreign person in the United States on Tourist or Visitor Visa.
- C. Foreign person in the United States as a student requesting transfer.

A suggested procedure for processing each of the above is provided in Appendix A.

2. There are four categories of foreign student sponsorship in which almost all applicants or students exist. These are:
 - A. "J-1" (Exchange Visitor - U.S./Foreign Government Sponsored individual or group.
 - B. "F-1" or "M-1" (Non-Immigrant Student) Self or family sponsored individual.
 - C. "F-1" or "M-1" (Non-Immigrant Student) - U.S./Foreign Agency sponsored individual or group.
 - D. "F-1" or "M-1" (Non-Immigrant Student) - Foreign Government sponsored individual or group.

Unless the Institution has a contract or formal agreement with the applicant's agency or government sponsor, the admission process shall be as specified in college admissions procedure. Where a contract or agreement does exist, admissions procedures shall be as specified in the contract or agreement if different from the above.

3. English competency for U.S. citizens is recognized by the attainment of a high school diploma or the equivalent. International student applicants must demonstrate English competency. Each college, depending upon differing capabilities to accommodate international students, may establish a TOEFL score requirement for admission as a regular student within the range of 450 to 550.

TOEFL Exam Component	Accepted Score Range	Definition
Reading Skills	15-30	Intermediate to High
Listening Skills	14-30	Intermediate to High
Speaking Skills	2.5-4.0	Fair to Good
Writing Skills	25.-5.0	Fair to Good

The college TOEFL requirement should be contained in the college admissions policy and published in the catalog.

International students, enrolling in one of the TSTC/Laredo Community College partnership programs, may be admitted under individual approval based upon LCC procedures.

4. The excess cost (instructional or service) to mainstreaming international students may be a cost borne by the student according to established published college procedure. Excess cost of instruction and services must be specified and auditable.
5. International student enrollment in any regular program shall be limited to a ten percent maximum of the enrollment when the program is reaching its full enrollment capacity as established by college procedure.

B. Sponsored International Students

1. Unless otherwise stated in the contract, agreement or this System Operating Standard, the procedures for admission of non-contract sponsored international students are to be followed.
2. Unless specified in the contract or agreement, the time of enrollment into classes, program or curriculum and starting of classes shall be that regular enrollment and starting time of each program.
3. Unless otherwise specified in the contract or agreement, enrollment in a program or curriculum by two or more international students shall be at a secondary priority to U.S. citizens when the resources (faculty, training station or facilities) to provide training to all students is not available.

PERFORMANCE STANDARDS

Effective performance relative to the System Operating Standard will be assessed utilizing the following indicators:

1. Each college has on file written procedures for the admissions and enrollment of international students.
2. International applicants are processed according to the institutional and college procedures on a timely basis.
3. International students are informed of their admissions and enrollment status.
4. Faculty and staff are kept informed of institutional policy and procedures for servicing international applicants and students.

COLLEGE OPERATING PROCEDURE		
COLLEGE		Page 1 of
OFFICE OF RESPONSIBILITY:		
APPROVED BY:		
TITLE:		Date
FORWARDED TO SYSTEM OFFICE ON		

APPENDIX A

Admissions Procedures

I. Admission Documents Needed from All Foreign Applicants:

1. Student Immunization
2. Student Health Services Information Form
3. Housing Form (and deposit should accompany these documents)
4. Statistical Information Form
5. Affidavit of Support

NOTE: This form must have attached to it a conversion of monetary equivalencies in American dollars and cents and it must be notarized or their country's equivalent of a notary public should sign and stamp or impress their seal.

6. Transcripts from all previous educational experiences from secondary schools through any post-secondary educational institution.

All such transcripts, if in other than English language, must be accompanied with an attachment which translates verbatim the wording on each such document into the English language.

7. TOEFL scores which may be sent separately by the testing office.

SPECIAL NOTE: All forms and documents required must be official documents with all necessary signatures and seals. Documents may be copies only where there are original signatures and seals. Copies of documents with copied signatures and seals will not be acceptable.

- II. 1. Foreign person in his home country: In addition to I above, upon receipt of Form I-20, "Certificate by Non-immigrant Student..." for classification as "F-1" or "M-1" student status and acceptance letter to program desired (issued only after all requirements have been met fully including TOEFL Test Scores):
 - a. Proceed to Consulate/Embassy office for Form I-94, Arrival-Departure Record and Visa.
 - b. Make arrangements for transportation needs, and

- c. Proceed to TSTC in accordance with necessary arrival date shown on Form I-20.
2. Foreign Person in the United States on Tourist or Visitor Visa:

In addition to I above, proceed to closest immigrant office with Form I-20 and obtain Form I-506 "Application for Change of Non-immigrant Status" and have status changed from - Visitors for Pleasure" to Non-immigrant Student" status.
3. Regulations of U.S. Department of Justice, Immigration and Naturalization Service:
 - a. All foreign students must at all times carry a full load.
 - b. No foreign student may participate in our Co-op program as it does not constitute full-time attendance credit hour-wise and is not considered practical training from the view of the Immigrations Office in addition to the fact that he will not be permitted to work off-campus in that program.

NOTE: Since many of our programs participate in the Co-op program and do not offer course during the Co-op term, some of the foreign students may have to take support courses and/or electives on a full-time basis during such terms. It may also cause them to request an extension of stay for an additional term which can be request via Form I-538 available in the Foreign Student Advisor's Office.

All foreign students who are attending TSTC are required to maintain satisfactory progress according to TSTC's satisfactory progress policy. Any student not maintaining satisfactory progress for any reason other than a correctable language problem will be deported if the immigration office deems it necessary.