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P.L. 2002, CHAPTER 9, *approved March 19, 2002*
Assembly, No. 1152

1 **AN ACT** concerning the employment of teachers from foreign
2 countries, amending N.J.S.18A:26-1 and N.J.S.18A:26-8.1, and
3 supplementing chapter 27 of Title 18A of the New Jersey Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. N.J.S.18A:26-1 is amended to read as follows:

9 18A:26-1. Every permanent teaching staff member employed in any
10 of the free public schools for nine months or more, in any year shall be
11 a citizen of the United States, except that any citizen of any other
12 country, who has declared his intention of becoming a United States
13 citizen and to whom there has been issued a teaching certificate in
14 accordance with law, may be employed as a teacher so long as he
15 holds a valid teacher's certificate and a teacher of foreign languages
16 who has been a resident of the United States for less than 10 years and
17 who is not a citizen of the United States may be employed in such
18 capacity.

19 The requirement of citizenship shall not be construed to apply to a
20 teacher from a foreign country who is enrolled with an approved
21 international agency which operates a teacher placement program or
22 teacher exchange program.

23 (cf: N.J.S.18A:26-1)
24

25 2. N.J.S.18A:26-8.1 is amended to read as follows:

26 18A:26-8.1. a. The state board of examiners may, with the
27 approval of the commissioner, issue a teacher's certificate to teach in
28 the public schools to any citizen of any other country who has declared
29 his intention of becoming a United States citizen and who is otherwise
30 qualified, but any such certificate may be revoked by the state board
31 of examiners if the board is satisfied that the holder thereof has
32 abandoned his efforts to become a United States citizen, or has
33 become disqualified for citizenship, or shall not have become a United
34 States citizen, within five years of the date of its issuance.

35 b. A declaration of intention to become a United States citizen
36 shall not be required of a teacher from a foreign country who is
37 enrolled with an approved international agency which operates a
38 teacher placement program or teacher exchange program in order for

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 the teacher to obtain any necessary certification to teach in the public
2 schools.

3 (cf: N.J.S.18A:26-8.1)

4

5 3. (New section) a. A board of education may employ a teacher
6 from a foreign country who is enrolled with an approved international
7 agency which operates a teacher placement program in a subject area
8 in which the State Board of Education has determined there is a
9 contemporaneous critical shortage of certified teachers. Prior to the
10 employment of a teacher from a teacher placement program in a
11 subject area of critical shortage, the board of education shall first make
12 a good faith effort to employ a State certified teacher and shall
13 document its inability to hire an appropriately certified teacher with
14 the Department of Education.

15 b. A board of education may employ a teacher from a foreign
16 country who is enrolled with an approved international agency which
17 operates a teacher exchange program, permitting a teacher from a
18 foreign country to directly substitute for the services of a permanently
19 employed State certified teacher.

20

21 4. (New section) a. A teacher from a foreign country shall be
22 authorized to teach in the United States under an international teacher
23 placement program or a teacher exchange program as authorized by
24 any federal law, and shall be certified in accordance with the
25 provisions of subsection b. of this section to teach for a period of no
26 more than three years.

27 b. In order for a teacher from a foreign country to be certified
28 under this section, the teacher shall:

29 (1) meet the eligibility requirements for a provisional instructional
30 certificate or possess equivalent qualifications as determined by the
31 State Board of Education; and

32 (2) demonstrate the ability to speak, read and write the English
33 language fluently, in accordance with criteria established by the State
34 Board of Education.

35 c. A teacher from a foreign country employed pursuant to this act
36 shall be deemed to be an employee of the public school district, and as
37 such shall be eligible to become a member of the bargaining unit
38 defined in the applicable agreement with the public school district.

39

40 5. This act shall take effect immediately.

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43

44 Exempts teachers from foreign countries from teacher citizenship
45 requirements and permits boards of education to temporarily employ
46 such teachers.

ASSEMBLY, No. 1152

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblyman DAVID W. WOLFE

District 10 (Monmouth and Ocean)

Assemblyman JOSEPH V. DORIA, JR.

District 31 (Hudson)

SYNOPSIS

Exempts teachers from foreign countries from teacher citizenship requirements and permits boards of education to temporarily employ such teachers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1152 WOLFE, DORIA

2

1 AN ACT concerning the employment of teachers from foreign
2 countries, amending N.J.S.18A:26-1 and N.J.S.18A:26-8.1, and
3 supplementing chapter 27 of Title 18A of the New Jersey Statutes.
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10 of the free public schools for nine months or more, in any year shall be
11 a citizen of the United States, except that any citizen of any other
12 country, who has declared his intention of becoming a United States
13 citizen and to whom there has been issued a teaching certificate in
14 accordance with law, may be employed as a teacher so long as he
15 holds a valid teacher's certificate and a teacher of foreign languages
16 who has been a resident of the United States for less than 10 years and
17 who is not a citizen of the United States may be employed in such
18 capacity.

19 The requirement of citizenship shall not be construed to apply to a
20 teacher from a foreign country who is enrolled with an approved
21 international agency which operates a teacher placement program or
22 teacher exchange program.

23 (cf: N.J.S.18A:26-1)
24

25 2. N.J.S.18A:26-8.1 is amended to read as follows:

26 18A:26-8.1. a. The state board of examiners may, with the
27 approval of the commissioner, issue a teacher's certificate to teach in
28 the public schools to any citizen of any other country who has declared
29 his intention of becoming a United States citizen and who is otherwise
30 qualified, but any such certificate may be revoked by the state board
31 of examiners if the board is satisfied that the holder thereof has
32 abandoned his efforts to become a United States citizen, or has
33 become disqualified for citizenship, or shall not have become a United
34 States citizen, within five years of the date of its issuance.

35 b. A declaration of intention to become a United States citizen
36 shall not be required of a teacher from a foreign country who is
37 enrolled with an approved international agency which operates a
38 teacher placement program or teacher exchange program in order for
39 the teacher to obtain any necessary certification to teach in the public
40 schools.

41 (cf: N.J.S.18A:26-8.1)

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 3. (New section) a. A board of education may employ a teacher
2 from a foreign country who is enrolled with an approved international
3 agency which operates a teacher placement program in a subject area
4 in which the State Board of Education has determined there is a
5 contemporaneous critical shortage of certified teachers. Prior to the
6 employment of a teacher from a teacher placement program in a
7 subject area of critical shortage, the board of education shall first make
8 a good faith effort to employ a State certified teacher and shall
9 document its inability to hire an appropriately certified teacher with
10 the Department of Education.

11 b. A board of education may employ a teacher from a foreign
12 country who is enrolled with an approved international agency which
13 operates a teacher exchange program, permitting a teacher from a
14 foreign country to directly substitute for the services of a permanently
15 employed State certified teacher.

16

17 4. (New section) a. A teacher from a foreign country shall be
18 authorized to teach in the United States under an international teacher
19 placement program or a teacher exchange program as authorized by
20 any federal law, and shall be certified in accordance with the
21 provisions of subsection b. of this section to teach for a period of no
22 more than three years.

23 b. In order for a teacher from a foreign country to be certified
24 under this section, the teacher shall:

25 (1) meet the eligibility requirements for a provisional instructional
26 certificate or possess equivalent qualifications as determined by the
27 State Board of Education; and

28 (2) demonstrate the ability to speak, read and write the English
29 language fluently, in accordance with criteria established by the State
30 Board of Education.

31 c. A teacher from a foreign country employed pursuant to this act
32 shall be deemed to be an employee of the public school district, and as
33 such shall be eligible to become a member of the bargaining unit
34 defined in the applicable agreement with the public school district.

35

36 5. This act shall take effect immediately.

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STATEMENT

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41 This bill addresses the employment of teachers from foreign
42 countries. Temporary work visas may be obtained by teachers from
43 foreign countries in order to work in the United States for one year to
44 a maximum of three years. These teachers are required to leave the
45 United States upon the expiration of their visa.

1 The bill amends the law to expressly eliminate any citizenship
2 requirement for a foreign teacher who is enrolled with an approved
3 international agency which operates a teacher placement program or
4 teacher exchange program. It would further ensure that such teachers
5 can obtain any necessary certification to teach in the public schools by
6 expressly exempting them from declaring an intent to become United
7 States citizens. This amendment is necessary as the conditions of the
8 temporary work visa prevent these foreign teachers from making such
9 a declaration.

10 A school district would be permitted to employ a teacher from a
11 foreign country who is enrolled with an approved international agency
12 which operates a teacher placement program in a subject area in which
13 the State Board of Education has determined there is a
14 contemporaneous critical shortage of certified teachers. However, the
15 district board of education would have to first make a good faith effort
16 to employ a State certified teacher and document its inability to hire
17 an appropriately certified teacher with the Department of Education.
18 A school district could also hire a foreign teacher enrolled in a teacher
19 exchange program, permitting this teacher to directly substitute for the
20 services of a permanently employed State certified teacher.

21 All teachers from foreign countries would be authorized to teach in
22 the United States under international teacher placement programs or
23 teacher exchange programs as authorized by federal law, and could
24 only be certified in accordance with the provisions of this bill to teach
25 for up to three years.

26 In order to be certified to teach, teachers from foreign countries
27 would have to meet two criteria. First, they would need to meet the
28 eligibility requirements for a provisional instructional certificate or
29 possess equivalent qualifications as determined by the State Board of
30 Education; and second, they would need to demonstrate the ability to
31 speak, read and write the English language fluently, in accordance
32 with criteria established by the State Board of Education.

33 Further, any teacher from a foreign country employed pursuant to
34 this bill would be deemed to be an employee of the public school
35 district. As such, the teacher would have the option to become a
36 member of the local employee representative organization.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1152

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 2002

The Assembly Education Committee favorably reports Assembly Bill No. 1152.

This bill addresses the employment of teachers from foreign countries. The purpose of the bill is to clarify the authority of public school districts to hire foreign teachers who are enrolled with an approved international agency which operates a teacher placement program or teacher exchange program. Under federal law, temporary work visas may be obtained by teachers from foreign countries in order to work in the United States for one year to a maximum of three years. These teachers are required to leave the United States upon the expiration of their visa.

The bill amends current law to expressly eliminate any citizenship requirement for a foreign teacher who is enrolled with an approved international agency which operates a teacher placement or teacher exchange program. The bill further provides that a declaration of intent to become a United States citizen would not be required of such teachers in order to obtain necessary certification to teach in the public schools. This change is necessary as the conditions of the temporary work visa prevent foreign teachers from making such a declaration.

Under the bill's provisions, a school district would be permitted to employ a teacher from a foreign country who is enrolled with an approved international agency which operates a teacher placement program in a subject area in which the State Board of Education has determined there is a contemporaneous critical shortage of certified teachers. However, the district board of education would have to first make a good faith effort to employ a State certified teacher and document with the Department of Education the inability to hire an appropriately certified teacher. A school district could also hire a foreign teacher enrolled in a teacher exchange program, permitting this teacher to directly substitute for the services of a permanently employed State certified teacher.

Also under the bill's provisions, a teacher from a foreign country must be authorized to teach in the United States under an international teacher placement program or a teacher exchange program as authorized by federal law, and could only be certified to teach in the State for up to three years. In order to be certified, the teacher would

have to: 1) meet the eligibility requirements for a provisional instructional certificate or possess equivalent qualifications as determined by the State Board of Education; and 2) demonstrate the ability to speak, read and write the English language fluently in accordance with criteria established by the State Board of Education.

The bill specifies that a teacher from a foreign country employed in accordance with the bill's provisions will be deemed to be an employee of the district and as such would have the option to become a member of the local employee representative organization.

This bill was pre-filed for introduction in the 2002-2003 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1152

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 2002

The Senate Education Committee reports favorably Assembly Bill No. 1152.

This bill addresses the employment of teachers from foreign countries. The purpose of the bill is to clarify the authority of public school districts to hire foreign teachers who are enrolled with an approved international agency which operates a teacher placement program or teacher exchange program. Under federal law, temporary work visas may be obtained by teachers from foreign countries in order to work in the United States for one year to a maximum of three years. These teachers are required to leave the United States upon the expiration of their visa.

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have to: 1) meet the eligibility requirements for a provisional instructional certificate or possess equivalent qualifications as determined by the State Board of Education; and 2) demonstrate the ability to speak, read and write the English language fluently in accordance with criteria established by the State Board of Education.

The bill specifies that a teacher from a foreign country employed in accordance with the bill's provisions will be deemed to be an employee of the district and as such would have the option to become a member of the local employee representative organization.

As reported, this bill is identical to S509.

SENATE, No. 509

STATE OF NEW JERSEY
210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Senator ROBERT J. MARTIN
District 26 (Morris and Passaic)
Senator JOSEPH A. PALAIA
District 11 (Monmouth)

SYNOPSIS

Exempts teachers from foreign countries from teacher citizenship requirements and permits boards of education to temporarily employ such teachers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the employment of teachers from foreign
2 countries, amending N.J.S.18A:26-1 and N.J.S.18A:26-8.1, and
3 supplementing chapter 27 of Title 18A of the New Jersey Statutes.

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14 accordance with law, may be employed as a teacher so long as he
15 holds a valid teacher's certificate and a teacher of foreign languages
16 who has been a resident of the United States for less than 10 years and
17 who is not a citizen of the United States may be employed in such
18 capacity.

19 The requirement of citizenship shall not be construed to apply to a
20 teacher from a foreign country who is enrolled with an approved
21 international agency which operates a teacher placement program or
22 teacher exchange program.

23 (cf: N.J.S.18A:26-1)

24

25 2. N.J.S.18A:26-8.1 is amended to read as follows:

26 18A:26-8.1. a. The state board of examiners may, with the
27 approval of the commissioner, issue a teacher's certificate to teach in
28 the public schools to any citizen of any other country who has declared
29 his intention of becoming a United States citizen and who is otherwise
30 qualified, but any such certificate may be revoked by the state board
31 of examiners if the board is satisfied that the holder thereof has
32 abandoned his efforts to become a United States citizen, or has
33 become disqualified for citizenship, or shall not have become a United
34 States citizen, within five years of the date of its issuance.

35 b. A declaration of intention to become a United States citizen
36 shall not be required of a teacher from a foreign country who is
37 enrolled with an approved international agency which operates a
38 teacher placement program or teacher exchange program in order for
39 the teacher to obtain any necessary certification to teach in the public
40 schools.

41 (cf: N.J.S.18A:26-8.1)

42

43 3. (New section) a. A board of education may employ a teacher

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

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1 from a foreign country who is enrolled with an approved international
2 agency which operates a teacher placement program in a subject area
3 in which the State Board of Education has determined there is a
4 contemporaneous critical shortage of certified teachers. Prior to the
5 employment of a teacher from a teacher placement program in a
6 subject area of critical shortage, the board of education shall first make
7 a good faith effort to employ a State certified teacher and shall
8 document its inability to hire an appropriately certified teacher with
9 the Department of Education.

10 b. A board of education may employ a teacher from a foreign
11 country who is enrolled with an approved international agency which
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13 foreign country to directly substitute for the services of a permanently
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16 4. (New section) a. A teacher from a foreign country shall be
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20 provisions of subsection b. of this section to teach for a period of no
21 more than three years.

22 b. In order for a teacher from a foreign country to be certified
23 under this section, the teacher shall:

24 (1) meet the eligibility requirements for a provisional instructional
25 certificate or possess equivalent qualifications as determined by the
26 State Board of Education; and

27 (2) demonstrate the ability to speak, read and write the English
28 language fluently, in accordance with criteria established by the State
29 Board of Education.

30 c. A teacher from a foreign country employed pursuant to this act
31 shall be deemed to be an employee of the public school district, and
32 as such shall be eligible to become a member of the bargaining unit
33 defined in the applicable agreement with the public school district .
34

35 5. This act shall take effect immediately.
36
37

38 STATEMENT
39

40 This bill addresses the employment of teachers from foreign
41 countries. Temporary work visas may be obtained by teachers from
42 foreign countries in order to work in the United States for one year to
43 a maximum of three years. These teachers are required to leave the
44 United States upon the expiration of their visa.

1 The bill amends the law to expressly eliminate any citizenship
2 requirement for a foreign teacher who is enrolled with an approved
3 international agency which operates a teacher placement program or
4 teacher exchange program. It would further ensure that such teachers
5 can obtain any necessary certification to teach in the public schools by
6 expressly exempting them from declaring an intent to become United
7 States citizens. This amendment is necessary as the conditions of the
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23 teacher exchange programs as authorized by federal law, and could
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25 for up to three years.

26 In order to be certified to teach, teachers from foreign countries
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29 possess equivalent qualifications as determined by the State Board of
30 Education; and second, they would need to demonstrate the ability to
31 speak, read and write the English language fluently, in accordance
32 with criteria established by the State Board of Education.

33 Further, any teacher from a foreign country employed pursuant to
34 this bill would be deemed to be an employee of the public school
35 district. As such, the teacher would be protected under the specific
36 negotiated terms of the applicable collective bargaining agreement.
37 Also, the teacher would have the option to become a member of the
38 local employee representative organization and therefore receive any
39 added benefits associated with such membership.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 509

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 2002

The Senate Education Committee reports favorably Senate Bill No. 509.

This bill addresses the employment of teachers from foreign countries. The purpose of the bill is to clarify the authority of public school districts to hire foreign teachers who are enrolled with an approved international agency which operates a teacher placement program or teacher exchange program. Under federal law, temporary work visas may be obtained by teachers from foreign countries in order to work in the United States for one year to a maximum of three years. These teachers are required to leave the United States upon the expiration of their visa.

The bill amends current law to expressly eliminate any citizenship requirement for a foreign teacher who is enrolled with an approved international agency which operates a teacher placement or teacher exchange program. The bill further provides that a declaration of intent to become a United States citizen would not be required of such teachers in order to obtain necessary certification to teach in the public schools. This change is necessary as the conditions of the temporary work visa prevent foreign teachers from making such a declaration.

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The bill specifies that a teacher from a foreign country employed in accordance with the bill's provisions will be deemed to be an employee of the district and as such would have the option to become a member of the local employee representative organization.

This bill was pre-filed for introduction in the 2002-2003 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As reported, this bill is identical to A-1152.