



A Union of Professionals

Importing Educators

CAUSES AND CONSEQUENCES OF
INTERNATIONAL TEACHER RECRUITMENT





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A REPORT FROM THE AMERICAN FEDERATION OF TEACHERS

Table of Contents

Executive Summary	5
The Big Picture	
Baltimore—A Case Study in International Teacher Recruitment	8
Teacher Shortage	9
The Numbers	
H-1B Work Visa	11
J-1 Exchange Visa	12
The Missing Pieces	13
The Process	
The Role of Recruiters	14
Recruiter Profiles	15
<i>Visiting International Faculty</i>	15
<i>Teachers Placement Group</i>	15
The Dangers	
Alien Smuggling and Visa Fraud	17
Indentured Servitude	18
Indefinite At-Will Status	18
Teacher as Temp	18
Unequal Benefits	19
Culture Shock	19
Communication Barriers	20
Company Housing	20
The International Impact	
The Human Toll	21
The Philippines: A Labor Exporting Economy	22
Comparison to the Health Sector	23

The Way Forward
Alternatives25
Recommendations25
 Standards26
 Data26
 Mentoring27
 Conclusion27

Appendix
State-by-State Data on Labor Certification Applications29
Designated J-1 Exchange Sponsors.....33
Commonwealth Teacher Recruitment Protocol.....34

Endnotes41

“On the international level, UNESCO estimates that 18 million new teachers are needed by 2015 to meet ‘Education for All’ goals and ensure universal access to primary education for students in all countries in the world.”

Executive Summary

IN NEARLY EVERY DIVISION the AFT represents, an increasing number of our members are coming from other parts of the world. Whether in schools, hospitals, universities or public institutions, the trend toward hiring overseas-trained workers is expanding and carries with it serious and unexplored consequences. The AFT has launched a study of highly skilled worker migration trends and their impact.

This report focuses on the little-known but growing practice of international recruiting for jobs in America's primary and secondary schools. Key findings include:

- an estimated 19,000 teachers were working in the United States on temporary visas in 2007;
- the number of overseas-trained teachers being hired in the United States is increasing steadily;
- essential federal data for studying this trend is not available for public analysis;
- abuses of overseas-trained teachers have been widespread and egregious;
- for-profit recruiting practices are almost entirely unregulated;
- extensive recruitment hampers quality education delivery in sending countries; and
- root causes of U.S. teacher shortages are masked by international recruitment practices.

It should be recalled that nurse migration to the U.S. began as a small and seemingly innocuous trend in the 1950s. In 2002, one in three nurses hired in the U.S. was foreign educated.¹ Such trends in the health sector may foretell what is to come in education without thoughtful intervention. Now is the time to consider how the system of international teacher migration should be regulated to ensure fairness and quality education worldwide.

Many overseas-trained teachers are AFT members. We value the contribution they are making to the U.S. education system and are committed to ensuring that they have effective union representation and effective professional development and mentoring support.

In addition, the AFT perceives a pressing need for the following responses to emerging teacher migration trends:

- the development, adoption and enforcement of ethical standards for the international recruitment of teachers;
- improved access to the government data necessary to track and study international hiring trends in education; and
- international cooperation to protect migrant workers and mitigate any negative impact of teacher migration in sending countries.

The information presented in this report highlights the need for a renewed commitment to making hard-to-staff schools more desirable places to teach and learn. The AFT believes a range of programs should be implemented to ensure that qualified, talented teachers enter the profession and receive the support they need to succeed in the classroom. Among the teacher recruitment strategies developed should be channels to help those currently working in our schools as paraprofessionals attain full teacher certification.

We hope that this report will generate discussion and action from education stakeholders on this important issue. Shaping positions on international teacher migration will require careful consideration of the future of the teaching profession, as well as of local and global justice issues.

The Big Picture

“It is the responsibility of the authorities in recruiting countries to manage domestic teacher supply and demand in a manner that limits the need for resort to organized recruitment in order to meet the normal demand for teachers.”

—COMMONWEALTH TEACHER RECRUITMENT PROTOCOL

TEACHER MIGRATION is an important new trend for the United States education system that has been emerging rather quietly over the past decade. Unwilling or unable to address the root causes of a growing teacher shortage, public school systems around the country have begun importing teachers to meet their staffing needs. Overseas-trained teachers are being recruited from nearly all corners of the globe and are being placed primarily in hard-to-staff inner-city or very rural schools teaching the hard-to-fill disciplines of math, science and special education. Despite being highly qualified teachers in their own countries, many migrant teachers struggle with the very different challenges of America’s schools. Moreover, they are ripe for exploitation by for-profit recruiters who have found yet another way to extract private profit from a public system.

For decades, industrial workers have been hard hit by globalization as their jobs are shipped overseas to places with lower wages and working conditions. Today, teachers and other professionals are beginning to feel the impact of globalization in a new way. The reserve pool of labor has become global, and employers are increasingly able to search on any continent for workers willing to accept the wages and working conditions on offer in our local communities. These recruitment practices have a potential impact on the quality of services provided not only in American schools but also in schools around the world.

The increased mobility of teachers is a trend driven by a host of causes and effects. The international recruitment process brings with it the potential for serious abuse of overseas-trained teachers, who are often the profit point in the industry. In most cases, migrating teachers pay high fees to recruiters for placements, and many have become victims of abuses ranging from visa fraud to substandard housing to inequitable distribution of benefits. For any response to this trend to be constructive, it must draw a

“Unwilling or unable to address the root causes of a growing teacher shortage, public school systems around the country have begun importing teachers to meet their staffing needs.”

careful distinction between the migrant teachers themselves, whose efforts and intentions are laudable, and the very real frustrations and concerns generated by the largely unregulated practice of international teacher recruitment and those who profit from it.

This report will outline some of the most fundamental causes and consequences of international teacher migration and recommend a proactive course of action for the AFT and other stakeholders to initiate. As a starting point, it is instructive to consider one city's experience with a rapid pattern of overseas recruitment.

Baltimore: A Case Study in International Teacher Recruitment

In 2005, Baltimore City Public Schools hired 108 teachers from the Philippines to help meet staffing shortages. These recruits were placed primarily in schools labeled “persistently dangerous” by the state of Maryland.² Just four years later, more than 600 Filipino teachers are working in Baltimore, constituting nearly 10 percent of the city's teaching force. These overseas-trained teachers are fully covered by the district's teaching contract and are members of the Baltimore Teachers' Union.³ Each of them paid between \$5,000 and \$8,000 to a recruitment agency for their placement in Baltimore. The district incurred no extra costs for hiring them. In fact, the recruitment agency paid for multiple trips to Manila for human resources officials, with accommodations in luxury hotels.⁴ The majority of these teachers live together in several apartment buildings, where they form a tight-knit community.

This rapid change in the makeup of Baltimore's teaching force was facilitated by a recruitment firm that offers a very attractive package to the district's human resources department. Rather than attending job fairs throughout the Mid-Atlantic, trying to persuade reluctant American teachers to accept positions in troubled inner-city schools, HR officials can meet all their hiring needs in one trip. At a single career fair in Manila, they can interview hundreds of pre-screened applicants, each of whom is eager to pay for the opportunity to work in Baltimore city schools.⁵

While Avenida International Consultants undoubtedly offers the Baltimore school system an attractive deal, it is important to keep in mind that teachers from a developing country are the profit point in this recruitment model. The fees those migrating teachers pay their recruiter fund round-the-world flights for government officials from the wealthiest country on earth. Such arrangements violate many international standards for ethical recruiting and create powerful incentives for school officials to rely on this model for filling positions.⁶

The Baltimore example gives a good indication of the speed with which reliance on international recruitment can take root. A number of other counties in Maryland have adopted similar hiring practices, and more than 1,200 Filipino teachers are estimated to be working state-wide in 2009. One Baltimore official was quoted as saying that recruiting domestically is almost a waste of time.⁷

Baltimore, of course, is just one of many urban and rural systems throughout the country that are relying on overseas-trained teachers to staff schools. Many cities, such as New York, have been recruiting abroad for much longer, from a wider array of countries, and with a larger total number of overseas-trained teachers working in the system. Indeed, overseas-trained

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teachers are being hired in nearly every state in the union from nearly every country in the world under many different types of arrangements. The questions raised by this trend are numerous:

- Are these teachers temporary workers, or will they remain in the United States on a permanent or semi-permanent basis?
- What are the biggest challenges they face?
- What impact does their migration have in their home countries?
- Do international hiring practices decrease pressure for the improvement of wages and working conditions necessary to attract qualified U.S. teachers into these positions?
- Who are the major recruiters and what tactics do they employ?
- What forms of support do overseas-trained teachers need most?

Few of these questions have simple answers. The AFT has begun to take steps to develop a clearer picture of this trend and suggest responses to it.

Teacher Shortage

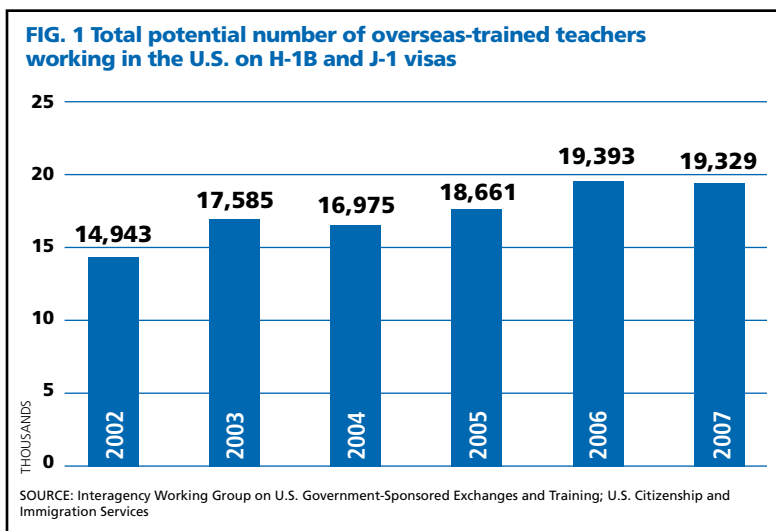
The AFT estimates that 200,000 new teachers need to be hired each year, 70,000 of them into high-poverty urban areas. Furthermore, the U.S. Department of Education's 2007 Teacher Shortage Areas Nationwide Listing report finds that geographic and content specialty shortages currently exist in nearly every state.⁸ California alone estimates a shortage of 100,000 teachers over the next decade, while enrollments in teacher certification programs are dropping.⁹ Given these realities, international teacher recruitment trends are likely to proceed even in an economic downturn.

Due to the decentralized structure of the U.S. education system, teacher shortages are most often experienced and addressed at the local level. International teacher recruitment offers administrators at the local level a stop-gap measure that relieves their immediate concerns, but also relieves the pressure on officials at the state and national level to address the root causes of teacher shortages and find domestic solutions.

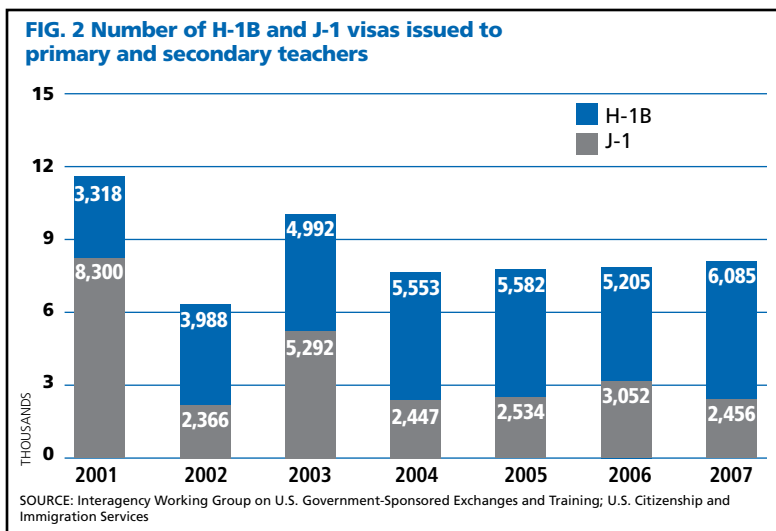
On the international level, UNESCO estimates that 18 million new teachers are needed by 2015 to meet Education for All goals and ensure universal access to primary education for students in all countries in the world.¹⁰ These estimates are developed based on class size targets set for the developing world. International recruitment by developed countries, including the United States, could undermine achievement of these goals by hiring away increasing numbers of the best and brightest teachers from countries that can ill afford to lose them.

The Numbers

IN 2003, the National Education Association issued a study on trends in international teacher recruitment. The author, Randy Barber, estimated that in 2002 there were 14,943 overseas-trained teachers working in the United States on visas, with 10,012 working in public schools.¹¹ These figures have subsequently been cited in nearly every news story about teacher migration.



In 2009, it is high time to update the numbers on this trend and track its progress. However, the necessary government data is difficult to access. Based on the most recent years for which we are able to review data, we see a steady upward trajectory since 2002. Using the same calculations Barber employed, we see a nearly 30 percent increase in the number of overseas-trained teachers working in the United States in five years' time. (see Fig. 1)



There are two primary ways that overseas-trained teachers gain eligibility to work in the United States. One is a work visa, or H-1B, the other is an exchange visa, or J-1. Each channel is described in more detail below. As the work visa is good for three years, Barber's calculations assume that a teacher issued an H-1B visa will use it for the full three years. Anecdotal evidence indicates that this is a sound general assumption, as most overseas-trained teachers working in the United States on H-1B visas seem interested in staying for as long as possible. However, many factors could affect a teacher's ability to stay for the full three-year period, and at this point we have no precise way to determine how long they remain in the United States. For that reason, we have also tracked the number of visas issued each year in Fig. 2 at left.

H-1B – The Work Visa

The H-1B nonimmigrant visa is for employers seeking to hire foreign workers in a specialty occupation that “requires theoretical and practical application of a body of highly specialized knowledge, along with at least a bachelor’s degree or its equivalent in the specialization.”¹² Each visa is for three years and is renewable once. After the visa expires in the sixth year, the worker must remain outside of the United States for one year before another H-1B can be approved for him or her.

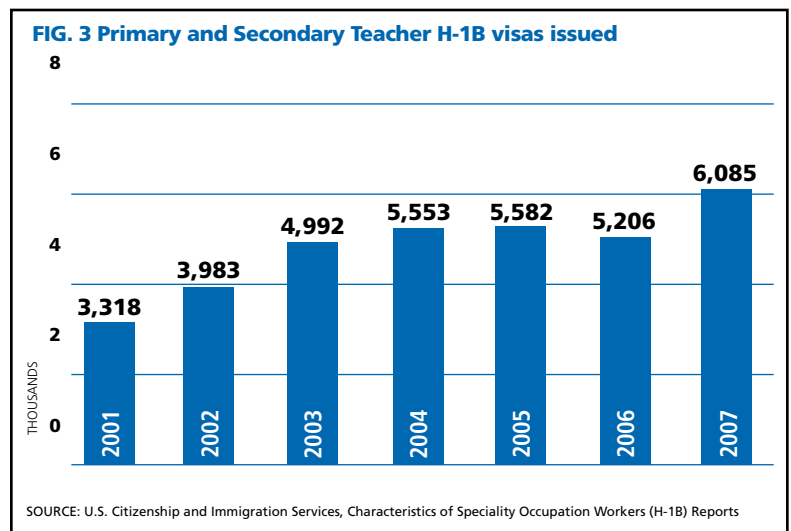
There is a cap of 65,000 new H-1B visas that can be issued per year, though primary and secondary schools have a possible exemption to the cap. Federal legislation grants exemptions to institutions of higher education, nonprofit and government research institutions, as well as to institutions related to or affiliated with them. In 2006, a public school district in Texas sought an H-1B visa exemption for a bilingual education teacher, who would be hired through an alternative certification program that allows Texas public schools to hire migrant teachers under a probationary teaching certificate. This program has migrant teachers work a two-month teaching internship in a public school, while completing training and evaluation through a college or university. The case went to the USCIS Administrative Appeals Office, which found that one essential purpose of the higher education was to train primary and secondary teachers and that if migrant teachers were brought in on an H-1B for an alternative certification program controlled by an institution of higher education, they could be cap-exempt for the duration of the alternative certification program.¹³ The case has since been liberally used as precedent to establish cap-exemptions for other public school districts.

U.S. Citizen and Immigration Services is required by law to release data on the total number of H-1B visas issued and renewed every year for elementary and secondary teachers in an annual report titled “Characteristics of Specialty Occupation Workers (H-1B).”¹⁴ However, a full report has not been released since 2005. The available data shows a steady upward trend in the number of H-1B teachers being hired (See Fig. 3 at right).

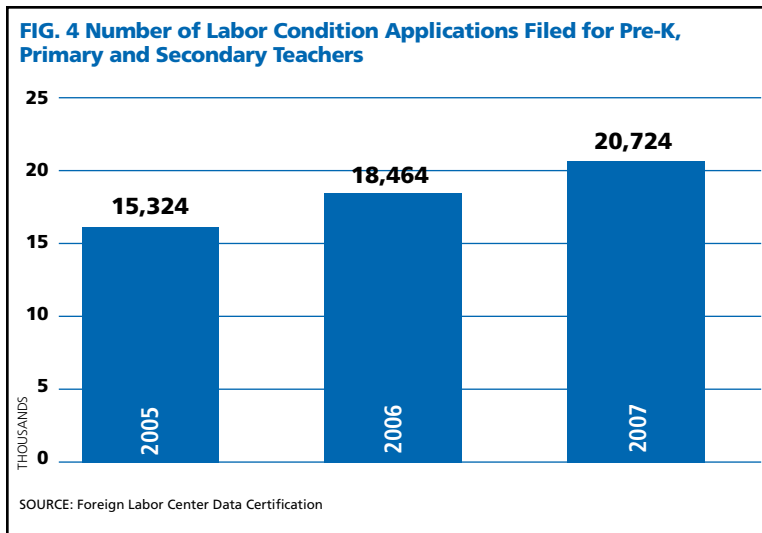
Note: These numbers do not signify how many total teachers are in the United States working on an H-1B. Instead they represent the number of new or renewed three-year visas issued in a given year. To hire an H-1B worker, the employer must first file a Labor Condition Application (LCA, Form ETA 9035) with the Department of Labor through an online system. There are four requirements for LCA approval:

- Employers must pay H-1B workers the greater of the actual wage rate or the prevailing wage.
- The hiring of H-1B workers must not negatively affect the working conditions of similar workers in the area in which the H-1B worker would be employed.
- The employer cannot be involved in a strike or lockout at the time of filing the LCA.
- The bargaining representative in the occupation area in which the H-1B workers will be employed has to be notified of the LCA’s filing. If there is no bargaining representative, notice should be posted in at least two noticeable locations for 10 consecutive days within 30 days of submission.¹⁵

“We see a nearly 30 percent increase in the number of overseas-trained teachers working in the United States in five years’ time.”



Approval of the Labor Condition Application is automated and will be granted within minutes of submission as long as the information provided is complete. Once certified, a copy of the signed, certified ETA 9035E must be maintained by the employer in its files and made available to the public for one year after the last date any H-1B worker is employed under the LCA.¹⁶



The Department of Labor has contracted with the state of Utah to maintain a downloadable, searchable database of LCA information. Because official H-1B data is difficult to access and disaggregate, another way to track the international teacher migration trend is through the number of Labor Condition Applications submitted by schools. In 2007, there were 20,724 LCAs for the employment of Pre-K, Primary, Secondary and Special Education teachers (see Fig. 4), resulting in 6,085 H-1B visas issued to teachers in 2007. The Department of Labor estimates that a third of all LCAs result in visa issuance.¹⁷ The LCA numbers are an indicator of intent and interest by employers to hire overseas-trained teachers. By state, the top 10 applicants for 2007 are shown in Fig. 5 at left.

FIG. 5 Top Ten States Submitting Labor Condition Applications for Teachers, 2007

Texas	4,556
Georgia	4,434
New York	2,195
Maryland	2,012
California	2,008
New Jersey	930
Florida	627
North Carolina	404
Massachusetts	393
Virginia	349

SOURCE: Foreign Labor Certification Data Center

For a complete breakdown by state of how many LCAs were filed for overseas-trained teachers from 2002 through 2007, see the Appendix.

J-1 – The Exchange Visa

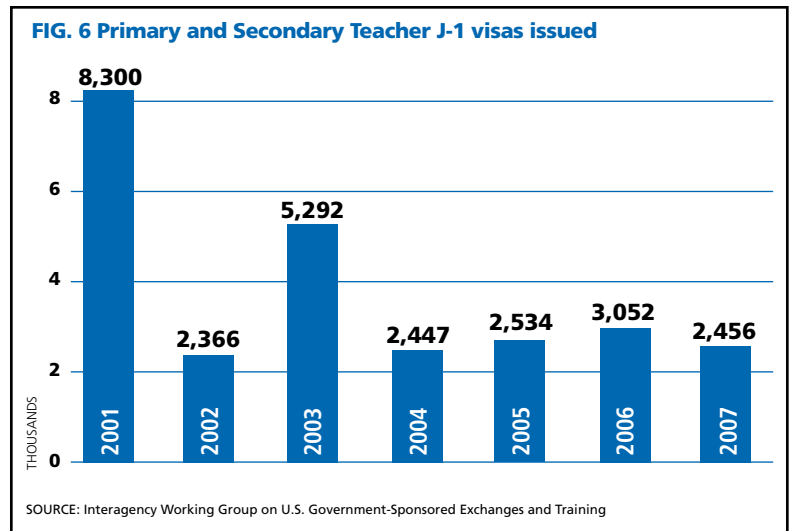
The J-1 Visa is a nonimmigrant visa for the Exchange Visitor Program of the U.S. Department of State. There are 15 program categories through which exchange visitors can come to the United States, “Teacher” being one. The J-1 Visa is a one-year visa that is renewable twice, for a total of three years. After three years in the United States, the majority of J-1 teachers must return to their home country for two years to fulfill a residency requirement.¹⁸

The J-1 visa is meant to facilitate cultural exchange, but is not actually reciprocal in nature. Incoming teachers are to expose American students to their home cultures, while learning and taking back American culture to their own countries. To be eligible for the program, teachers must meet the following qualifications:

- be a primary or secondary teacher in their last legal residence;
- satisfy the standards of the state in which they will be working;
- be of good reputation and character;
- want to teach primary or secondary school in the United States full-time; and
- have a minimum of three years teaching experience.¹⁹

The number of J-1 teacher participants is reported by the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training yearly in their Inventory of Programs report. This number dropped markedly after September 11, and has fluctuated over the past five years (see Fig. 6).

Each J-1 teacher must be brought to the United States through a Department of State designated sponsor. Agencies eligible to be sponsors are U.S. local, state, and federal government agencies, as well as certain academic institutions and cultural organizations. Eligibility rests on the agency's ability to demonstrate that it can consistently comply with the program's regulations and meet its financial obligations related to the program. Sponsors, except for federal agencies, must have at least five exchange visitors per calendar year, who participate for at least three weeks. Sponsors screen and select program participants, provide pre-departure information and orientation, and monitor participants.²⁰ Currently there are 64 designated teacher sponsors.²¹ For a detailed list, see the Appendix.



The Missing Pieces

Lack of access to current data significantly hinders efforts to understand the scope of this trend. Moreover, the data that has been made public has not been shared in a way that allows it to be disaggregated. Therefore, we still have no clear picture of:

- where overseas-trained teachers are working within the United States;
- which countries overseas-trained teachers are coming from;
- what types of teachers are coming to the United States (age, gender, education level, content specialization, etc.); and
- how long overseas-trained teachers stay in the United States after receiving an initial visa and what percentage acquire permanent residency status.

The Process

THE TERM MIGRATION, in its broadest sense, simply refers to the process of moving from one location to another. Human migration is by no means a new phenomenon. Throughout history, people have migrated for many reasons, often over long distances, and at times in large groups. For the purposes of this report, we are focused on migration that crosses national borders and is motivated by work.

Scholars of migration patterns attempt to identify what they call the “push” and “pull” factors causing people to relocate. A push factor is the force driving a person to consider leaving home. A pull factor is an enticement to select another place to live or work. When studying worker migration, the following push and pull factors are often identified:

Push Factors

- Low compensation and benefits
- Family obligations
- Political instability
- Graft and corruption
- Poor working conditions
- Poor living conditions
- No job security
- Not enough jobs

Pull Factors

- Higher compensation and benefits
- Family ties
- More job opportunities
- More political, economic, social stability
- Better living conditions
- Better working conditions
- Professional development interests
- Desire to see the world

The Role of Recruiters

While these factors can be powerful motivators themselves, there is an additional force accelerating teacher migration trends: profit-driven recruitment agencies. Recruiters have a financial interest in making the “pull” factors seem as tempting as possible and may mislead teachers by encouraging inflated and inaccurate expectations about life in a country like the United States. Potential recruits may learn, for instance, of the comparatively high salaries they could earn in the United States, but receive no information about income tax rates or the cost of living.²² They may also make their decisions to migrate without ever learning about the very different challenges of teaching in American schools. When recruiters aggressively attempt to persuade teachers of the benefits of working in the “land of milk and honey,” they become a pull factor unto themselves. This is a dangerous dynamic that leaves teachers vulnerable to manipulation and exploitation.

In addition to persuading teachers of the attractions of working in the United States, recruiters actively work to persuade school systems of the value of hiring overseas-trained teachers. There are an estimated 33 international recruiters working with U.S. schools, and the pitches and packages they offer to schools vary widely.

The two main profit points in the international teacher recruitment industry are the schools and the teachers. Most recruitment firms make their money from one source or the other, although a few require payment from both employer and employee. In exchange for fees ranging from \$3,000 to \$13,000, recruiters may prescreen qualifications, schedule interviews, secure visas, arrange flights and housing, or even conduct orientations. Avenida International Consultants, one of the firms working in Baltimore, is an example of an operation that makes its money from teachers. (See page 8 for details.) Visiting International Faculty utilizes a school-based fee structure, and Teachers Placement Group charges both teachers and schools. These recruitment firms are profiled below to illustrate the various models.

Visiting International Faculty

Visiting International Faculty (VIF) is the largest recruiter bringing teachers to the United States on J-1 visas. VIF considers itself a cultural exchange program with a mission to get at least one international teacher in every school in the United States. It places an estimated 1,600 teachers per year from 50 countries in more than 1,000 U.S. schools, mostly in the Southeast.²³ Similar to dating sites, interested school districts, after receiving a password, are able to view online the resumes, credentials and video interviews of recruited and screened teachers before deciding which teachers to hire.

In the VIF model, school districts pay a fee for the placement service, generally about \$12,500 per teacher.²⁴ Teachers are required to take out a relocation loan, with no interest and paid on a monthly basis. In addition, until a few years ago, teachers were required to lease and insure cars via VIF-affiliated companies.²⁵

The employer of VIF teachers varies district by district. Sometimes the overseas-trained teachers work for the school district, as would any other teacher. In other instances, they are employed by VIF. Regardless of who serves as the employer, VIF reserves the right to terminate a teacher's visa at any time, which effectively terminates their employment as well.²⁶

Teachers Placement Group

Teachers Placement Group (TPG) is based in Plainview, N.Y. and was started in 1999 to recruit teachers from India to work in U.S. schools. By the beginning of 2001, the company had recruited teachers for several school districts including those in Philadelphia and Chester Upland, Pa.; Cleveland, Ohio; and Newark, N.J. Each school district sent representatives on recruiting trips to India, with all expenses paid by TPG.²⁷ In India, school district officials interviewed and hired prescreened candidates. The districts were charged \$4,000 per teacher, and each teacher was charged \$5,000 plus a portion of their salaries for the three years they were to teach in the United States. TPG was to provide orientation for the teachers once they arrived in the United States and help them find housing.²⁸

Recruiting cities had the option either to employ the teachers directly or to have TPG be the employer and the teachers contracted to the schools. Cleveland chose to be the employer, so the Indian teachers were part of the Cleveland Teachers' Union.²⁹ This move was vitally important, as it provided the Indian teachers with a place to turn with their concerns regarding the contract they were required to sign with the recruiter. The stipulations in TPG's contract with the teachers bordered on indentured servitude. One clause required teachers to pay TPG \$15,000 if they returned to India in the first year of the contract,

“Recruiters have a financial interest in making the ‘pull’ factors seem as tempting as possible and may mislead teachers by encouraging inflated and inaccurate expectations.”

\$10,000 if they returned in the second year and \$7,500 in the third. The union was outraged by these provisions and pressured the school district to stop payment on the \$180,000 check they had written to TPG to pay for the 42 teachers. The school district paid TPG only \$45,000, with the rest to be paid in the next year. They required that that clause be removed from the contract and also forced TPG to assist the teachers in bringing their families to the United States.³⁰

The TPG-employed teachers in Philadelphia weren't so lucky. The teachers were dissatisfied with their salaries, were not told about income taxes prior to their first paycheck, and had less than comprehensive health insurance. But they were not able to negotiate, as they were employees of TPG, and therefore not covered by the collective bargaining agreement.³¹

Although the teachers in Newark were employees of the school district, they still faced problems with TPG. In May 2002, 15 teachers asked the Newark Teachers' Union to help them invalidate a contract they said TPG forced them to sign that obligated them to pay 25 percent of their salaries to TPG. The teachers claimed that TPG threatened to revoke their visas if they refused to sign the contract.³² The Department of Labor's Wage and Hour Division completed an investigation and originally fined the company's leaders \$120,000 for discrimination, failure to pay wages required under federal law, and non-compliance with immigration law. TPG was also originally required to pay \$187,546 in back wages to the teachers. However, the company contested the decision and all charges against TPG were dismissed and the fines TPG had to pay were reduced to \$3,050 per teacher.³³

Despite this troubling history, in 2006 the Connecticut Department of Education began working with TPG to develop a Visiting International Teachers program, which brings Indian math and science teachers to Connecticut on three-year contracts. Three school districts, Bridgeport, Bloomfield and Hartford, have signed up for this program.³⁴

The Dangers

THE AFT HAS CONDUCTED a review of teacher migration news coverage from around the country, compiling more than 300 articles, human interest features and editorials. Surveying the coverage of foreign teachers coming to and working in American schools makes clear that this trend takes many different forms and has varying challenges and benefits depending on circumstance. There are as many as 33 private recruiters in the market, all with different policies, practices and target countries. The way teachers get here varies widely, as does their degree of professional success once they arrive.

Within this diverse landscape, a number of alarming stories emerge. The examples highlighted here are intended to serve as caution signs and guide us in anticipating the types of dangers from which we must protect overseas-trained teachers. A summary of some dangers is offered below.

Alien Smuggling and Visa Fraud

In 2004, the recruiting companies Omni Consortium, Multicultural Professionals and Multicultural Education Consultants were indicted on charges of conspiracy to commit alien smuggling, visa fraud, mail fraud and money laundering.³⁵ These charges stemmed from allegations that, starting in December 2001, they enticed and recruited teachers from the Philippines with promises of teaching jobs in the United States, permanent residency status, and the ability to bring their families to the U.S. In reality, out of the 273 teachers recruited, fewer than 100 actually had a teaching job waiting for them when they arrived in Texas.³⁶

The teachers paid as much as \$10,000 for the recruiters' services, many times through loans offered by the recruiters. These loans were for 18 months, with a 5 percent interest rate that compounded monthly, translating into an annual interest rate over 60 percent.³⁷ If a teacher missed a payment, an additional 15 percent was tacked on to the interest rate. The teachers were also required to have a co-signer on the loans who resided in the Philippines, against whom charges could be filed if the teacher missed two or more payments.³⁸

The teachers were housed in unfinished properties in groups of 10 to 15 and had to ask permission to leave the housing. They were forbidden to own any form of transportation. The recruiters confiscated the teachers' original transcripts, certifications and credentials so that the teachers could not find jobs on their own. The teachers were also told that they would be deported if they tried to find their own job or complained about not having a job.³⁹

The recruiters pled guilty to conspiracy to defraud the United States in exchange for the dismissal of all other charges. They were sentenced to a mere three months probation for these crimes.⁴⁰ Three El Paso school administrators were also indicted in this case, charged with Conspiracy to Commit Interstate Transportation in Aid of Racketeering because they accepted all-expenses-paid recruiting trips to the Philippines and China.⁴¹

Indentured Servitude

The international recruitment process often dictates that migrating teachers sign two contracts, one with the recruiter and one with the employer. The recruiter contract is often signed in the home country, before seeing the provisions of the employer contract and before acquiring union representation.⁴² This system blurs the lines between the recruiter and the employer and greatly increases the chances of teacher exploitation. The most egregious known case of indentured servitude contract language was reported in the profile on Teachers Placement Group (see pages 15-16 for details).

Indefinite At-Will Status

Details from a contract between Visiting International Faculty and the San Jose Unified School District underscore the vulnerable status of many migrant teachers. The most troubling aspect of that contract follows:

The district and the teacher acknowledge that, under the Exchange Visitor Program, VIF is authorized “to unilaterally terminate teacher’s participation in the program should teacher perform in a manner that is deemed contrary to the VIF Program’s objectives, rules and regulations.”⁴³

To be clear, this means that the recruiter has as much right to fire the teacher as the employer. The contract further stipulates that if VIF terminates a teacher’s employment, the teacher’s visa will be terminated as well. Moreover, “VIF may terminate teacher’s visa at any time for any or no reason and without notice.”⁴⁴ VIF teachers in San Jose do have the right to be members of the bargaining unit, however, given this clause, the only real protection the union could provide would be symbolic.

Teacher as Temp

Last fall, Florida Atlantic University brought 16 highly qualified math and science teachers to St. Lucie County from India for a cultural exchange program. They were to serve as interns and teach in local schools. Because they were labeled as “interns,” the school district paid only \$18,000 per teacher for their services, well below prevailing wage.⁴⁵ Moreover, those wages were paid to Florida Atlantic University rather than to the teachers themselves. The “interns” ultimately received a mere \$5,000 each for their year of service.

Similarly, in some instances, teachers recruited by Visiting International Faculty are actually employed by VIF and not by the school system.⁴⁶ This “body shop” model of placing teachers in public schools who are not actually public employees is highly problematic. The practice jeopardizes the safety of the teacher, the student and the system by completely blurring what ought to be clear lines of accountability. All

“All teachers working within one school system should have the same requirements for certification, the same performance expectations, the same benefits and the same employer. These are fundamental union principles and should also be fundamental public expectations.”

teachers working within one school system should have the same requirements for certification, the same performance expectations, the same benefits and the same employer. These are fundamental union principles and should also be fundamental public expectations.

Unequal Benefits

The NEA's report on trends in foreign teacher recruitment contains contract language from one local union that includes a specific article regarding overseas-trained teachers. This language includes a number of important positive features, namely:

- It outlines the circumstances under which an overseas-trained teacher can be hired and describes the procedures that should be followed.
- Within those procedures, it requires notification of the union both of the intent to hire overseas-trained teachers and of the actual hiring decision.
- It stipulates that foreign teachers will be employees of the school system and covered under the provisions of the master agreement.⁴⁷

Alarming, however, overseas-trained teachers are not covered by certain portions of the contract, and those exceptions are outlined very specifically. Of greatest concern is the stipulation that foreign teachers will not be provided any insurance coverage save dental. This exception was likely justified based on a policy that the recruiting firm would provide medical insurance to recruits directly. However, there is no explanation of the type or quality of health coverage to which overseas-trained teachers are entitled. Moreover, the language holds the employer harmless should it be discovered that the teachers are not, in fact, covered at all.

Of additional concern is the stipulation that a grievance undertaken on behalf of an overseas-trained teacher will be nullified if, for any reason, that teacher should leave the country. Given that the ability of an overseas-trained teacher to stay in the country is dependent on the goodwill of the employer and the recruiter, either of whom could revoke a visa, this clause is highly problematic. Under such conditions, the easiest response of an employer to a labor grievance would be to pull the visa. This clause effectively ends due-process protections for overseas-trained teachers.

Culture Shock

In America, students do not stand up when their teachers enter the room, parents regularly challenge teachers' authority and there are metal detectors in many schools. Any of these factors, and many others like them, can be quite surprising to migrating teachers and require significant adjustments of both expectations and behavior. Learning to work under conditions that are new and often starkly different from those they have left behind can be a bumpy process for many overseas-trained teachers.

The type of welcome and orientation that overseas-trained teachers receive upon arriving in the United States varies widely. Some join a large pool of teachers from their home country and have an immediate and familiar support network. Others are more isolated, as one of only a few overseas-trained teachers in their school or district. In general, we know that helping new teachers through their first years is something our system does poorly, as evidenced by the high levels of attrition in the first five years. For all new hires, high-quality orientation and mentoring is essential, and that is particularly true of overseas-trained teachers, whose adjustment challenges can be even more acute.

Recent developments in Baltimore provide tragic evidence that the need for effective support has potential consequences that extend beyond the classroom. In the past year, two of the Filipino teachers working in Baltimore have committed suicide, raising alarm bells about the emotional toll of uprooting one's life for one's job.⁴⁸ Both teachers demonstrated signs of depression, but did not avail themselves of the benefits of the Employee Assistance Program. Convincing overseas-trained teachers to seek professional help when they need it may require targeted support and guidance.

Communication Barriers

Among the issues commonly raised by students of overseas-trained teachers, and their parents, is concern over the teachers' accents. Students have a tendency to get distracted and confused by unfamiliar accents, which can serve as an impediment to teaching and learning. English proficiency is generally a prerequisite for hiring. If that proficiency is misjudged or inadequately assessed by the employer prior to hiring, then it should not be deemed an indication of poor performance by the teacher. Assistance should be made available to any overseas-trained teacher struggling with communications challenges.

Company Housing

Over the past few years, AFT has heard reports of one group of migrant teachers being housed in dormitories, where they are sleeping in bunk beds and bussed daily to and from their worksites. Such an arrangement raises many questions: How much are these teachers being charged to sleep in bunk beds? Who owns the dormitories and benefits from the occupancy? Are there charges for transportation? If so, are they reasonable and who owns the bus company? Who makes these arrangements for the teachers? Are they forced to accept these terms? Similar questions could be raised in many cities and circumstances where living arrangements have been made for migrant teachers.

On the opposite end of the spectrum, there have been many reports of teachers who receive little or no assistance with finding affordable housing or transportation. Teachers hired to work in New York City, with a notoriously challenging real estate market, were provided with hotel rooms for the first two weeks of their stay only, then left to make their own arrangements.⁵⁰ In other instances, migrant teachers are not even granted a short window of support, but simply left to fend for themselves.

Understandably, most overseas-trained teachers need and welcome assistance with housing and transportation matters. However, such assistance should be provided at fair prices and arrangements should be made transparently and with the involvement of local unions as advocates for the teachers. Migrating teachers, of course, should have an opportunity to opt-out of any housing or transportation offers that are made available.

The International Impact

THE NEED FOR AFT TO INVESTIGATE teacher migration and the international recruitment practices of U.S. school districts became increasingly clear after discussions about problems in Barbados. The teachers' union in Barbados expressed concern about the large number of teachers being recruited for relatively high-paying teaching jobs in New York City schools. Their concerns were not only about the impact on students and the quality of education resulting from the loss of experienced teachers in their small island nation, but they were also facing difficult questions from members who were struggling with the tough decision of whether to stay in a secure job in Barbados or take a new, temporary position in an unfamiliar country. Their members were looking for answers to critical questions about U.S. immigration laws, the loss of pensions and other benefits accrued in Barbados and their legal rights under the contract with the New York City Board of Education.

Barbados teachers weren't the only ones asking these questions. Facing severe teacher shortages, in 2000 the New York City Board of Education launched a Caribbean-wide recruitment campaign to hire foreign teachers to fill vacant positions in some of its most troubled inner-city schools.

The Human Toll

The human toll of international worker migration is great, particularly for women and children in the developing world. The lack of good-paying jobs in their home countries presents many teachers with the terrible choice of either raising their children or providing for them. The title of one *New York Times* article captures the conclusion that many faced with this decision reach, "A Good Provider Is One Who Leaves."⁵¹ According to this article, there are an estimated 200 million migrants working around the world today, and they send home an estimated \$300 billion a year in remittances. This amount is nearly three times the world's combined foreign-aid budgets.⁵²

The question of whether the monetary benefits of remittances override the social costs of living without a parent is the subject of much debate. DeParle asserts that "at least three studies have examined 'left behind' families in the Philippines. All found the children of migrants doing as well as, or better than, children whose parents stayed at home." Moreover, the article describes a passionate reaction from one overseas foreign worker: "Even now he gets furious when someone says that overseas workers leave their children to grow up without love. 'You cannot look at each other and say it's love if your stomach

is empty,' he said. 'I sacrificed.'"⁵³ Whatever the impact on the children, it is undoubtedly a hardship for most parents to miss out on their children's milestone developments in order to work abroad.

Beyond the family level, the question of the impact of migration on service delivery in sending countries is an extremely important one. We know from a campaign undertaken by Public Services International (PSI) on Migration and Women Health Workers that mass migration of nurses from the developing world has had a devastating impact on the health systems in sending countries. While the numbers migrating are not yet as great in the education sector, there is growing evidence of a similar, negative brain drain effect.

"The human toll of international worker migration is great, particularly for women and children in the developing world."

The Philippines: A Labor Exporting Economy

The Philippines offers an important model for the study of international worker migration patterns. Export of labor is the top dollar earning industry in the Philippines, and the government has developed a large bureaucratic infrastructure to assist citizens in securing overseas employment. One in seven Filipino workers works abroad, and overseas foreign workers (or OFWs, as they are called) send more than \$1 billion a month back to the Philippines.⁵⁴ The importance of this revenue source could hardly be overstated in a country where 40 percent of the people live below the poverty level of \$1 per day,⁵⁵ the unemployment rate is 13.9 percent, the underemployment rate is 19.6 percent, and half of the population has never seen a physician.⁵⁶ Philippine president Gloria Macapagal Arroyo has been quoted as saying, "Jobs here are difficult to find and we are depending on the people outside the country. If you can find work there and send money to your relatives here, then perhaps you should stay there."⁵⁷

Despite the benefits of the flow of money back to the Philippines from OFWs, out-migration of essential service providers such as nurses and teachers exacts a significant social cost. The Philippines currently has an estimated shortage of 16,000 public school teachers⁵⁸ and the worst average pupil-teacher ratio in Asia at 45:1.⁵⁹ The quality of instruction and working conditions suffers as a result, as illustrated by this description from a teachers' union leader: "To accommodate the students, most public schools schedule two, three and sometimes even four shifts within the entire day, with 70 to 80 students packed in a room. Usually, the first class starts as early as 6:00 a.m. to accommodate the other sessions."⁶⁰ Working under such conditions and earning an inadequate salary to support their families drives many teachers to think that migration is the only way to build a better life and ensure that their children can have such things as good medical care and a college education.

The Philippine Overseas Employment Agency issued a workforce report summarizing the impact of teacher migration:

"In Philippine education, brain drain is said to be evident in both the public and the private school system, though more felt in the former. The fields most vulnerable are special education and elementary and secondary science and mathematics education. Those leaving for teaching jobs abroad are generally with better credentials. Finding suitable replacements for them is not easy."

U.S. shortages are creating or exacerbating shortages in the Philippines. Ramona Diaz, an award-winning filmmaker who is producing a documentary on the Filipino teachers in Baltimore, described the situation this way:

"In a modern-day story of immigration and globalization, these young professionals are coming West in pursuit of economic advantages. Back home a public school teacher earns \$3,500 a year; a private school teacher earns slightly more. In Baltimore, they will earn as much as \$45,000 a year, most of which they will send back to the Philippines to support their families and, in

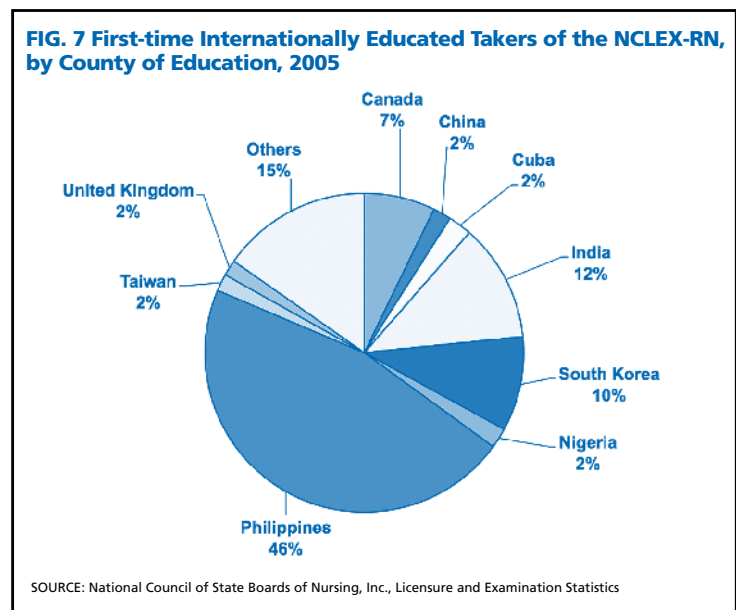
some cases, entire villages. The irony is inescapable. The Filipino teachers—90 percent of them women—are leaving their own children to the care and education of others in order to take jobs teaching inner-city children in schools abandoned by many of their American-born colleagues in favor of districts with better resources in the suburbs.”⁶¹

Nurse Migration – The Future for Teachers?

U.S. hospitals have been importing nurses from abroad for more than 50 years. Because this trend is so well established, it is an important model to study when considering teacher migration trends and how they may progress.

Over time, Americans have seen a steady increase in international recruitment to fill nurse vacancies. In the 1990s, 4 percent of nurses in the United States were foreign born; by 2004, 14 percent of all nurses in the United States were from abroad.⁶² In 2002, a third of all new nurses hired in the United States were from other countries.⁶³ U.S. employers have been unable to maintain nurse workforce demands, and the shortage is being “solved” by international recruitment.

Foreign-educated nurses working in the United States are primarily female (90 percent) and married. Their average age is 43. The top five states in which they work are: California, New York, New Jersey, Florida and Illinois. Unlike teachers who work in the United States on temporary visas, the vast majority of foreign-educated nurses receive green cards, and an estimated 60 percent of them become U.S. citizens.⁶⁴ Fig. 7 identifies the countries from which nurses are coming to the U.S. (Due to lack of available data, we can produce no comparable demographic profile for overseas-trained teachers working in the U.S.)



So why does this matter? These facts give salience to the impact of nurse migration trends:

- The United States has 94 RNs per 10,000 people compared to 61 in the Philippines, 41 in South Africa, 12 in Kenya and 13 in India.⁶⁵
- It is estimated that the developing world is subsidizing industrialized countries by about \$500 million per year through the migration of healthcare workers.⁶⁶
- Between 1999 and 2001, 60 percent of the nursing workforce left a single hospital in Malawi.⁶⁷
- Five hundred nurses left Ghana in 2000 – double the number who graduated from nursing education programs.⁶⁸
- Two hundred hospitals in the Philippines have closed within past two years; 800 hospitals have partially closed.⁶⁹

Public Services International developed an excellent model program for studying the impact of migration trends and advocating for systemic protections and reforms. The objective of the PSI Migration and Women Health Workers project was that “public sector unions will engage in actions to eliminate exploitative and discriminatory recruitment and employment practices in the healthcare sector... and to change, improve or extend legislation and government policies that impact on the health sector and migrant health workers.”⁷⁰

To that end, the following results were sought:

- Women health workers make informed decisions about whether or not to migrate and receive support and protection in the receiving country.
- Unions in sending and receiving countries have signed “passport” agreements entitling workers to reciprocal union membership.
- Unions have endorsed ethical recruitment guidelines and are lobbying governments to adopt these proposals.
- Unions have endorsed policies to call for compensation to Ministry of Health or other government agencies in sending countries for the training and investment they have provided.
- Unions have documented the practices of private recruitment agencies and are capable of denouncing their activities where appropriate.
- Unions have established funding targets for public health systems, set basic staff/patient ratios and established living wage claims to stem the out-migration in sending countries and to improve recruitment of nationals in receiving countries.
- Unions have established migrant health workers’ networks and are active in promoting equality and respect at work.⁷¹

Each of these objectives has direct and immediate crossover relevance to the education sector, so this list forms an excellent outline of a “to-do” list for stakeholders in the education community.

The Way Forward

THE AFT HOPES that this report will generate discussion about the important and little-known trend of international recruitment of teachers. More importantly, it is our hope that such discussions will lead to action by education stakeholders to ensure that this growing industry will be effectively regulated in order to protect teachers and students. Migration trends may well influence the future of the teaching profession, so careful consideration must be given to the appropriate regulation of the process.

Alternatives

As those who care about public education engage this issue, we must seize every opportunity to emphasize that while the hiring of overseas-trained teachers may be a Band-aid treating the symptom of the teacher shortage, it is in no way a cure for the conditions that caused the shortage in the first place. After not less than one full school year in Baltimore, Filipino teachers began to raise questions such as “Why can’t we have smaller class sizes?” “Why can’t we hold students back if they can’t read?” and “Why can’t we expand wraparound services for our special ed students?”⁷² Clearly, it does not take long for the fundamental issues of our underperforming schools to present themselves, even to newcomers. Nothing should distract attention from these pressing concerns.

A focus on root causes of the teacher shortage and retention problems, like asking people to work in “persistently dangerous” schools, must be accompanied by a set of alternative solutions to those problems. While some in the policy community, such as the Heritage Foundation, may see immigration reform as a means to address the teacher shortage,⁷³ the AFT has developed a different set of recommendations. In a report entitled *Meeting the Challenge*, the AFT outlined proven strategies to make hard-to-staff schools desirable places to teach, including:

- establishing and maintaining safe and orderly schools;
- targeting professional development to best address the needs of teachers and staff in these challenging environments; and
- identifying and carrying out school district and state responsibilities.

Recommendations

Improving teaching and learning conditions must remain at the forefront of any sensible strategy to effectively staff American schools. In addition, the AFT recommends the following steps to ensure that

international recruitment practices are fair and just:

- the development, adoption and enforcement of ethical standards for the international recruitment of teachers;
- improved access to the government data necessary to track and study international hiring trends in education; and
- international cooperation to protect migrant workers and mitigate any negative impact of teacher migration in sending countries.

Standards

First and foremost, a set of ethical teacher recruitment standards must be developed at the national level. Currently, there are absolutely no standards, whether voluntary or mandatory, establishing acceptable practices for recruiting teachers from abroad for our public schools. That gaping hole must be filled, and the AFT is prepared to take a leadership role in developing standards that have viability and legitimacy. Without such a document, it will be difficult to adopt and enforce standards at the local and state level.

The United States is not the only country dealing with its own shortage by recruiting teachers from abroad. Teacher migration is a worldwide phenomenon with far-reaching consequences. To address those consequences, Education Ministers from the 53 countries of the Commonwealth adopted a Teacher Recruitment Protocol in 2004. This document was developed with significant input from the Commonwealth Teachers' Group and serves as an excellent model of the type of standards needed in the U.S. system. Within the Protocol, the rights and responsibilities of recruiting countries are enumerated. Significantly, the first point in that section states:

1.1 ... It is the responsibility of the authorities in recruiting countries to manage domestic teacher supply and demand in a manner that limits the need for resort to organized recruitment in order to meet the normal demand for teachers.⁷⁴

Sadly, in the United States, our education system is currently failing to meet this most basic responsibility. The Commonwealth Protocol offers a useful outline of the principles and the stakes of international teacher recruitment; its full text may be found in the Appendix.

Data

One of the biggest obstacles to understanding and affecting teacher migration is a lack of comprehensive and accurate data. The true size and scope of this trend are simply not known at present. According to a report released in 2006 by MIT, "the government must greatly improve its performance in the areas of collecting, categorizing, measuring, and making available necessary data concerning the offshoring of American jobs and its effects on the U.S. economy."⁷⁵ In this instance, the use of the term offshoring refers not just to shipping jobs overseas, but also to hiring foreign workers to fill jobs here in the United States. The report further states that:

"The data currently available for characterizing and measuring services offshoring have severe limitations... The most significant gap is in services trade, both internationally and in the United States... Employment by occupation (service or otherwise) cannot currently be tracked over time or by industry at the state and metropolitan levels... These data limitations impede the development of appropriate policy responses."⁷⁶

"We must emphasize that while the hiring of overseas-trained teachers may be a Band-aid treating the symptom of the U.S. teacher shortage, it is in no way a cure for the conditions that caused the shortage in the first place."

To be clear, services trade is an economic term for the realm in which teacher migration occurs. A number of congressional members have also become concerned about this issue and have sent numerous letters requesting that annual H-1B visa reports be issued to Congress. Despite being required by the American Competitiveness and Workforce Improvement Act, such a report has not been delivered in two years.

Mentoring

There are always areas in which new teachers can use assistance, and migrant teachers are no exception. To the contrary, the culture shock that they experience in coming to the United States magnifies what we already know to be a stressful induction period. For this reason, mentoring programs can play a vital role for migrant teachers.⁷⁷ In particular, these teachers seem to face challenges with classroom management. Often coming from societies in which students stand at attention when teachers enter the room, it would be difficult to adequately prepare these teachers for the environment in the average inner-city classroom in America. In a discussion with one interviewer, a group of teachers offered the following explanations of how classes in Baltimore compared with those in the Philippines: “Back home it’s so different. It’s all obedience and respect. Here the students are, um, very direct, very bold.” “They get free lunches, and yet you hear them complain...” “They’re loud.” “They’re intimidating.”⁷⁸ Beyond the need to adjust to these and other differences in student behavior, migrant teachers also have little context for dynamics such as parental relations and grading standards in the American school system.⁷⁹

“Improving teaching and learning conditions must remain at the forefront of any sensible strategy to effectively staff American schools.”

Conclusion

In a globalized world, the mobility of workers in any industry should not come as a surprise. Profit-driven recruiters have quickly identified a new market and are actively working to develop both a supply and a demand for overseas-trained teachers in U.S. schools.

The time has come for education policymakers and stakeholders to acknowledge this trend as well, and to determine the standards under which an international market in teachers should operate. Exploitation of teachers must not be allowed to continue, nor can the impact of loss of teachers from the developing countries be ignored.

Appendices

Labor Condition Applications by State, 2002–2007

STATE	2002				2003			
	Pre-K & Primary	Secondary	Special Education	Total	Pre-K & Primary	Secondary	Special Education	Total
Alabama	6	11	2	19	9	11	3	23
Alaska	5	4	3	12	10	7	1	18
Arizona	139	53	16	208	99	98	10	207
Arkansas	2	12	0	14	2	11	4	17
California	1439	763	325	2527	1645	608	182	2435
Colorado	75	82	6	163	69	35	5	109
Connecticut	37	947	16	1000	239	70	6	315
Delaware	4	1	0	5	135	6	1	142
Dist. of Columbia	218	36	20	274	85	38	16	139
Florida	345	240	26	611	476	352	33	861
Georgia	116	328	26	470	114	272	43	429
Guam	9	3	0	12	7	18	0	25
Hawaii	6	16	0	22	5	17	3	25
Idaho	0	1	1	2	0	1	0	1
Illinois	351	117	41	509	162	154	60	376
Indiana	17	20	2	39	33	13	2	48
Iowa	6	11	0	17	6	12	1	19
Kansas	4	17	0	21	4	20	2	26
Kentucky	8	125	4	137	13	142	3	158
Louisiana	80	29	4	113	74	59	2	135
Maine	8	13	3	24	2	11	3	16
Maryland	195	104	132	431	742	108	61	911
Massachusetts	110	112	91	313	91	81	77	249
Michigan	66	52	18	136	57	91	5	153
Minnesota	34	20	8	62	141	12	9	162
Mississippi	5	1	0	6	19	27	1	47
Missouri	28	21	6	55	18	18	3	39
Montana	8	3	2	13	0	5	0	5
Nebraska	12	10	0	22	5	5	0	10
Nevada	4	2	0	6	11	0	0	11
New Hampshire	9	120	3	132	4	12	9	25
New Jersey	297	2724	241	3262	251	114	8	373
New Mexico	13	24	1	38	15	32	7	54
New York	1285	572	443	2300	619	1105	473	2197
North Carolina	89	69	7	165	118	101	16	235
North Dakota	0	3	0	3	7	4	1	12
Ohio	17	241	11	269	41	203	11	255
Oklahoma	10	17	1	28	11	23	1	35
Oregon	31	16	0	47	21	3	3	27
Pennsylvania	1048	49	18	1115	45	108	18	171
Puerto Rico	2	2	0	4	5	4	0	9
Rhode Island	15	4	0	19	4	9	2	15
South Carolina	60	36	3	99	36	43	4	83
South Dakota	0	3	1	4	0	14	4	18
Tennessee	12	23	3	38	14	57	10	81
Texas	5597	2788	280	8665	3411	1150	393	4954
Utah	5	12	2	19	14	6	2	22
Vermont	20	19	9	48	2	12	5	19
Virgin Islands	4	22	0	26	3	3	0	6
Virginia	75	57	41	173	94	67	20	181
Washington	46	17	10	73	52	33	109	194
West Virginia	0	3	0	3	1	2	0	3
Wisconsin	21	14	1	36	24	34	4	62
Wyoming	0	0	0	0	3	2	0	5
TOTALS	11993	11991	1827	23809	9068	7446	1636	16147

Labor Condition Applications by State, 2002–2007

STATE	2004				2005			
	Pre-K & Primary	Secondary	Special Education	Total	Pre-K & Primary	Secondary	Special Education	Total
Alabama	12	7	0	19	2	12	0	14
Alaska	6	5	4	15	5	0	7	12
Arizona	149	169	7	325	295	74	12	381
Arkansas	9	15	1	25	8	14	1	23
California	1894	732	242	2868	676	589	239	1504
Colorado	58	35	7	100	71	30	5	106
Connecticut	34	198	5	237	36	48	7	91
Delaware	5	6	0	11	3	3	0	6
Dist. of Columbia	80	67	58	205	66	29	99	194
Florida	344	255	41	640	385	146	26	557
Georgia	144	355	9	508	129	1014	19	1162
Guam	15	8	1	24	12	11	0	23
Hawaii	6	20	3	29	3	29	0	32
Idaho	0	0	1	1	1	2	1	4
Illinois	233	85	5	323	145	195	9	349
Indiana	31	16	8	55	8	15	2	25
Iowa	2	8	0	10	2	5	0	7
Kansas	2	11	0	13	4	7	4	15
Kentucky	14	15	2	31	18	26	1	45
Louisiana	59	53	8	120	54	32	1	87
Maine	5	7	1	13	4	9	3	16
Maryland	286	224	114	624	367	183	108	658
Massachusetts	97	103	99	299	62	70	246	378
Michigan	36	102	12	150	22	24	6	52
Minnesota	32	21	7	60	20	16	5	41
Mississippi	10	11	2	23	53	8	2	63
Missouri	24	16	6	46	15	14	1	30
Montana	7	4	0	11	0	4	0	4
Nebraska	19	11	0	30	6	14	0	20
Nevada	5	9	1	15	6	1	0	7
New Hampshire	4	13	4	21	2	6	0	8
New Jersey	191	700	21	912	204	696	12	912
New Mexico	38	14	11	63	19	29	11	59
New York	764	858	684	2306	578	1031	347	1956
North Carolina	102	104	15	221	79	164	46	289
North Dakota	6	0	1	7	1	1	0	2
Ohio	67	107	17	191	12	438	4	454
Oklahoma	5	29	2	36	9	10	2	21
Oregon	35	0	3	38	25	6	1	32
Pennsylvania	67	176	15	258	36	65	9	110
Puerto Rico	6	12	2	20	10	2	0	12
Rhode Island	4	5	125	134	6	6	2	14
South Carolina	29	37	2	68	59	56	8	123
South Dakota	1	2	0	3	0	1	0	1
Tennessee	23	18	7	48	10	14	10	34
Texas	4356	1392	382	6130	3024	1267	468	4759
Utah	19	11	4	34	16	20	1	37
Vermont	0	12	0	12	10	9	1	20
Virgin Islands	1	8	0	9	15	11	0	26
Virginia	91	65	50	206	89	133	112	334
Washington	59	29	209	297	40	30	106	176
West Virginia	0	3	0	3	1	5	0	6
Wisconsin	18	37	2	57	16	12	1	29
Wyoming	1	0	0	1	3	0	1	4
TOTALS	9505	8204	2200	17905	6742	8641	1946	15324

Labor Condition Applications by State, 2002–2007

STATE	2006				2007			
	Pre-K & Primary	Secondary	Special Education	Total	Pre-K & Primary	Secondary	Special Education	Total
Alabama	7	11	2	20	0	21	5	26
Alaska	7	12	10	29	3	1	2	6
Arizona	95	84	15	194	192	96	19	307
Arkansas	2	23	4	29	2	23	5	30
California	698	514	235	1447	867	611	530	2008
Colorado	75	50	20	145	80	48	0	128
Connecticut	23	64	1	88	30	56	4	90
Delaware	2	3	2	7	2	4	1	7
Dist. of Columbia	127	61	36	224	77	37	24	138
Florida	371	220	82	673	248	347	32	627
Georgia	128	899	41	1068	267	3456	711	4434
Guam	21	15	0	36	10	6	5	21
Hawaii	4	19	1	24	3	15	5	23
Idaho	2	3	2	7	3	0	1	4
Illinois	112	197	5	314	196	115	27	338
Indiana	4	15	0	19	13	7	1	21
Iowa	1	4	0	5	3	7	0	10
Kansas	9	32	18	59	4	47	30	81
Kentucky	4	16	3	23	4	16	0	20
Louisiana	56	36	2	94	67	57	39	163
Maine	6	8	1	15	0	11	0	11
Maryland	536	334	90	960	1045	534	434	2013
Massachusetts	83	78	59	220	56	76	261	393
Michigan	21	23	6	50	29	33	5	67
Minnesota	55	33	4	92	46	23	8	77
Mississippi	5	10	1	16	34	12	1	47
Missouri	33	14	4	51	19	27	11	57
Montana	2	1	0	3	1	0	0	1
Nebraska	6	11	1	18	5	14	0	19
Nevada	11	1	1	13	6	5	0	11
New Hampshire	1	14	0	15	0	11	0	11
New Jersey	140	792	11	943	125	799	6	930
New Mexico	30	42	20	92	14	45	9	68
New York	927	2672	809	4408	469	1407	319	2195
North Carolina	120	91	31	242	123	253	28	404
North Dakota	0	1	7	8	0	0	3	3
Ohio	17	43	14	74	35	278	12	325
Oklahoma	11	50	0	61	7	57	2	66
Oregon	31	11	0	42	42	10	1	53
Pennsylvania	47	33	17	97	34	46	9	89
Puerto Rico	0	1	1	2	0	0	0	0
Rhode Island	4	6	1	11	3	11	0	14
South Carolina	65	50	5	120	43	248	13	304
South Dakota	0	3	0	3	0	1	1	2
Tennessee	14	15	9	38	11	20	2	33
Texas	3606	1932	281	5819	2896	1462	198	4556
Utah	6	23	0	29	9	13	7	29
Vermont	0	11	6	17	2	5	1	8
Virgin Islands	3	86	0	89	0	0	0	0
Virginia	94	118	113	325	130	177	42	349
Washington	25	19	5	49	33	16	13	62
West Virginia	3	1	0	4	2	3	0	5
Wisconsin	15	14	4	33	11	25	2	38
Wyoming	0	0	0	0	0	2	0	2
TOTALS	7665	10825	1980	18464	7301	12601	2829	20724

Labor Condition Applications by State, 2002–2007

STATE	SIX-YEAR TOTAL LCA APPLICATIONS
Alabama	121
Alaska	92
Arizona	1622
Arkansas	138
California	12789
Colorado	751
Connecticut	1821
Delaware	178
District of Columbia	1174
Florida	3969
Georgia	8071
Guam	141
Hawaii	155
Idaho	19
Illinois	2209
Indiana	207
Iowa	68
Kansas	215
Kentucky	414
Louisiana	712
Maine	95
Maryland	5597
Massachusetts	1852
Michigan	608
Minnesota	494
Mississippi	202
Missouri	278
Montana	37

STATE	SIX-YEAR TOTAL LCA APPLICATIONS
Nebraska	119
Nevada	63
New Hampshire	212
New Jersey	7332
New Mexico	374
New York	15362
North Carolina	1556
North Dakota	35
Ohio	1568
Oklahoma	247
Oregon	239
Pennsylvania	1840
Puerto Rico	47
Rhode Island	207
South Carolina	797
South Dakota	31
Tennessee	272
Texas	34883
Utah	170
Vermont	124
Virgin Islands	156
Virginia	1568
Washington	851
West Virginia	24
Wisconsin	255
Wyoming	12
TOTALS	112373

Designated J-1 Exchange Sponsors for Teachers

AS OF 9/26/08

State Departments of Education

- California
- Connecticut
- Delaware
- Florida
- Georgia
- Illinois
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Massachusetts
- Minnesota
- Nebraska
- New Mexico
- Ohio
- South Carolina
- Tennessee
- Texas
- Utah
- Washington

Schools or Districts

- Adams County SD 14, CO
- Anne Frank Montessori School, NY
- Archdiocese of Dubuque Bureau of Education, IA
- Awty International School, TX
- Brookline High School, MA
- Chicago Public Schools, IL
- Denver Public Schools, CO
- Ecole Bilingue de Berkeley, CA
- Ecole Internationale de Boston, MA
- French American School of Puget Sound, WA
- French-American International School, CA
- French-American School of New York, NY
- International School of Indiana, ID
- International School of the Peninsula, CA
- Lycee Francais de New York, NY
- Le Lycee de Los Angeles, CA
- Lycee Rochambeau, Inc., MD
- Montessori Consortium of California
- Montessori Federation of Minnesota
- Newton Public Schools, NE
- Phillips Exeter Academy, NH

- Primate Montessori School Whitter Inc, CA
- The School District of Philadelphia, PA
- San Diego French-American School, CA
- Shawnee Mission School District USD 512, KS
- Scripps Montessori Schools, CA
- Washington International School, DC

Recruiters

- Amity Institute
- Center for International Education, Inc. (VIF)
- Cordell Hull Foundation for International Education
- Foreign Academic and Cultural Exchange Services (FACES)
- In-talage, Inc.
- International Teacher Exchange Services
- USA Employment, LLC

Others

- AFS USA, Inc
- American Councils for International Education
- Association for International Practical Training
- Council for the Development of French in Louisiana
- German American Partnership Program, Inc.
- Institute of International Education
- Jewish Education Service of North America, Inc.
- National Committee of United States-China Relations
- U.S. Department of State
- World Zionist Organization, American Section

Commonwealth Teacher Recruitment Protocol

Adopted By Ministers of Education at Stoke Rochford Hall Conference Centre,
Lincolnshire, United Kingdom
September 1st, 2004

1. Definitions

Recruited teacher: a teacher who is recruited for service in a country other than his/ her own.

Recruiting country: the country that is seeking to recruit, or succeeds in recruiting, teachers from other countries

Recruiting business/agency: a business/agency that recruits teachers in one country (source country) for service in another (recruiting country)

Source country: the country from which teachers are recruited for service abroad.

Organised recruitment: a systematic targeted recruitment programme of teachers from another country

Clearance certificates: A document from the appropriate authority of the source country that states that the recruited teacher has given the required notice and has complied with the terms and conditions of his/her contract of employment.

2. Introduction

2.1 Background

2.1.1 For some time now a number of Commonwealth member countries have been deeply concerned at the loss of scarce professionals as a result of targeted recruitment programmes, a problem that has caused particular difficulties for small states. Such concerns, affecting the health and education sectors among others, have been voiced at Ministerial meetings and in the case of health have resulted in the Commonwealth Code of Practice for the International Recruitment of Health Workers, endorsed by Ministers of Health in May 2003.

2.1.2. Ministers are conscious of the potential opportunities for countries that are available through a structured and well-managed programme of teacher exchanges and of trade in skills. It is acknowledged that recruited teacher mobility has great value. It can benefit individual teachers in their professional development as well as strengthen and enrich education systems.

2.1.3 However the recruitment of teachers must not be to the detriment of national education systems.

2.1.4 In May 2002 following large scale recruitment of teachers from Barbados, Guyana, Jamaica and Trinidad and Tobago, the Minister of Education of Jamaica requested the assistance of the Commonwealth in addressing the problem of teacher recruitment in the Caribbean. Caribbean Education Ministers agreed the Savannah Accord in Barbados in July 2002 and, among other things, asked the Commonwealth Secretariat to develop a draft Protocol for the recruitment of teachers. The draft prepared by the Secretariat was reviewed at a subsequent meeting of six Ministers of Education of Small States (The Gambia, Mauritius, Namibia, St. Lucia, Samoa, Seychelles) who met in the Seychelles in March 2003. That meeting recommended that the revised version of the draft Protocol on Teacher Recruitment should be tabled at the Conference of Commonwealth Education Ministers scheduled in October 2003.

2.1.5 Ministers of Education at the 15th Conference of Commonwealth Education Ministers held in Edinburgh, Scotland, from October 27th – 30th, 2003 discussed the critical issues of international teacher recruitment and viewed it as one of the most urgent issues to be addressed in “closing the gap”. They affirmed the unique value of the Commonwealth recognizing that it is ideally placed to share expertise, resources and best practices in education as a vital component of attaining the individual and collective goals for their countries and they established a Working Group on Teacher Recruitment under the chairmanship of Deputy Secretary-General Winston Cox.

2.1.6 The Working Group was asked to have a clear focus on the organised recruitment of teachers in the Commonwealth, taking into consideration, where relevant the related issues of teacher mobility, retention and development. The brief of the Working Group is to:

- develop appropriate and ethical codes of conduct;
- report to all Ministers by the end of April 2004; and
- finalise the document with a Ministerial Group by September 2004.

2.2 The Working Group

2.2.1 The countries represented at official level on the Working Group are Barbados, India, Jamaica, Lesotho, Mauritius, Nigeria, Papua New Guinea, St. Lucia, Seychelles, South Africa, United Kingdom, and Zambia.

2.2.2 The following Commonwealth Civil Society and professional organisations are permanent observers of the group: The Commonwealth Teachers Grouping, The Commonwealth Consortium for Education and the Centre for Comparative Education Research, University of Nottingham.

2.2.3 The following Commonwealth Civil Society and professional organisations are permanent observers of the group: The Commonwealth Teachers Grouping, The Commonwealth Consortium for Education and the Centre for Comparative Education Research, University of Nottingham.

2.2.4 At the first meeting of the Working Group in Maseru, Lesotho on 23rd to 24th February 2004 the Terms of Reference were finalized and members were brought up to date on recent developments that had taken place to improve teacher retention and recruitment practice, an initial draft document was prepared for circulation.

2.3 Purpose of the Protocol

2.3.1 This Protocol aims to balance the rights of teachers to migrate internationally, on a temporary or permanent basis, against the need to protect the integrity of national education systems, and to prevent the exploitation of the scarce human resources of poor countries. The Protocol also seeks to safeguard the rights of recruited teachers and the conditions relating to their service in the recruiting country.

2.3.2 In doing so, the Protocol seeks to promote the positive benefits which international teacher migration can bring and to facilitate the sharing of the common wealth of human resources that reside within the Commonwealth.

2.3.3 This document is similar in terms of purpose, content and status to the Commonwealth Code of Practice for health professionals. It holds moral authority on the matters it addresses. Within the context of the Commonwealth principles of co-operation and consensus, and within the framework of relevant international and other agreements, governments will subscribe to the Protocol and implement it, maintaining the integrity of their national education systems.

2.3.4 Although this Protocol does not hold any legal authority all the member countries are encouraged to develop such regulations and legislation that are necessary to meet the commitments of this Protocol.

3. Rights and Responsibilities of Recruiting Countries

3.1 It is the responsibility of the authorities in recruiting countries to manage domestic teacher supply and demand in a manner that limits the need for resort to organised recruitment in order to meet the normal demand for teachers. At the same time the right of any country to recruit teachers from wherever these may be obtained is recognised.

3.2 It is recognised that the organised recruitment of teachers may be detrimental to the education systems of source countries, and to the costly human resource investments they have made in teacher education. Recruiting and source countries should agree on mutually acceptable measures to mitigate any harmful impact of such recruitment. Where requested by source countries, recruiting and source countries shall enter into bi-lateral discussions and make every effort to reach an agreement which will provide for such measures. Consideration will be given to forms of assistance such as technical support for institutional strengthening, specific programmes for recruited teachers, and capacity building to increase the output of trained teachers in source countries.

Acceptable Recruiting Processes

3.3 Recruiting countries shall make every effort to ensure that departure of recruited teachers is avoided during the course of the academic year of the source country, to prevent the disruption of teaching programmes.

3.4 A recruiting country provide to a source country, all relevant information regarding the status of teachers recruited. This information should also be made available, without prejudice, to the Commonwealth Secretariat for monitoring purposes. Where such information is not available, Commonwealth countries are encouraged to develop mechanisms for this purpose.

3.5 Where required by source countries, recruiting countries shall make every effort to obtain a clearance certificate from a source country prior to any contract of employment being signed, and this shall not be unreasonably withheld.

3.6 A recruiting country should ensure the establishment of a complaints mechanism and procedure in regard to recruitment to be made known to the teacher at the start of the process.

3.7 The government of any country which makes use of the services of a recruiting agency, directly or otherwise, shall develop and maintain a quality assurance system to ensure adherence to this Protocol and fair labour practices. The recruiting countries should ensure compliance. Where agencies do not adhere, they will be removed from the list of approved agencies.

3.8 The recruiting agency has an obligation to contact the intended source country in advance, and notify it of the agency's intentions. Recruiting countries will inform recruiting agencies of this obligation. Recruiting countries should inform source countries of any organised recruitment of teachers.

3.9 Prior agreement should be reached between the recruitment agency and the government of the source country, regarding means of recruitment, numbers, and adherence to the labour laws of the source country. Recruitment should be free from unfair discrimination and from any dishonest or misleading information, especially in regard to gender exploitation.

Employment Conditions for Recruited Teachers

3.10 Wherever appointed, recruited teachers shall enjoy employment conditions not less than those of nationals of similar status and occupying similar positions. The recruiting countries should also provide

dedicated programmes to enable such teachers to achieve fully qualified status in accordance with any domestic requirements of the recruiting country. The recruited teacher is bound and subject to rules of national labour law and is also governed by any legislation or administrative rules relating to permission to work and suitability to work with children in the recruiting country.

3.11 Further, where a complaints mechanism and procedure in relation to teachers' contracts of employment does not already exist in national legislation or administrative provision, one should be established for the purpose. The recruiting agency shall inform recruited teachers of the names and contact details of all teachers unions in recruiting countries.

3.12 Recruited teachers should be employed by a school or educational authority. Only schools and education authorities should obtain work permits to enable the employment of recruited teachers.

3.13 A recruiting country shall ensure that the newly recruited teachers are provided with adequate orientation and induction programmes, including cultural adjustment programmes, with a focus on the school and its environment.

3.14 As a targeted and responsive mode of reciprocation, bilateral agreements will provide for specific professional development opportunities or experiences for recruited teachers, who are about to return to the country of origin after a fixed term.

4. Rights and Responsibilities of Source Countries

4.1 It is the responsibility of source countries to manage teacher supply and demand within the country, and in the context of organised recruitment. The country should have effective strategies to improve the attractiveness of teaching as a profession, and to ensure the recruitment and retention of qualified teachers in areas of strategic importance. Source countries should be advised of the necessity to establish policy frameworks which set out clear guidelines as to categories of teachers whose recruitment they will not support, in order to protect their most scarce resources.

Any country has the right to be informed of any organised recruitment of its teachers by or on behalf of other countries. There will be some circumstances in which a country may not be able to support the release of its teachers. If a country decides to refuse any organised recruitment, the recruiting country should be informed of such a decision. In these circumstances, at the request of the recruiting country, bilateral discussions should be held through which both countries should endeavour to reach agreement on recruitment. If agreement cannot be reached countries have the right to determine their own position in regard to the organized recruitment of teachers.

4.4 The source country shall endeavour to respond to requests for approval to recruit within 30 days.

4.5 The source country should include within its terms and conditions of service for teachers, if not already in place, provisions that relate to release of teachers under international exchange and organised teacher recruitment arrangements, and to their re-integration into the source-country education system on their return from abroad.

5. Rights and responsibilities of the recruited teacher

5.1 The recruited teacher has the right to transparency and full information regarding the contract of appointment. The minimum required information (see Appendix 1) includes information regarding complaints procedures.

5.2 Recruited teachers are in turn expected to show transparency in all dealings with their current and prospective employers, and to give adequate notice of resignation or requests for leave. Teachers also have a responsibility to inform themselves regarding all terms and conditions of current and future contracts of employment, and to comply with these.

6. Monitoring and Evaluation

6.1 The Commonwealth Secretariat should monitor the status of organized recruitment of teachers, including numbers, recruitment practices and effects, and evaluate the application of this Protocol, including the impact on developing countries, and report to Conferences of Commonwealth of Education Ministers.

6.2 Education Ministers should undertake a regular review of the operation of the Protocol commencing at the 16CCEM. The review should be informed by effective monitoring undertaken by education ministries in consultation with all stakeholders including the teacher unions and coordinated across the different regions of the Commonwealth.

6.3 Appendices 2, 3 and 4 illustrate obligations contained in international instruments for information purposes. Appendix 5 refers to the Dakar framework adopted by the World Education Forum 2000.

7. Future Action

7.1 Consistent with the terms of this Protocol Ministers commit to establishing a working group to identify how teachers across the Commonwealth can have greater access to teaching in other Commonwealth countries as a significant continuing professional development activity. The working group should include appropriate permanent observers from professional organisations and civil society.

7.2 Education Ministers request the secretariat to establish a working group to develop systems and criteria to assess equivalences of teacher qualifications and of professional registration status, where applicable, across the Commonwealth.

7.3 In order to fully understand the scale of teacher mobility within the Commonwealth, it is suggested that a comprehensive study of such teacher flows is undertaken. This should include both organised teacher recruitment and the more informal modes of teacher migration. This study would complement and develop the work which has been completed by the Commonwealth Secretariat and is currently being undertaken by the University of Nottingham.

7.4 The Commonwealth, shall in collaboration with international organizations such as such as the ILO and UNESCO, seek to promote this protocol as an international standard of best practice in organised teacher recruitment.

APPENDIX 1:

Minimum information to be provided in the course of recruitment prior to finalisation of any contract:

- Name and location of the school where the teacher is to serve
- Brief description of the school
- Accommodation arrangements for the teacher and cost implications
- Transport arrangements and responsibility for transport costs
- Work permit requirements and procedures

- Clarity about terms and conditions of employment, including any deductions (for tax, insurance, superannuation or other purposes) from the gross salary offered; and rights of access of the employed teacher to social services and welfare benefits of the host country.
- Any provisions affecting the right of the teacher to be accompanied abroad by a spouse and dependants, including any assistance and allowances offered therewith, rights of spouse to work in the recruiting country, and access of dependants to education and other services.
- Regulations governing repatriation of earnings and other benefits.

APPENDIX 2

ARTICLES 13, 26 AND 29 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Article 13

1. The States Parties to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. the States Parties to the present covenant recognise that, with a view to achieving the full realization of this right:

- (a) primary education shall be compulsory and available free to all;
- (b) secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education.

APPENDIX 3

ARTICLE 26 OF THE UNIVERSAL DECLARATION ON HUMAN RIGHTS

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

APPENDIX 4

ARTICLE 29 OF THE CONVENTION OF THE RIGHTS OF THE CHILD

1. States parties agree that the education of the child shall be directed to:

- (a) the development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations
- (c) the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.
- (d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace,

tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) the development of respect for the natural environment.

3. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

APPENDIX 5

EDUCATION FOR ALL COMMITMENTS - DAKAR 2000

- Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children
- Ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality
- Ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skills programmes
- Achieving a 50 percent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults
- Eliminating gender disparities in primary and secondary education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality
- Improving all aspects of the quality of education and ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills.

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“Currently there are no standards, whether voluntary or mandatory, establishing acceptable practices for recruiting teachers from abroad for our public schools.”



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