

## ABSTRACT

Title of dissertation:           MIGRANT TEACHERS: A CASE STUDY

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This research uses a rights-based approach to interpret the global and local implications of increased teacher migration by: 1) surveying the literature regarding the linkages between uneven teacher distribution and the recruitment of “overseas trained teachers”(OTTs); 2) illustrating international experiences and initiatives that seek to address the status and treatment of OTTs with special attention to the organizations, structures and processes that determine these initiatives within a context of increased privatization of public services; 3) using case study methodology to describe and analyze the complexities of teacher migration by focusing on their perceptions of pedagogy, migration expectations and local union relationship experienced by a population of Philippine OTTs in an urban U.S. district known for high teacher turnover, and 4) using critical perspectives to problematize the purported “shortage area” reasons given for international teacher recruitment and propose alternatives. The research illuminates current gaps in the literature and shows that while there are both push and pull factors that contribute to the increase in migration, and there are also new actors emerging to capitalize on the portability of teaching credentials. One such actor is recruiting agencies that seek to place overseas trained teachers in schools suffering high turnover and shortage. The research also considers initiatives for addressing exploitation of migrant teachers and the usefulness of national or international protocols that purport to balance individual rights to migrate against national needs for development and realizing the right to education for its people.

*Key words: teacher migration, globalization, rights, ethical recruitment*

MIGRANT TEACHERS: A CASE STUDY

by

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Dissertation submitted to the Faculty of the Graduate School of the  
University of Maryland, College Park in partial fulfillment  
of the requirements for the degree of  
Doctor of Philosophy  
2014

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## DEDICATION

This dissertation is dedicated to a certain someone who modestly asked me to dedicate it instead to the Pilipino Educator Network. Your perseverance and commitment to the principles of human rights and dignity inspired me at every step of the process. Manny would be proud.

## ACKNOWLEDGEMENTS

My gratitude extends to the many individuals who helped me by reading, giving comments, editing and providing support along the way. One drafted editor, A. Mahlon Edwards was a fantastic support and his big brother is eternally grateful.

I would never have made it to this stage were it not for the pestering and prodding of my close critical friend and adviser, Steve Klees. Likewise, I am indebted to the wonderful Carol Anne Spreen who has been my co-conspirator and co-author on this topic for many years.

I would also like to acknowledge my friends Kiran Badwal and Pragati Godbole for helping with last minute printing and delivery. I would like to thank my incredibly understanding colleagues at both the National Education Association and Education International (and Lisa and Undraa especially) whose solidarity meant dealing with me and helping me balance the multiple roles that I carry without too much spillage.

Lastly and most importantly, I wish to thank my wife and life partner Rosana Martinelli for her encouragement, compassion and strength in holding our family together during this long, (at times arduous) journey. And... to my three inspiring daughters (Olivia, Isabella and Amanda) - thank you for illuminating my life.

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### *List of Acronyms*

ADHD	Attention Deficit Hyperactivity Disorder
AFT	American Federation of Teachers
AYP	Adequate Yearly Progress
CABLE	Cognitive Academic Basic Language Experience
CARICOM	Caribbean Community
CEART	Application of the Recommendations concerning Teaching Personnel
CERET	United States Code for the Ethical Recruitment and Employment of Teachers
CESCR	United Nations Council on Economic, Social and Cultural Rights
COMSEC	Commonwealth Secretariat
DOL	United States Department of Labor
ED	United States Education Department
EFA	Education for All
EI	Education International
GFMD	Global Forum Migration on Development
GATS	Global Agreement on Trade in Services
GERM	Global Education Reform Movement
GMR	Global Monitoring Report
IEP	Individualized education plans
ILO	International Labor Organization
IMF	International Monetary Fund
IOM	International Organization on Migration
MDG	Millennium Development Goals
NEA	National Education Association
NCES	National Council on Education Statistics
NCLB	No Child Left Behind
NGO	Non-Governmental Organization
OAS	Organization for American States
OECD	Organization for Economic Co-Operation and Development
OTT	Overseas Trained Teachers

PCEA	Penelope County Education Association
PCPS	Penelope County Public Schools
PEN	Pilipino Educators Network
PERM	Program Electronic Review Management
PISA	Program for International Student Assessment
RBA	Rights Based Approach
RIF	Reduction in Force
UN	United Nations
TAG	Talented and Gifted
TALIS	Teacher and Learning International Survey
TISA	Trade in Services Agreement
UNESCO	United Nations Educational, Scientific and Cultural Organization
USCIS	United States Citizenship and Immigration Services
WHD	U.S. Department of Labor's Wage and Hour Division
WISE	World Innovation Summit for Education
WTO	World Trade Organization

Globalization is highly selective. It proceeds by linking up all that, according to dominant interests, has value anywhere in the planet, and discarding anything (people, firms, territories, resources) which has no value or becomes devalued, in a variable geometry of creative destruction and destructive creation of value.

Manuel Castells, *Materials for an exploratory theory of the Network Society*. (2001, p.1)

I've always fought for my country, in my own way, showing that Filipinos are a strong people and can do anything that they put their minds to.

Manny Pacquiao

## Prologue

Perhaps the greatest tragedy regarding human rights is not the absence of instruments, treaties and protocols but the lack of ratification, adoption, internalization and enforcement of the rights they are set out to protect. This is certainly the case with the right to education, the right to due process and the right to free movement. Taken separately, these rights are realized or not realized to varying degrees depending on the adherence by certain governments to uphold and recognize them through a system of laws. These rights are violated daily and oftentimes that violation stems directly from ignorance of their existence or systems of redress.

Few are aware of the existence of the Commonwealth Teacher Recruitment Protocol that seeks to balance the rights of teachers who choose to migrate against the rights of the countries who are dependent upon an adequately staffed teaching force to develop into just and equitable knowledge based societies. Even fewer are aware ILO-UNESCO Recommendation on the Status of Teaching Personnel which sets out minimum standards if not a Bill of Rights for teachers worldwide.

At the time of writing, the rights of thousands of teachers recruited on H1-B visas to teach in high need school districts in the United States are having their labor rights violated. Many will be in “right to work” states which means that they are in states where the right to form unions is not protected by state law. They will be recruited by unregulated third party actors, international recruiting agents, who negotiate contractual arrangements without transparency or oversight. These agencies are little more than the “coyotes” who exploit migrant labor in the agricultural sector and legal “flexibility” loopholes in labor codes. They are not responsible to the students left behind in the source countries or to the indebted family members who over-borrowed at high rates to give someone an opportunity. Nor, when they are caught, are they responsible to the teachers and families who are deported when shortages ebb.

The experiences of the exploited by the market-based, knowledge economy are seldom privileged and looked at, as in this study, through the lens of human, labor and professional rights. Theirs are human stories. And, their struggle for justice is the same struggle as that of students and parents the world over who believe that a different world is possible.

## **Chapter 1. Teacher Migration Networks in the 21<sup>st</sup> Century: An Introduction to the Issues and Intersections**

This research seeks to use a rights-based approach to interpret the global and local implications of increased teacher migration by: 1) surveying the literature regarding the linkages between uneven teacher distribution and the recruitment of “overseas trained teachers”(OTTs); 2) illustrating international experiences and initiatives that seek to address the status and treatment of OTTs with special attention to the organizations, structures and processes that determine these initiatives within a context of increased privatization of public services; 3) using case study methodology to describe and analyze the complexities of teacher migration by focusing on the pedagogy, migration expectations and local union relationship experienced by a population of Philippine OTTs in an urban U.S. district known for high teacher turnover, and 4) using critical perspectives to problematize the purported “shortage area” reasons given for international teacher recruitment and propose alternatives.<sup>1</sup>

Globalization has increased the flows of information, capital and labor in unprecedented ways with serious consequences for humankind. In terms of globalization’s impact on education, suffice it to say that the teaching profession is at a major crossroads. Consider that today in the United States, just as temporary visas are issued for Mexican apple pickers to cross national borders to fill the seasonal demand for unskilled labor, foreign-born software programmers are granted special competitiveness visas to extend their stay, and a wide range of foreign trained professionals from both

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<sup>1</sup> From an interview with anonymous source who works in the Department of Labor’s section that certifies visa applications for approval.

public and private sector backgrounds in the developing world are being recruited to fill labor shortages. Consider that among these foreign trained professionals brought on a temporary basis to fill shortage areas are foreign trained teachers, covering gaps in high need subjects in high poverty schools. In 2009, a major suburban school district simultaneously chose to lay off an upwards of 300 veteran teachers due to budget issues and filed H1-B certification requests for importing the same number of overseas trained teachers. In 2010, a Department of Labor inquiry found that the district in question did not follow appropriate legal procedures when it hired nearly 1000 foreign teachers between 2004 and 2009. The result was the mass “nonrenewal” of visas for hundreds of these teachers, many who had been in the district with their families for more than five years. Nonrenewal is the new word for “termination” for migrant teachers. The lack of rights it represents in a global migration context is certainly not new for other jobs in the health and agricultural sectors; however, it is new for teaching.

This comes at a time when teaching faces a professional paradox. Teaching, once considered to be first and foremost dedicated to socializing the democratic values of the communities they served, is being simultaneously mandated to deliver students that possess the kind of content knowledge and higher order reasoning skills that will make them (and by extension, the U.S.) globally competitive. A cog in the wheel of the new knowledge economy, teachers are no longer content to remain immobile observers of globalization. They are being lulled into the global stream by the promise of better pay, better working conditions, and a more supportive professional climate by working abroad.

According to UNESCO, there are close to 65 million teachers in the world. In terms of basic education, in OECD countries this translates into approximately one teacher for every twenty-five students. In non-OECD countries that ratio can range anywhere from 1:25 to 1:75 (Siniscalco, 2004). In fact, a number of studies like OECD's *Teaching Matters* and UNESCO's *EFA Global Monitoring Report* (GMR UNESCO, 2014) have underlined a serious and challenging trend in non-OECD countries – as EFA goals are being met and education coverage expands, the demand for more and better teachers is increasing (UNESCO, 2014 p. 217). According to the GMR (Appendix C), the pressure to provide more teachers has been greatest in the developing world, which currently accounts for over 95 per cent of the world's population growth. Although quantity and quality are not always easy to reconcile the imperative is daunting. Consider the fact that the Global Campaign for Education reports that in 2006,

Over 100 million children are currently denied their right to a primary level education. Between 14 and 22.5 million teachers need to be recruited, trained and provided with the right incentives in the next ten years if we are to give these children the quality public education they deserve by 2015 –the target date of the international community's Education For All [EFA] and Millennium Development Goals [MDGs]. With these new teachers, all children will be able to be taught in classes of no more than 40 pupils per teacher.<sup>2</sup>

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<sup>2</sup> Global Campaign for Education. *Teachers For All: what governments and donors should do.* [[http://www.vsointernational.org/Images/GCE\\_Teachers\\_For\\_All\\_tcm76-22710.pdf](http://www.vsointernational.org/Images/GCE_Teachers_For_All_tcm76-22710.pdf)]

Yet, as many developing and developed countries are finding, attracting, educating, deploying and retaining effective teachers is anything but straightforward. As a direct result of increased primary enrollments due to policies like EFA over the last 15 years, and as these cohorts of children move through to secondary schooling the demand for teachers will continue to exceed the projected supply.

Further complicating matters, the flexible global labor market makes the task for small countries of fulfilling the increasing demands of education expansion increasingly difficult if not impossible. In countries in sub-Saharan Africa where the State struggles to produce significant numbers of secondary and post-secondary graduates, the challenges in attracting, preparing and retaining high quality and experienced teachers can be insurmountable. The most recent estimates from the 2013 Global Monitoring Report project that 5.1 million teachers will need to be hired to reach the 'Education for All' goal of universal primary education (UIS, 2013e).

Paradoxically, these drivers for increased competitiveness bump up against core American democratic purposes in ways never before imagined. For example, Reimers has found:

Educational institutions exist to achieve public purposes. One of these purposes is to develop citizenship. In an era of globalization effective citizenship includes the knowledge, ability and disposition to engage peacefully and constructively across cultural differences for purposes of addressing personal and collective needs and of achieving sustainable human-environmental interactions, this requires internalizing global values. In the United States, for example, public schools have

for most of their existence focused on citizenship education, although this emphasis has diminished in recent years. (2006, p. 1)

Once tasked with producing an informed and productive citizenry, teachers are now being told that their pay will depend on the value they add to students' test scores and the federal government is dangling millions to cash-strapped states to ensure this becomes policy (Education Week, 2010). Teachers increasingly report that this increased narrow version of accountability comes with decreased autonomy to use their professional discretion to be able to teach anything but the test. Not surprisingly, the present conditions for teaching and learning are such that half of teaching professionals choose to leave the profession after five years (Ingersoll, 2008). Exacerbating the problem are the high-stakes global education reforms where teachers organizations themselves have been identified as the special interest group protecting the status quo (AP News, 2010). The Global Education Reform Movement or GERM coined by Pasi Sahlberg (2010) is a term that seeks to address the policy-borrowing which began largely amongst Anglophone OECD-member countries but is spreading in the global South as well.

The spread of the Global Education Reform Movement raises difficult challenges and questions for teachers and their unions. Collaborative responses to privatization, free market policies, anti-union sentiment, deprofessionalization and standardization have taken on an air of solidarity all unto themselves. [However, there are] signs of increased activity among teacher union solidarity networks in the education policy front as a potential and necessary correction to commodifying trends that put the very existence of education as a right and public good into question. (Edwards and Spreen, 2007, p.14)

School districts in highly decentralized and industrialized countries are recruiting international teachers to migrate for a set period of time, under very specific conditions, to work in the areas of greatest shortage. The stories of these teachers and the multiple ways they are seen (“brain drain,” global knowledge workers, cheap labor, visiting scholars) are in many ways an apt metaphor for thinking about the cross-section of globalization and education in the 21<sup>st</sup> Century.

In particular, I am interested in using a rights-based framework to understand how groups of international teachers make meaning out of their migration as well as their professional roles and responsibilities. How has migrating affected them and their families personally? How do they see the state of their profession and the policies to attract and retain them? Did the experience meet their expectations? Are overseas trained teachers that received visas to teach in a shortage area (Science, Mathematics) hired to fill subject shortages or do they teach subjects across the spectrum? Do they tend to stay in their areas of expertise (effectiveness) or do they experience transfers? If so, do these happen to them more than their U.S. domestically trained colleagues? Are they aware of their labor rights and responsibilities? How do they relate with their new local unions?

The last question is particularly interesting. These experiences are recasting the role of teachers’ unions who are struggling to defend their members’ rights, regardless of their national origin or status. Slow to come to the table, now unions represent OTTs that fall under their contracts. Since 2009, unions have reported accounts of migrant teacher mistreatment in places ranging from Louisiana to Texas to Florida. In fact according to a state-level complaint filed by the American Federation of Teachers (AFT) and the

Louisiana Federation of Teachers on Sept. 30, 2009 a company that recruited Filipino teachers to work in Louisiana schools cheated those teachers out of thousands of dollars and held them in virtual servitude. On Oct. 20, 2009 the AFT also filed a federal complaint with the U.S. Department of Labor on behalf of these teachers. After these events AFT released a report entitled *Importing Educators: Causes and Consequences of Teacher Migration*.

Key findings of the report include:

- *an estimated 19,000 teachers were working in the U.S. on temporary visas in 2007;*
- *the number of overseas-trained teachers being hired in the U.S. 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.*

(American Federation of Teachers, 2009)

Each of the above listed findings stems from multiple, complex and interconnected issues that deserve greater scrutiny and scholarship at both the micro and macro levels. However, given the relatively little research conducted to describe the phenomenon in context, an important first step would be, as I do here, to design a holistic case study to both illustrate and describe the experiences of a group of teachers who were all recruited to fill a shortage area in that same district. Except for the earlier cited AFT report, any mention of the role of labor unions and teachers' organizations as mitigating forces is conspicuously absent from the literature to date. The potential for a positive role was

certainly present in the county where I conducted the case study analysis for this research, Penelope County (alias).

Importantly, interpreting this case through a rights-based framework provides a different interpretation of teacher migration than most other migration studies.

Internationally, since the end of the 1990s, various multilateral agencies as well as human rights academics, experts, and non-governmental organizations have been increasingly involved in the development of rights-based frameworks. This approach has also been taken by the Office of the High Commissioner for Human Rights and the UN Rapporteur on the Right to Education. Yet, compared to other human rights, there have been few collective efforts to develop frameworks around education rights, particularly the rights of teachers. An exception is the London-based Right to Education (RTE) project which draws heavily on international human rights law and employs several rights-based indicators to examine the right to education. The RTE uses the 4A framework and encompass the three fundamental human rights principles of non-discrimination, participation and accountability (RTE, 2010). The RTE project created a set of 200 indicators under 37 headings to guide governments and civil society in monitoring and measuring education rights. According to Tomesevski (2003), education rights are not related to only accessing schools but also to rights in and through education. Education quality is integral to rights (UNESCO, 2004; Watkins, 2011). The main barriers to ensuring education rights have been poverty, school-related financial and cost issues, teacher quality, cultural relevance, school management and government non-implementation of policies and legislation

The added value of using a rights based framework to study teacher migration is to go beyond the quantitative descriptors to analyze a range of barriers and challenges migrant teachers specifically face in ensuring their rights. By including qualitative descriptions such as interview data and testimonies, the dissertation evaluates broader understandings about the right to education including whether the teaching opportunities provided were in an environment respectful of migrant teacher's dignity and development, whether schools promote respect for learners as well as teachers, whether and how education is provided equitably, and whether schools uphold human rights. In other words, a rights based framework should not only measure the right to education in terms of access to schools and achievement rates, but also contextual issues including rights in and through education (Spren and Vally, 2012).

A potential risk to relying primarily on quantitative data on teacher migration was the dearth and quality of the official data available. One way of mitigating this risk was to diversify the sources of data, check its reliability with data collected from governmental agencies and districts on visa applications and teacher needs, and to supplement the data with input and testimonies from migrant teachers. Hence, a critical element of the dissertation has been creating a qualitative case study conducted through intensive outreach and personal relationships with the teachers which I suggest are more revealing and explanatory than much of the previously available statistical data.

Using a rights based framework the case study examined in greater detail the barriers and violations of the teachers' rights in education, as well as government policy and international practice on this issue, and the practices of schools and leadership, teachers unions and local districts. The rationale for the selection of Penelope County and

the target group of teachers was to enable the study of a particular migrant group in a bounded setting.

Given the gaps in the literature around migrant teachers' perceptions of pedagogy, their expectations about the migration process and their relationship with their local unions I have identified three main research questions for the study.

Q1: How has migrating affected teachers' perception of pedagogy and how they see the state of their profession?

Q2: Did the experience meet migrating teachers' expectations?

Q3: What has been the experience of migrating teachers with the local teachers' union?

### A Disbarment in Context

As it is important to situate this case within the circumstances and events binding it, I will briefly describe those circumstances which ended the Penelope County's period of international recruitment. That period ended abruptly in April 2011 with its official disbarment from international recruiting. That disbarment in turn led to the nonrenewal of visa applications for teachers who had been earlier notified of impending layoffs in the county. That administrative procedure of nonrenewal effectively meant termination without due cause for the last wave of migrant teachers in Penelope County. In October of 2009 a series of federal complaints had been filed and investigations had been initiated into questionable recruiting practices which were occurring across the country. That month, USA Today did an exposé on the AFT complaint lodged against a recruiter in a

district in a southern state called *Teachers trapped in a maze* with the subheading “*Filipino educators held in ‘servitude’ to agency that got them U.S. jobs, federal complaint says*”. This complaint was but one of many being investigated in cities and counties across the United States. Behind most of the investigations was the U.S. Department of Labor’s Wage and Hour Division (WHD) who have as their mission to “promote and achieve compliance with labor standards to protect and enhance the welfare of the Nation's workforce.”

WHD has the responsibility to “enforce Federal minimum wage, overtime pay, recordkeeping, and child labor requirements of the Fair Labor Standards Act. WHD also enforces the Migrant and Seasonal Agricultural Worker Protection Act, the Employee Polygraph Protection Act, the Family and Medical Leave Act, wage garnishment provisions of the Consumer Credit Protection Act, and a number of employment standards and worker protections as provided in several immigration related statutes. Additionally, WHD administers and enforces the prevailing wage requirements of the Davis Bacon Act and the Service Contract Act and other statutes applicable to Federal contracts for construction and for the provision of goods and services.” (U.S. Department of Labor, 2014)<sup>3</sup>

The DOL had received a complaint that Penelope County had made the teachers they recruited in the Philippines pay all the H1-B processing fees for which the employer was responsible. According to the decision handed down by DOL, the district was found to have willfully violated the fair wage provision. Or in other words, by forcing the

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<sup>3</sup> For more information, see: <http://www.dol.gov/whd/about/mission/whdmiss.htm>

teachers to pay the fees up front they were garnishing the wages of those teachers and not paying them the prevailing wage. The investigation itself went on for almost two years during which time no discussion with the local unions were held according to my source in the DOL. Then, a series of contradictory communications were issued to the teachers holding H-1B status which reflected the level of disorganization within the district and unfamiliarity with migration law. Appendices A and B were provided to me from two interview participants whom I refer to as Penny and Tory.

The first, Appendix A from Tory is an affidavit that was given in the appeal to the disbarment decision. The second is a letter that Penny sent directly to then Secretary of Labor Solis as part of a high level lobbying campaign she organized to raise awareness of the double injustice being perpetuated on those teachers – the first being the unfair fees and the second being a disbarment that led to termination via nonrenewal (see Appendices A and B).

Tory said that shortly after receiving an email from the district that H1-B applications would only be renewed for critical areas which motivated hundreds of OTTs to get emergency certification in those areas, a few weeks later she received the following:

This is to inform you that effective immediately, [the district] will make decisions regarding H - 1B renewal without regard to teaching assignment in critical and non - critical areas. As a result, [the district] is rescinding any decision based on non - critical area assignment. Further, [the district] will process renewal petitions

on behalf of all tenured H - 1B teachers who meet the other requirements outlined in AP XXXX notwithstanding prior notice issued to the contrary.

This means that until further notice, those small number of employees who recently received a denial of continued sponsorship based on not teaching in a critical area will have those notices rescinded and will be approved for continued sponsorship, assuming all other requirements of AP XXXX have been met. Those who are awaiting determinations for continued sponsorship based on upcoming (2011) visa expirations will receive approval, if they meet all other requirements of AP XXXX<sup>4</sup>. (APPENDIX A)

However, according to Tory's affidavit, which has been verified by the other nine teachers I interviewed, those promises of continued sponsorship never materialized in the months leading up to the disbarment. What began as a plan to get a steady supply of highly skilled international teachers to transfer their knowledge and skills to the students in an underserved county known for high teacher turnover ended in a transnational layoff that was accomplished *fait accompli*.

Before proceeding further it is important to state that it is not by accident that the American education system would look to the Philippines. Understanding the specific colonial legacy of these two countries requires some brief historical context.

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<sup>4</sup> Administrative Procedure XXXX was concealed to maintain confidentiality.

## The Philippines: A Colonial Education Heritage

Prior to independence in 1946 the Philippines endured nearly 400 years of colonial rule.

Spanish missionaries established schools immediately after reaching the islands. The first schools were opened by the Augustinians in 1565, the Franciscans in 1577, the Jesuits in 1581, and the Dominicans in 1587. Although the people spoke Tagalog the colonial schools followed the Spanish directive that Spanish be the official language.

The Educational Decree of 1863 created a free public education system in the Philippines, which mandated the creation of at least one primary school for boys and one for girls in each town under the responsibility of the municipal government. Largely because of the advent of public education, a new social class of educated Filipinos arose, the *Ilustrados* ('enlightened ones') – the group that eventually led the Philippine independence movement.

In 1898 Spain was defeated in the Spanish-American War and were forced to hand over Cuba, Puerto Rico and the Guam to the United States as per the Treaty of Paris. President McKinley's Taft Commission, called for a free public school system that would prepare Filipinos and in 1901, under the Department of Public Instruction headed by the United States, the Philippine Commission developed a centralized public school system. Notably, the commission authorized 600 teachers from America, known as the *Thomasites* (named after their vessel), to teach in the newly colonized nation. The *Thomasites* created schools that closely resembled the American public school system, discouraging the advancement of Philippines' literature and language and advanced Western practices, ideals and values.

U.S. rule over the Philippines had two phases. The first phase was from 1898 to 1935, during which time political organizations developed and the popularly elected Philippine Assembly (lower house) and the U.S.-appointed Philippine Commission (upper house) served as a bicameral legislature. The second period of United States rule—from 1936 to 1946—was characterized by the establishment of the Commonwealth of the Philippines and occupation by Japan during World War II. Allied forces invaded the Philippines in October 1944, and the Japanese surrendered on September 2, 1945. The period between 1945 and 1972 was marked by different political factions and ended with the rise of the authoritarian Marcos regime. Marcos declared martial law on September 21, 1972, and did not lift it until January 17, 1981. Soon thereafter Marcos' New Society reforms saw the adoption of the Educational Act of 1982. Section 4 states that the educational systems aim is to:

1. Provide for a broad general education that will assist each individual in the peculiar ecology of his own society, to

- (a) attain his potentials as a human being;

- (b) enhance the range and quality of individual and group participation in the basic functions of society; and

- (c) acquire the essential educational foundation of his development into a productive and versatile citizen;

2. Train the nation's manpower in the middle-level skills for national development;

3. Develop the profession that will provide leadership for the nation in the advancement of knowledge for improving the quality of human life; and

4. Respond effectively to changing needs and conditions of the nation through a system of educational planning and evaluation.

Towards the realization of these objectives, and pursuant to the Constitution, all educational institutions shall aim to inculcate love of country, teach the duties of citizenship, and develop moral character, personal discipline, and scientific, technological, and vocational efficiency.

This section of the Education Act was expanded over the following decades of democratization, but many Filipino scholars believe that the legacy of American colonialism was and is still present in the pedagogy and curriculum of the Philippine education system. Although some view that this American legacy protected them from the more standardized and test-based practices of other nation in the region like Japan and Korea, others pointed out the numerous Pilipino writers who were silenced and ignored. Isabel Pefianco Martin at the University of Manila writes a compelling case:

As material manifestations and ideological apparatus, public education in the Philippines perpetuated the interests of American colonialism... The partnership of canon and pedagogy sealed the fate of Filipino writers and readers.

The belief that public education was introduced in the Philippines for the Filipinos is false...

The Filipino experience of American colonial education must constantly remind us that language and literature education is never neutral. Education is power – the power to forge realities, the power to propel cultures, the power to interrupt life. (p. 98)

Given the American colonial influences on the Philippines for much of the twentieth century and the historical exportation of American educators who set up public education there, one wonders how Filipino migrant teachers perceive American education with respects to its pedagogy and practice. Are these knowledge workers the product of that history? How do they make sense of their professional identities?

## Education (workers) for All?

The UN Declaration of Human Rights states that all human beings have the right to an “Education [that] 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 ... racial or religious groups. ...” (UNDHR, Article 26) The application of the right is embodied Durban Program of Action (Article 129) in that it

“urges States to introduce and, as applicable, to reinforce anti-discrimination and antiracism components in human rights programs in school curricula, to develop and improve relevant educational material, including history and other textbooks, **and to ensure that all teachers are effectively trained and adequately motivated to shape attitudes and behavioural patterns, based on the principles of non-discrimination, mutual respect and tolerance** (emphasis added);

From a right-based perspective then the role of the teacher is not just about imparting knowledge, but about shaping society.

Conversely, the efficiency school of thought as represented in the neoclassical economic literature on globalization takes a different approach. Here the nature of knowledge and the claims of its universality have created an assumption that it is both desirable and feasible for all students, regardless of national boundaries, to share the same set of basic skills and knowledge. From a neoclassical economics perspective this

helps pave the way for increased competitiveness, more homogeneous markets and steady access to stable (and cheap) labor (Shelley, 2007, p. 4).

The Dakar EFA goal of universal basic education for all, while notable for its good intentions and rights' based approach, has created huge pressures on developing countries to find an additional 5.1 million new teachers by 2015. Within this current landscape numerous issues arise regarding international recruitment of overseas trained teachers. These issues range from infringements of human rights to exploitation. Yet to date most jurisdictions have turned a blind eye and prefer the flexibility to address teaching shortages with market solutions of contract teachers and paraprofessionals (inexpensive and easily dismissed labor).

Proponents of this approach are content to allow the education labor market to operate unrestrained in the face of inequities in access to funding, support and professional development opportunities for teachers, curriculum and class sizes that contribute to disparities between advantaged and disadvantaged schools. Countries that permit inequality between communities to grow and teacher distribution to skew to better resourced schools and areas place an additional recruitment and retention burden on those less resourced communities. The potential solution of recruiting overseas trained teachers to alleviate teaching shortages in under-resourced districts further exacerbates these disparities by creating an alternative labor market to serve less advantaged students, rather than improving policies that reduce inequality, improve teaching and learning conditions and more equitably allocate teachers. Further compounding matters is the fact that education funding and governance is not structured the same across countries, hence creating difficulties in ascertaining where the human resource responsibilities lie. In the

United States this falls to the district, whereas in many developing countries it is very much a centralized obligation of the ministry of education. One might think of this as the interlocutor problem and consider how tricky it becomes for the government of say, Jamaica, to seek an international solution over the recruitment carried out by a firm working for the city of New York.

The absence of incentives for close regulation by all parties and the problematic and asymmetrical interlocutor issues are central to the complex nature of inter-State teacher migration and mobility and underpin a fatal flaw in the hopes pinned to adherence to international protocols and agreements. At some level there is a need for the State to reassert itself as more than the enforcer of contracts and defender of borders. There is a need for the State, along with other sectors of the greater global civil society to both ensure human rights and take responsibility for helping to create a more humanistic type of knowledge society that helps teachers out of what Andy Hargreaves refers to as the “professional paradox” and casualties of the standardization imposed by the imperatives of the knowledge society (Hargreaves, 2003). He merges learning community and knowledge society literature to create a historically grounded definition of the knowledge society. He defines the knowledge society as a three dimensional mixture of:

- expanded scientific, technical and educational spheres;
- complex ways of processing and circulating knowledge in a service-based economy; and

- basic changes to organization functions for the continuous enhancement of products and services by creating systems, teams and cultures that maximize opportunities for mutual, spontaneous learning (p. 17).

Understanding the push-pull factors of teacher migration and the short-/long-term planning problems around recruitment and retention in both industrialized and developing countries as they choose a knowledge economy versus knowledge society are complex issues. Global labor migration is not simply a unidirectional movement of labor between North and South, but a human rights and social justice issue for both teachers and the schools they serve. Could poor planning and a market-based labor market allow for shortages in hard-to-staff areas that would in turn create teacher shortages and increased class sizes elsewhere? Or might the competition from international recruitment agencies cause countries to value their teachers more, including better pay and working conditions? To address these and other questions I have chosen to take a rights-based approach towards investigating teacher mobility and focus on the global inequality of the system with regard to occupational status and rights of teachers and its implications for undermining the delivery of quality public education. In my view, education rights include access to a quality education and the right to be taught by professionally trained teachers, while teachers also have rights to a living wage and decent working conditions – and to seek employment where these conditions exist. Therefore, the “problem” of producing a professionally trained and highly motivated workforce is not limited to small States which (after tremendous investment in teacher preparation) lose their qualified teachers. Teacher shortages, quality teaching and improving education for all are parts of a global dilemma that reproduce global inequality and must be addressed internationally.

## The Rights Based Approach (RBA)

Many international agencies have increasingly turned to a human rights based approach to anchor their mission and vision at a time when competing vested interests would like to recast rights in free market cost and benefit terms. In 1997, the United Nations began a reform process and the Secretary-General called on all entities of the UN system to:

bring human rights into the mainstream of their activities and programs. [For] *the rights-based approach* focuses on the inalienable human rights of each individual, as expressed in UN instruments, and on governments' obligation to fulfill, respect and protect those internationally defined human rights. In so doing, it aims to support and empower individuals and communities to claim their rights. In addition, a distinctive feature of this approach is that it requires an equal commitment to both process and outcomes. (UNICEF/UNESCO, 2007, p. 3)

Applying a rights-based approach to teacher migration is not a panacea. It does not avoid some central challenges – for example, the need to balance the claims of different rights holders and address potential tensions between the realization of different rights or between rights and responsibilities. That balance is at the heart of this study and shall be analyzed repeatedly from a number of perspectives. However, the right to education and the right to work are fundamental human rights. Acknowledging this fact and making them central to this analysis empowers communities, teachers, parents and other stakeholders to claim their rights, insist that these be fully implemented and, when necessary, seek their enforcement in national or international courts.

## Rights-Based versus Migration Management

It is important to underscore that presently there are two opposing approaches (poles) to migration today that are competing for legitimacy and acceptance by governments the world over, the rights-based approach and the utilitarian “migration management approach.”

The rights –based approach is characterized by:

[A] clear reference to a normative foundation of international human rights and labor Conventions. This approach is based on social dialogue, recognizing that the social partners—employers and worker unions—are essential stakeholders. It explicitly ties migration policy to labour market regulation, labour force composition, economic performance and, ultimately, social protection and welfare. Overall this approach seeks to regulate natural and necessary phenomena. (Taran, 2006)

The migration management approach however is explicitly deregulatory, making little or no reference at all to international instruments on migration. It is a fully “states owned” process, where international dialogue and cooperation on migration are developed in regional and global forums essentially outside the United Nations system. Its primary reference in government is usually with interior ministries. This approach admits consultation with other stakeholders, but usually separately from the intergovernmental dialogues and from internal governmental policy consultation. The logic of this migration management approach see[s] migrants as factors of economic activity and ones that can be employed at lower standards of pay and conditions than

those prevailing in host countries, precisely because lower pay will lead to creation of more jobs (Taran, 2006).

For this study I use a rights-based approach to interrogate the literature on global teacher migration understanding that although teachers, students and government officials are both rights holders and duty bearers, international conventions squarely place the responsibility on the State to provide children with an education, protect migrant workers and ensure that individual rights are not bundled and traded for temporary economic benefits. In particular, I will use the concept of the ‘4As’ which refer to the essential features of the right to education as defined in the UN Council on Economic, Social and Cultural Rights (CESCR) General Comment No. 13, paragraph 6, which identifies four features that are essential to realizing the right to education. They are summarized as follows:

- **Availability** – education must be free, and there must be a sufficient number of educational institutions and trained teachers, as well as education materials, so that education is available to all;
- **Accessibility** – the institutions and programmes must be: - Accessible to all, without discrimination, including marginalised groups; - Physically accessible within a safe and reasonable distance and accessible to those with disabilities; and - Accessible in terms of cost: primary education must be free for all, whereas secondary and higher education must be affordable and progressively made free;
- **Acceptability** – the content of education and the way it is delivered, must be relevant, acceptable for all, including minorities, and of good quality; and
- **Adaptability** – education must be flexible and able to respond to the needs of students in different social and cultural settings. This includes those with learning difficulties as well as gifted children.

By using a rights-based approach I aim to ensure that the labor rights of migrant teachers (e.g. due process) are balanced against the students' rights to an education that reflects the 4As. This will become an increasingly important distinction as additional layers of race and economic inequality become apparent within a context of fiscal decentralization and results-based accountability.

## **Chapter 2. Literature Review**

Much of the current literature on the topic of global teacher mobility and migration as it relates to recruitment to the U.S. can be divided into four main fields: 1) teachers as labor migrants, 2) transnational migrant teacher communities, 3) migrant teachers and the nation-state and 4) teacher migrants and shortages in the U.S. This chapter will describe each field and identify the strengths and gaps within each.

### Teachers as a subset of Global Labor Migration

*International migration is, by definition, a social phenomenon that crosses national borders and affects two or more nation-states. Its analysis requires theories and methodologies capable of transcending the national gaze. This applies more than ever in the current epoch of global migratory flows and growing South-North mobility. (Castles, 2007, p. 251)*

The first field looks at teacher migration from a world systems standpoint, drawing the majority of parallels from the nursing field. In *World-System Analysis* Wallerstein (1987) states his “protest against the way in which social scientific inquiry is structured for all of us at its inception in the middle of the nineteenth century,” (Wallerstein, 1987). World systems theory pushes on what it views as the outdated, dependency notion of a bimodal

system (periphery and core) and introduces the semi-periphery. World Systems Theory, like dependency theory, suggests that wealthy countries benefit from other countries and exploit those countries' citizens.

Within the semi-periphery issues of brain drain and remittances (Mishra, 2003), recognition of qualifications, shortages and surpluses (ILO, 2007) and a host of other issues (age, gender and credentialing) take center stage. International agencies like Public Services International, the International Labor Organization and the World Bank are among those interested in looking at these flows and determining how best to develop policies that either free up or restrict movement of labor in the future. The world systems lens is useful in showing the scope of the phenomena, but it is generally too far removed from particular national dynamics or the lives of individual teachers and schools to say anything meaningful about what all of it means for education in a globalized world or how international migration impacts the work of teachers. In this section I will highlight some of the main issues surrounding and contributing to global migration as it relates to teachers.

Unfortunately, data that are generally available on migration flows (particularly of teachers) do not provide a clear idea of the relative scale of movements across countries. According to data from the OECD, one central issue is that databases “suffer from differing national views concerning who is an immigrant,” (OECD, 2006, p.17). In some countries, (like Australia, Canada, New Zealand and the United States), only “permanent” migrants are counted as immigrants. That is, persons who are admitted to the country and granted the right of permanent residence upon entry. Persons who are granted temporary permits may not even figure in the official migration statistics.

Figure 1 is taken from the OECD's 2006 Study, *Counting Immigrants and Expatriates in OECD Countries: A New Perspective*. (OECD, 2006) It shows both the source regions and sub-regions for immigrants in OECD countries, which for all intents and purposes (with the exception of Mexico) represent the industrialized North. From the figure one might infer that Europe has the largest number of immigrants followed by the Americas, Asia and Africa.

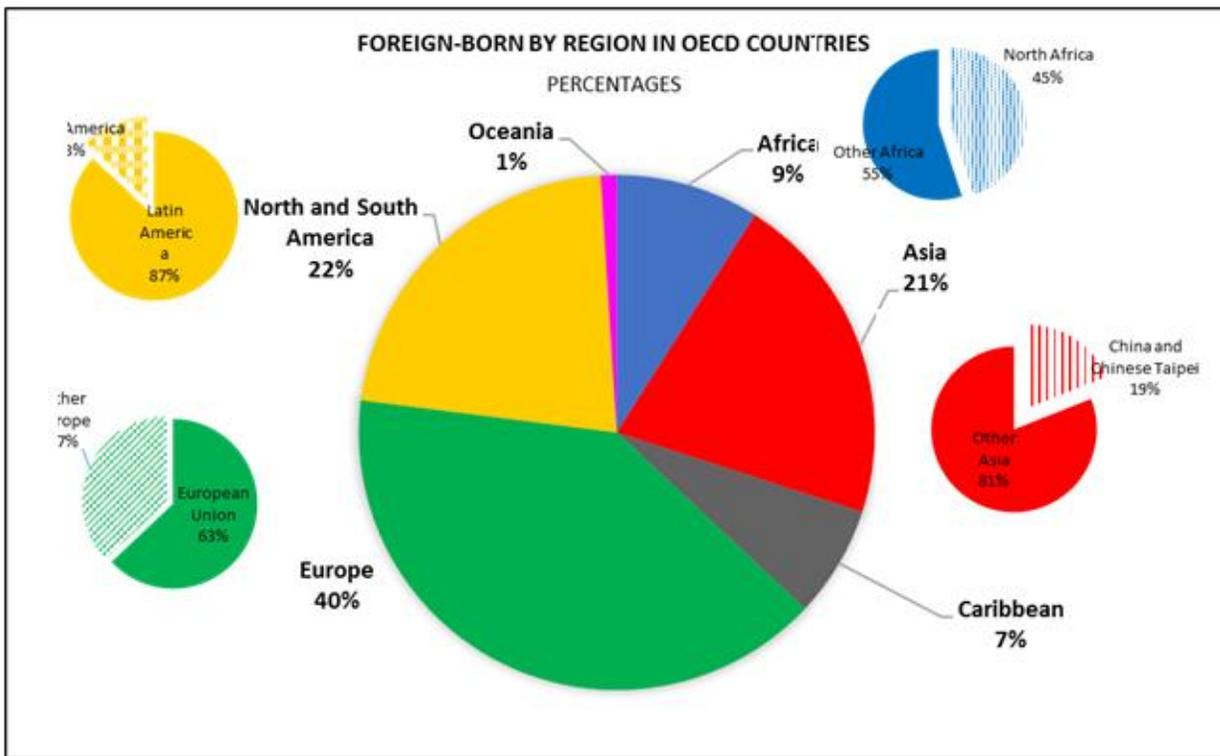


Figure 1 "Other Europe", "Other Asia" include data for not stated European countries, not stated Asian countries and not stated African countries, respectively Source: See Annex II. A1 (OECD, 2006)

Good analysis on migration is not simply about counting numbers about where people were born and now reside and work, but rather understanding who, when, why and for how long. There is however, a pervasive gap in the literature when one looks for deeper analysis about these issues and an abysmal gap when we narrow that migration to

new categories or certain professions. The most recent data sets that are emerging are beginning to track the level of education of immigrants due to the increasing demand for high-skilled labor in the industrialized world and the explosion of competitiveness policies that seek to address that demand (Migration Policy Institute, 2007). Yet, few are looking at the transnational communities, the ‘framegrated’<sup>5</sup> pockets of identity and culture tucked away in the ‘eddies’ of the global flows. Teachers may be seen as moveable units in a knowledge society, but it must be remembered that they are also cultural workers that push back against “the violence perpetuated by illiteracy and ignorance that suffocates consciousness and expressiveness by men and women,” (Freire, 1997, p. 2). Teachers, possibly more than any other profession, are situated where the rubber of democracy hits the road of possibility and as such are much more than the deliverers of apolitical content.

In surveying the literature from international databases on global labor migration one can extrapolate a number of generalizations about *how many* are migrating, *who* is migrating, the *direction* they are migrating in and *the dangers and exploitation* that accompany them.

Mobility between countries is on the rise.

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<sup>5</sup> Framegrated is a term coined by Professor James Rosenau who began the discussion by presenting a matrix of "Framegrative" processes. Rosenau invented the word "Framegration" to describe the complex dynamism of world politics. The word is a combination of "Fragmentation" and "Integration," and signifies a theoretical outlook that attempts to examine the world in two different ways simultaneously. A framegration lens views the world of politics as both macro and micro phenomena. By examining the world at micro and macro levels simultaneously, Rosenau hopes to avoid neglecting the findings of either view and to develop a more comprehensive picture.

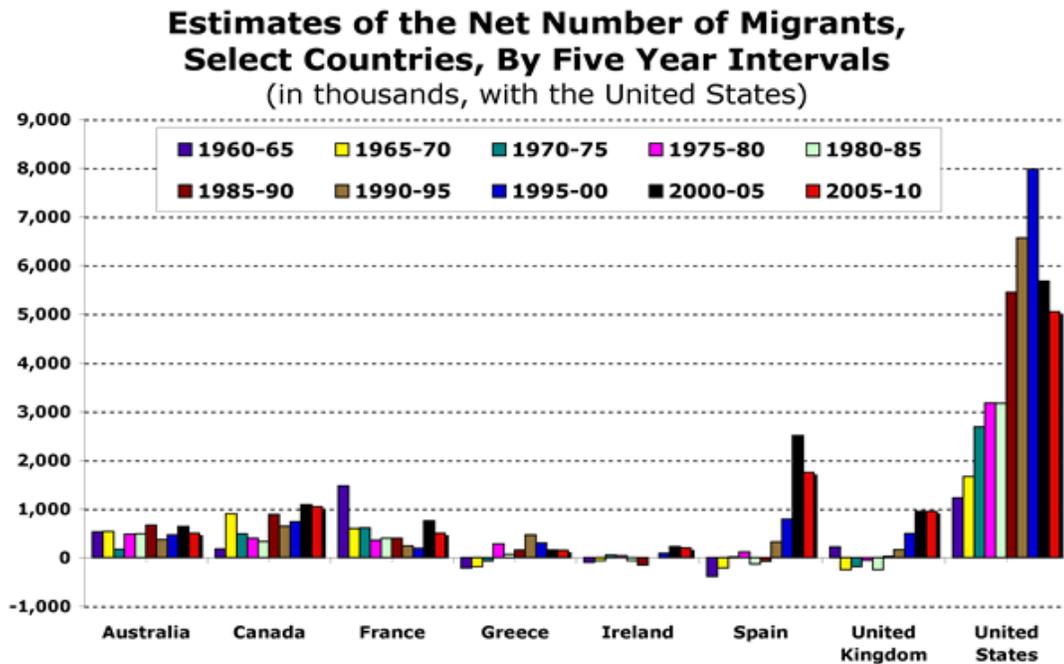


Figure 2: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *World Population Prospects: The 2008 Revision*, <http://esa.un.org/unpp>.

There were an estimated 191 million migrants worldwide in 2005, up from 176 million in 2000. Today, the International Organization on Migration estimates that there are 214 million migrants across the globe, an increase of about 37 per cent in two decades (IOM, 2010). Projections estimate that migrants comprise 3.0 per cent of the global population. If all the migrants were to unite and found a nation, that nation would constitute the fifth most populous country in the world. There are roughly 30 to 40 million “unauthorized” migrants worldwide, comprising around 15 to 20 per cent of the world's immigrants (ILO, 2006). Figure 3 below demonstrates that the United States remains the largest

recipient of migrants among the OECD receiving countries. This dipped significantly after 9/11, but not for H1-B holders.

### *Push Factors*

In numerous countries in the developing world public sector wages are “capped” by structural adjustment programs imposed by Multilateral Financial institutions like the IMF and World Bank (Actionaid, 2006). These same institutions, in their adherence to strict monetarist policy (keep inflation low at all costs) limit these governments’ ability to inject spending into the economy to stimulate growth and create employment. Taken together, many governments in the developing world are unable to offer competitive wages or sufficient positions that would keep teachers at home.

In addition, global worker mobility has been made increasingly easier under international agreements such as the Global Agreement on Trade in Services (Verger, 2009, p 20). The GATS’ flexibility clause on labor migration refers specifically to “the admission of foreign nationals to another country to provide services.” This allows for highly qualified workers to migrate for the purposes of serving needs abroad. Not surprisingly GATS does not address the fact that few governments in developing countries can predict a steady, qualified labor supply across all sectors (particularly public service positions such as teaching) and that a likely scenario will be one in which the highly skilled are both the heaviest recruited and hardest to replace.

Hence, where the fiscal capacity of most governments to improve compensation and conditions of service is extremely limited, increases in or reallocation of public funds

towards increasing the number and/or salaries of teachers is not feasible, especially under wage cap constraints. Ensuring an adequate supply of qualified workers requires monetary resources that many countries do not presently have and are unlikely to get in the near future, unless the structure of aid and the related wage bill caps can change. Using a rights-based approach, this study seeks to explore how global labor migration is directly applicable to understanding the phenomenon of teacher migration and what it means for many small, developing countries in the global South. The same tendencies toward exploitation and the push and pull factors that I mentioned earlier apply to teachers who are recruited in much the same fashion as other sectors. Yet, the situation for transnational migrant teachers differs importantly as the next sections will delineate.

#### Labor migration from less industrialized regions to more industrialized regions persists

Developing countries lose 10 to 30 per cent of skilled workers and professionals through “brain drain”. A full 75 per cent of all international migrants are in 12 per cent of all countries (OECD, 2007). According to the World Bank, a key driver in the demand for international migration over the next 20 years will be the slowing down, and then the decline of the labor force in high income countries. The age group that supplies the bulk of the labor force in high-income countries (15-65 years old) is expected to peak near 500 million in 2010 and then fall to around 474 million by 2025 (World Bank, 2006, p. 29).

#### *Pull Factors*

Recent efforts in the high-income North countries of Europe and North America have focused on ways to develop policies that actively recruit and select both high-skilled and low-skilled labor to fill the shortage areas in their increasingly aging populations. In the

United States, for example, the main mode of gaining a work visa is the H-1B process. This 3 –year visa is intended to temporarily import high-skilled labor for many of the openings left by the knowledge economy. The primary reason was to put a premium on certain types of immigrants that made the United States more competitive (Barber, 2005). Usually an employer sponsors the worker, creating a situation in which the worker is inextricably tied to the employer for the continuation and extension of the visa through employer approval. Other pull factors include substantially better pay and working conditions. One Filipino teacher reported that after paying off the recruiters’ fee, he will earn as much in one month as in an entire year in the Philippines. Other pull factors range from family members who have immigrated to the United States and formed part of a transnational community of ex-pats with permanent residency or citizenship to Hollywood images of the “American Dream”.

Organized teacher recruitment from North to South has been a relatively recent phenomenon which started in the nineties and increased to its current peak today (Morgan et al., 2005). In Commonwealth countries, the main recruiting country is the UK. In the UK, where approximately 10,000 overseas teachers were recruited to teach in 2000 there are about 100 private agencies involved in recruiting teachers from overseas. In 2003, the main nationalities represented were: South Africans, Australians, New Zealanders, Jamaicans and Canadians. According to a University of Nottingham Study recruiters have begun to target the Caribbean in response to demands from some Local Education Authorities. The difficulties this has produced in some Caribbean states like Jamaica included: the disruption of schools because of recruitment during the school year, the recruitment of experienced senior teachers who are replaced by less experienced

novices and the treatment of recruited teachers working abroad (Morgan et al., 2005). These issues are the other side of international recruitment and often not shared by recruiting agencies eager to demonstrate to a school district in the U.S. the ease and effectiveness of their services.

### Exploitation and substandard working conditions are still rampant

There is a high level of labor market discrimination against migrant workers in industrialized countries (ILO, 2004). One ILO study shows that more than one in every three qualified immigrant applicants was unfairly excluded in job selection procedures. In the education sector these abuses are particularly abhorrent as the absence of international qualifications frameworks lead to a phenomenon commonly referred to as “brain waste”. This term refers to migrants who may be doctors, teachers or other professionals but that, due to their credentials not being recognized, are forced to work in more menial, labor-intensive jobs (Commonwealth Secretariat, 2006). The ILO has been explicit in warning against the relationship between global labor migration and the tendency towards exploitation:

Migrant workers are increasingly in demand, not only for high-skilled information technology and professional jobs, but also for many of the low-paid, less skilled jobs in agriculture, cleaning and maintenance, construction, domestic service, and health care. Migrants are often relegated to the “three D” – dirty, dangerous, and degrading – jobs that national workers reject or are not available for. Many migrants work in precarious and unprotected conditions in the growing informal

economy. There is global consensus now on contributions of labor migration to growth and development in both source and destination countries. It contributes to home country development through worker remittances, the transfer of capital and skills through returning migration and transfers of skills and technology and investments by transnational communities abroad. Yet the loss of crucial skills (brain drain) from developing countries is a cause for concern. (ILO, 2007)

#### Labor migration: The gender dimension

The largest growing migrant demographics are women and young people. In 2005, women accounted for more than half of migrants. In that sense, a notable change has been the *feminization* of labor migration. The global federation of teachers' unions, Education International, passed a resolution on international migration that specifically mentions this and related points:

The 5th World Congress of Education International (EI) meeting in Berlin, Germany from 22-26 July 2007:

*5. Observes with concern the growing presence of women and children in this type of manipulated international migration, and the possible serious consequences for their physical and mental health;*

*10. Notes the considerable number of educational workers in all categories who are swelling the ranks of migrants, which in many cases forces them to accept working conditions and salaries inferior to those of education professionals in the host countries;*

Both EI's resolutions and ILO's research paints a picture of a highly dynamic, temporary and increasingly female workforce that is moving from the developing to developed world to work under conditions that continue to be hazardous and exploitative. The three Ds (3Ds) also have significance with "migrant teachers", for they share many

of these features. My case study components, particularly the increase in female Filipino teachers, the increases in H1-B visas and the increases in cases of exploitation and impropriety among international teacher recruitment companies, support the literature of an increasingly female and more easily exploited workforce. This study will examine issues Filipino women teachers face in a major U.S. urban area.

### Transnational Migrant Teacher Communities

The second field of literature is more concerned with cultural and teacher identity issues of transnational migrant teachers, their experiences and right to seek a better life. By transnational I am referring specifically to those migrant teachers who maintain their national and cultural identity in their new environment. Studies like those conducted by Miller and Ochs (2007) on the experiences of international teachers in London highlighted the numerous challenges such teachers faced in making meaning of school culture and norms. Likewise, there are other researchers who are primarily concerned with the induction process for international teachers (Waite, 2008), and how it can be improved so that more teachers can not only better navigate educational systems in the developed world, but also get the classroom management training that so many international teachers state as their biggest challenge. This study will look specifically at how migrant teachers construct their identity in light of the larger debates about the purpose and goals of education.

In their study of the lived experiences of OTTs in London, Miller and Ochs (2007) examined the lived effects of a shifting emphasis from shortage and high demand to

surplus and low demand. Specifically they looked at the experiences of OTTs that were suddenly deemed “unqualified” because the situation that justified their emergency qualification (during shortage times) was no longer deemed an emergency.

Unexpectedly, the teachers took a great interest in assisting OTT members to get qualified and led the move for regulation of recruiting agencies. In addition, the transnational community links in ex-colonies, now more elegantly referred to as Commonwealth countries, proved to be an essential link for forging transnational (particularly Caribbean, South African and Indian) communities.

In her 2008 study, Waite focused on the lack of appropriate, intercultural preparation for OTTs as they came to teach in U.S. schools. By interviewing numerous teachers, principals and professional development trainers, Waite found that meaningful intercultural engagement and global awareness is not transmitted effectively without a purposeful and appropriate transition plan that prepares OTTs for the U.S. context. More than simple classroom management, Waite’s study looked at the negotiated space of cultural norms and proposed a series of alternatives to the current induction process that would ensure OTTs reflected upon and spoke about their own culture as a valuable pedagogic asset.

In an additional study called *Globalisation and Transnational Teachers: South African Teacher Migration to the UK*, Manik, Maharai and Sookrajh revealed that:

Teachers leaving South Africa had multiple reasons for going abroad. The migration of teachers from SA to the UK was influenced by the declining economic status of teaching as a profession in SA, and global labour market conditions. The majority of the migrant teachers who were interviewed had an

existing social network in the UK, either friends or relatives. However, the gravity of teaching in a foreign country without next of kin took its toll and teachers spoke at length of the loneliness of being apart from immediate family. An overwhelming majority of migrant teachers experienced a culture shock in UK classrooms, especially discipline problems. Migrant teachers felt powerless, as UK policies tend to protect children, even if they misbehaved in the classroom. (2006, p. 15)

Besides the unit of analysis being the migrating teacher or OTT, another important feature of this particular perspective in the field is the way in which it puts a human face on teacher mobility. To the authors in this area of the literature, there is no question that the phenomenon can best be explained from within the lives of those who are migrating. In some instances, it may look at the communities of practice among OTT networks, in another it examines the difficulties in negotiating complex licensing requirements, and in others, it explores whether global teacher mobility may add to more universal understandings of human rights and authentic global awareness. On the whole, this approach, on which the proposed research is partly based, represents the combined experiences (and challenges) facing an increasingly mobile global profession as it negotiates within the constraints of differing national education systems. This study intends to contribute to this body of literature by providing a U.S.-based case of how migrant teachers make sense of their situation.

## Migrant Teachers and the Nation-State

A third body of literature within the field looks at the role of the nation state, and in particular, the developing nation state that is trying to produce and retrain enough high-quality teachers to meet its national education development goals. Understandably, much that has been done at this level comes from consultants to national ministries of education and teachers unions. Without question, the main convener of research on this subject is the Commonwealth Secretariat's Education Office. The researchers associated with the many papers and symposia commissioned by the Commonwealth Secretariat (COMSEC) tend to look at the impact of the Commonwealth Teacher Recruitment Protocol (see Appendix C) on a variety of factors: teacher retention, "brain drain", recognition of qualifications, deprofessionalization and quality. The COMSEC focuses on the precarious need to balance human rights and national development aims. COMSEC was one of the first to tie universal education expansion in the developing world to unintended consequences like the emergence of privately contracted, unqualified teachers and large class sizes. Most recently, the COMSEC commissioned a pivotal study to look at ways that can fairly accredit and recognize credentials for migrant teachers. It is the first time that such a benchmarking process has been made in education, although similar work has been carried out previously in the nursing field (Keevey, 2009).

A common challenge to the work carried using the State as the level of analysis is the difficulty in comparing the more planned, centralized teacher education and deployment processes of some countries and the decentralized interplay between myriad actors at the local state and federal level in others (like the U.S.). For instance, 'Who is

the appropriate counterpart for a Minister of Education from developing country X wishing to talk to the person in charge of teacher deployment in the United States?’

For example, consider the importance of having a sufficient number of quality teachers for achieving the MDGs and Education For All; the significant amount of funds that many countries trying to reach those goals borrow and invest; and the potential recruitment of these teachers to some of the most difficult and hard-to-staff districts in the North. In many respects, addressing the issues around the Nation-State-focus of the global teacher migration phenomenon is central to not only exposing the tensions between national and universal goals, but moreover goes to the heart of the global-local debate about human rights and national development.

Wu (2009) uses a historical lens to identify three models in which transnational teacher mobility occurred between countries: the Colonial Model, the Cultural-exchange model and the market-demand model. Under the “Colonial model,” a wide variety of teacher mobility was organized and enforced via colonial power in the colonial era in many nations. In order to further the goals of the colonizer, i.e. to keep conquered territories under control, teachers were moved around to “civilize” colonized people and keep them in a state of subordination. This model could be observed from the nineteenth into the first half of twentieth centuries. For example, many Japanese teachers were sent to Taiwan to teach in primary schools during the Japanese colonial period (1895-1945).

The “Cultural-exchange model” is exemplified by teacher-exchange programs which are typically instituted in order to broaden understanding of other cultures, customs and language. This model has become prevalent among developed countries in

the past three decades. After 2000, we see the rise of the “market-demand model”. These models are based on the notion that teachers, like other commodities, skills or workers under the conditions of globalization, can be “imported”. Global teacher mobility is rapidly forming in order to solve teacher shortages in the home countries (Wu, 2009).

Most government research on teacher supply and demand to date has been done by labor market surveys tracking employment trends which do not differentiate between the last two models. Much of this work has focused primarily on the numbers and movement of people to address labor shortages or measured the impact of the “brain drain” on small countries that lose many of their most qualified teachers (Mishra, 2000) and/or the “brain gain” assumed to benefit countries from remittances and “value-added” once migrating teachers return home. In turn, the dominant policy response to this empirical research on teacher mobility has been to attempt to increase the quantity of teachers through international and local recruitment efforts of their own (Ochs, 2007). Yet, there is an imbalance because the most important components for increasing understanding of teachers as migrant workers can be broken down into the following threads: rights, the professional paradox, economic and workforce planning, shortages and working conditions and advanced on-the-job training.

The literature is largely silent about the notion that teachers’ work is not the same as other “migrant laborers” (e.g. apple pickers) and this study seeks to explore what is different and so important about the nature of teaching that requires our attention. In this age of globalization where young people need to make sense of the world and how they can work together to change it, how can we encourage teacher migration as an important professional development opportunity without undermining teaching and learning at the

local level? Let us first turn our attention back to the needs of the State as part of the knowledge economy and new requirements for schools.

### Knowledge Workers

In *Rise of the Network Society*, Castells describes a post-industrial world where the most important commodity, information, rapidly flashes around the globe via personal and electronic communication systems. He describes a specialized pool of workers that he calls the “networkers” whose knowledge and flexible skill sets assist them in crossing national borders with ease. At the core of the global knowledge economy is the notion of portable human capital or “occupational migrants” and the assumption that labor is a commodity that can be traded, substituted and replaced across borders with relative ease.

From the perspective of the nation-state, global labor flows bring both risks and opportunities. Globalization enthusiasts like Thomas Friedman champion the idea of such labor flows as the evolution of a flexible and dynamic labor force that responds to market needs; while its critics (Korten, 1995; Barber, 1997; Urry, 2003; Ritzer, 2006; Hardt & Negri, 2004) point out the costs to countries whose turnover leads not to greater efficiency but rather to human resource depletion, underdevelopment and societal upheaval.

Somewhere in the middle are those who are committed to balancing the rights of individual workers who are a part of international migratory flows against the need for building local capacity and increasing national development. Tracking these trends, it is

clear that the most significant shift occurring through global forces is a redirection of State purposes from nation building to global human capital investment.

In many ways, most of the risks and opportunities of the global knowledge economy fall at the door of the education system. The growing demand for a flexible, mobile and high-skilled labor force, as reflected in national education policy statements, marks a profound shift in education planning, with dramatic implications. Schools and teachers increasingly play a central role in global knowledge production, wherein they are tasked to add value to a country's pool of human resources through the passing of an internationally standardized set of skills and knowledge. In this globalized and "flat" world, teaching and teacher preparation has also become far more complex. The post-Fordist industrial era changed the role of teachers from the moral enforcer to the promulgator of various democratic, vocational and academic knowledge functions. Today, the information age and the network society have again transformed teachers into a kind of special knowledge worker with an entirely new set of required tasks.

According to Hargreaves (2003), due to the influence of international education mandates and global benchmarking, teachers and schools must be prepared with both the knowledge and cultural dexterity to help students grapple with, comprehend, apply and extend global skills and knowledge. Curiously, this recognition and increased responsibility have not translated into improved status, salary or working conditions for teachers. Instead, this increased competition for and marketization of teaching has placed the professional status of teachers under attack and on a downward spiral of de-skilling and de-credentialling.

Factors that contribute to teacher shortages in the North include high rates of teacher attrition, in some areas due to illness and poor working conditions, but also due to bottlenecks in teacher preparation or a lack thereof. In fact, most countries lack a systematic induction for beginning teachers as well as adequate provision for professional development, particularly around new practices such as reflective practice, active learning and/or establishing partnerships with school communities. Lack of adequate preparation is a main cause of early teacher attrition. A variety of unattractive conditions of service also play an important role in teacher supply. In addition to increasing class sizes, other factors include “low salary, arbitrary deployment systems, unattractive work locations, unprofessional treatment of teachers, lack of professional development opportunities, and insufficient supportive supervision,” (AED, GEC Working Paper Series, 2005). Moreover, adequate time is not allocated in teachers’ work schedules to incorporate pedagogical shifts and new reforms, many of which have no support or buy-in from teachers because they have not been involved in the planning process and/or creating these mandated reforms.

The bottom line is that few countries in the world have strong policies, strategies and programs for recruiting and retaining teachers. Recruitment is frequently neither systematic nor long-term, and does not draw a sufficient number of potential teachers into the profession, either from the pool of secondary leavers or attracting skilled people away from other professions with relevant skills or occupational backgrounds (AED, GEC 2005).

One of the consequences of caps on public sector wages has been the rise in the number of non-professional teachers recruited by governments who have to keep central

costs low but need to respond to demand. Non-professionals are recruited in many contexts on a third of the salary of a civil service teacher. They can be brought in on short-term contracts and can even be counted outside the core/central government wage bill. Whilst there are contexts where there is need to bring a new cadre of teachers into the profession on a transitional basis, the long term use of non-professionals undermines quality. It can lead to a two-tier system and can damage the standing of the teaching profession overall. Once the idea is spread that “anyone can teach” the quality of entrants into the teacher training colleges falls and the status of teachers in society is diminished (ActionAid, 2006).

For those regions of the world experiencing the highest levels of teacher migration, like the Caribbean for instance, there are efforts underway to harmonize teacher qualification frameworks so that if teachers do migrate, their teaching credential and years of experience will be recognized and adequately compensated. The framework that is currently under development seeks to elevate the teaching profession in the region to be able to prepare the “new Caribbean person”. This in effect means that while CARICOM states taking part in the regional economic integration processes are increasingly looking to the education systems to produce individuals for the knowledge economy they are also looking to inculcate certain attitudes and beliefs that they value as a region.

Overall, teacher preparation and investment is a costly endeavor, and one that only pays when the return is an effective teacher that will work and continue to work for less than other comparable professions. A report from the UNESCO-ILO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel

(CEART) indicates that throughout the world policies on teacher recruitment, retention, and deployment are fragmented; requirements for teacher preparation are not reflected in education planning and budgeting; and training has not reflected the appropriate knowledge and skills to meet new needs (CEART, 2006).

The literature shows that countries faced with the serious challenge of significant teacher migration to larger, more developed countries have responded in a variety of ways. The recourse is either to: 1) restrict movement and bond the members of the teaching profession, 2) overproduce teachers of varying qualities understanding that some will undoubtedly leave, or 3) ask recruiting countries to stem the effects that their own shortages are causing internationally. Unfortunately, the type of solutions that might make sense from a national development perspective may be politically untenable from a global perspective, practically impossible to regulate, or overly restrictive and impinging on individual rights.

In 2013, Education International commissioned a study that surveyed migrant teachers that ultimately garnered responses from 1,358 teachers, from 53 home countries who worked abroad in 127 host countries. Key Findings were:

- **Teachers overwhelmingly believed they benefit professionally from opportunities to teach abroad.** 99 per cent of teachers reported that working abroad had a positive effect on their instructional practice. Over 65 per cent said teaching overseas enhanced their ability to work with students with diverse needs, gave them new instructional tools and materials and improved their language competency.

- **Challenges most frequently reported by teachers were separation from family and classroom management;** however 34 per cent reported that discrimination was a moderate to major challenge, others dealt with isolation and stress and a small but intensely affected group of teachers encountered serious exploitation and human trafficking.
- **The motivations for migration reported by teachers varied, with strong differences evident especially expressed by teachers from labor exporting countries.** Nearly two thirds of all survey respondents said they migrated seeking opportunity for professional development or a desire to see the world. However, 79 per cent of Filipino teachers and 73 per cent of Indian teachers said the most important factors for them were better pay and supporting their families. While 47 per cent of all respondents reported that they were recruited to teach in the shortage fields of math, science and special education, 83 per cent of Filipino teachers and 56 per cent of Indian teachers said they were recruited for one of those three fields.
- **Even when forced to migrate due to violence and instability, teachers managed to maintain a strong professional identity and organize themselves into a teachers union or teachers councils** to continue utilizing their skills and expertise and remain involved in the larger struggles of their communities. Syrian teachers in Lebanon cannot be hired as public school teachers, however Syrian refugee teachers serve on an education board that works with relief agencies to coordinate the delivery of education services, and Syrian teachers in Turkey have organized a school system in the refugee camp teaching a modified Syrian

curriculum with daily shifts to accommodate all the children. Teachers among the Burmese Karen people on the Thai border have organized a teacher union in an effort to maintain a crucial link to the outside world.

- **Recruitment agencies play an increasingly significant role in placing teachers in jobs overseas, yet in most countries there is little oversight or regulation of them.** The presence of intermediaries increases the risk of exploitation and introduces the potentially corrosive motivation of profit into international hiring practices. Over 64 per cent of survey respondents reported using an agency to secure a position abroad. One in five respondents indicated they were unsure or definitely would not recommend the agency. Nearly a quarter of respondents said they paid fees for their jobs and a similar percentage reported taking out loans to cover their recruitment fees. Twenty per cent of respondents reported fees in excess of \$5,000, with a majority of those falling between \$10,000 and \$20,000.
- **Migrant teachers who were members of a union abroad cited significant benefits including bargaining and advocacy, legal defense, and professional supports, however just 31 per cent of migrant teachers who responded to the survey were members of a union abroad.** Nearly a quarter of respondents said they were never asked to join the union while working overseas.

### Migrant Teachers and Teacher Shortages in the United States

Even in highly industrialized countries like the United States, ensuring a high quality teacher in every classroom has proven difficult. Using salary parity, incentives and career paths have proven less than effective in deploying teachers into the most hard-to-staff

areas and keeping them there. Even for countries with decentralized governance structures, there is great variation among and within states and localities. A case in point is the United States, with over three-million teachers the U.S. Department of Education (ED) estimates that as many as 50 per cent of its rural and urban teachers leave the profession within their first five years on the job, fed up and frustrated. ED 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 (U.S. Department of Education, 2008).

According to a National Council on Education Statistics study on teacher mobility in the U.S., teachers who left the field reported a lack of planning time, too heavy a workload, too low a salary, and problematic student behavior among their top five sources of dissatisfaction with the school they left (NCES, 2005). Additional research on teacher mobility found that teachers in high-poverty public schools were about twice as likely to move to another school as their counterparts in low-poverty public schools (10 per cent vs. 5 per cent) (Hanushek, Kain & Rivkin, 2004). The constant classroom churn is hardest on kids, especially those in poorer, more urban schools that are prone to losing the most teachers. And it is expensive for taxpayers: The Alliance for Excellence in Education has pegged the national cost of annual teacher turnover at \$2.2 billion, once human resources and recruitment costs have been factored in.

Today's teachers are caught in Hargreaves' "paradox profession" where they are asked to create the knowledge society by developing the human skills and capacities that

will enable individuals and organizations to survive and succeed... flexibility, innovation and commitment to change. Yet there is more:

At the same time teachers are also expected to mitigate and counteract many of the immense problems that knowledge societies create such as excessive consumerism, loss of community and widening gaps between rich and poor. Somehow teachers must achieve these seemingly contradictory goals simultaneously. This is their professional paradox. (Hargreaves, 2003)

The OECD (2005, p.7) report, *Teachers Matter* sees the demands on teachers in a similar manner:

The demands on schools and teachers are becoming more complex. Society now expects schools to deal effectively with different languages and student backgrounds, to be sensitive to culture and gender issues, to promote tolerance and social cohesion, to respond effectively to its advantaged students and students with learning or behavioral problems, to use new technologies, and to keep pace with rapidly developing fields of knowledge and approaches to student assessment. Teachers need to be capable of preparing students for a society and an economy in which they will be expected to be self-directed learners, able and motivated to keep learning over a lifetime.

Yet, despite the recognition that the demands being placed on teachers are growing more complex and that the success or failure of the knowledge society and economy falls on their shoulders, it is proving difficult for most countries to maintain an adequate supply of good quality teachers, especially in high-demand subject areas (such as math

and sciences) and especially in high poverty areas. Teachers are increasingly expressing concerns about the image and status of teaching and the belief that their work is undervalued. According to the OECD two factors are central to teacher perceptions (OECD, 2005, p. 3):

1. Teachers' relative salaries are declining in most countries. As societies have become wealthier and educational qualifications have increased and employment opportunities have expanded, teaching's appeal as a path to upward social mobility and job security does seem to have diminished.
2. Expectations and demands on teachers have been increasing while resources have not kept pace.

Clearly, teacher quantity and quality issues are inter-linked. School systems respond to shortages in the short term by lowering qualifications, assigning teachers to subject areas in which they are not fully qualified, increasing the number of classes teachers are allotted or by increasing class sizes (OECD, 2005). Increasingly countries also look overseas to bring in teachers to serve the most high-risk students in areas with the greatest need. Hence, the continued practice of schools that routinely hire short-term and under-qualified teachers to fill shortages will continue to under-educate thousands more students stuck in these schools.

Compared with the rest of the world,<sup>6</sup> the U.S. is relatively alone in its absence of any kind of national teacher deployment plan or local teacher development programs, (a.k.a. 'manpower planning'). This in turn allows the global labor market to be viewed as

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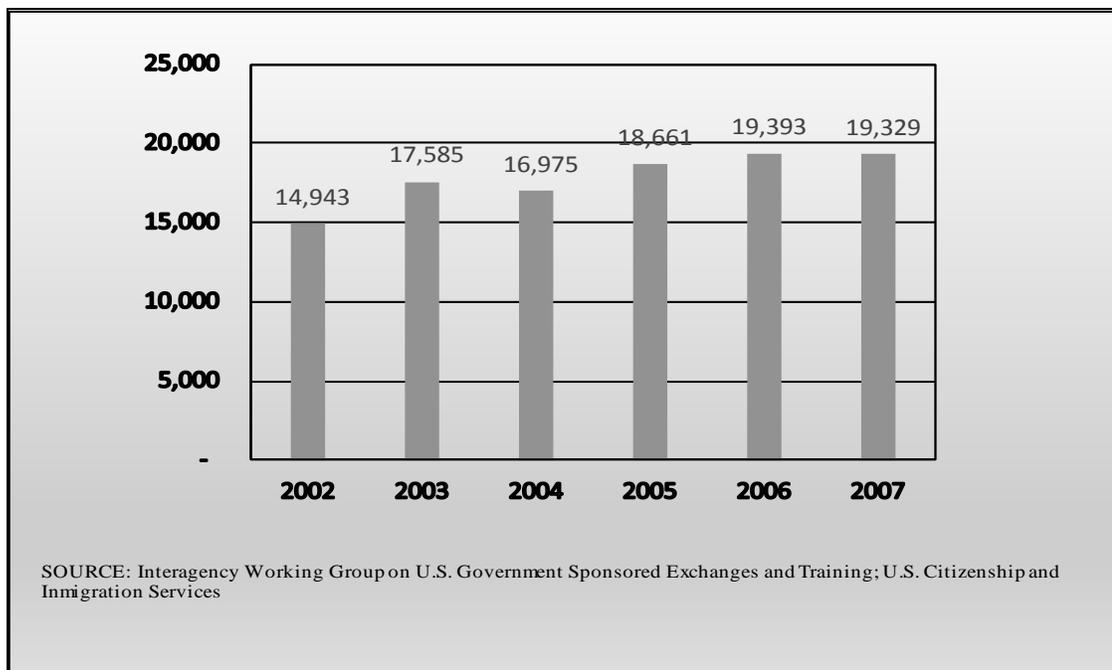
<sup>6</sup> Except for Canada which leaves education policy to the provinces.

one of a large number of short-term fixes (or faucets) that the U.S. and other countries make use of to temporarily offset domestic shortages areas. Yet, the issue of *how* we fill our shortages takes on new meaning in light of a globalized world with international human rights and purportedly shared goals. Current policy initiatives like the U.S. Department of Education's 2020 Blueprint provides incentives to states that develop ways to get "effective" teachers into high needs schools (Blueprint for ESEA Reauthorization: Vision 2020, 2010). Ordinarily, a small competitive fund would be insufficient to incentivize major education overhauls. Yet, given the economic crisis and intense budget cuts, those few billion 'Race to the Top' dollars that the federal government is asking cash-strapped states to apply for becomes a particularly strong lever for overturning collectively-bargained assignment agreements, lifting caps on charter schools and paying teachers by test scores. For hard-to-staff districts, an injection of funds may even come with the condition of "school turnaround" or firing all the staff. Which begs the question, if you fire all the staff and turn a difficult situation into a high stakes environment, where will you find a labor pool willing to go along with such an arrangement and work for a few years for moderately low wages?

For this reason, some large school districts in the U.S. are now paying finder's fees, as much as \$12,000 per teacher, to international recruiting agencies that can locate, screen and recruit teachers. A report commissioned by the NEA summed up the situation this way: "Public school systems throughout the country are utilizing the services of perhaps as many as 10,000 foreign teachers in primary and secondary schools on "nonimmigrant" work or cultural exchange visas...the use of these temporary employees appears to have been largely driven by efforts to address perceived teaching shortages,

particularly in specific disciplines...as well as in “less desirable” poor urban and rural school districts,” (Barber, 2005). The AFT Report updates the number to 14,000 teachers. To provide a comparison, this is ten times the amount of Teach for America graduates that enter the teaching force each year.

Figure 3 below, taken from the AFT *Importing Educators* Report, shows the increase in the number of foreign teachers who were sponsored (by school districts) and formally granted an H-1B visa to teach in the United States. It is estimated that approximately 15,000 to 20,000 foreign teachers are teaching on H1-B visas in the U.S., with at least as many teaching on cultural exchange visas called the J-1.



**Figure 3: Total potential number of overseas trained teachers working in the U.S. on H-1B and J-1 visas**

Economic globalization and its standardizing tendencies have led to an assumption that it is desirable for all students, regardless of national boundaries, to share the same set

of basic skills and knowledge. From a neoclassical economics perspective this would certainly help pave the way for increased competitiveness, more homogeneous markets and steady access to stable (and cheap) labor (Shelley, 2007, p. 4).

From a rights-based approach, the globalization of rights means that States have the responsibility to provide a high quality education that is both pertinent and relevant to national and local contexts. Yet realizing rights for some creates pressures elsewhere.

### Research Questions

Urban school districts in the highly decentralized, industrialized United States are recruiting international teachers to migrate for a set period of time, under very specific conditions to work in the areas of greatest shortage. This raises not only issues about the rights and responsibilities of the State, migrant teachers and the communities they serve – it raises questions about what teaching has become in an age of portable skills, global education reform and standardized knowledge production.

The literature on global migration supports my assertion that the movement of teachers is consistent with general migration trends in terms of scope, size, direction and character, but the existing research is inadequate in deeply explaining the push and pull factors from the migrating teachers' perspective. The literature on migrant teacher communities does a much better job at getting at the issues of integration and identity, but remains disconnected from the larger global pressures on teaching. The literature on the Nation-State and educational planning has perhaps advanced the most in terms of developing, at least provisionally, multi- and bilateral answers to the problems of credentialing, qualifications, etc. Yet, it falls short when it comes to protecting the rights of a migrant teacher who may well be the subject of systemic exploitation. As the 2013

EI Teacher Migration study demonstrates: exploitation persists, especially for short-term migrants from developing countries.

Lastly, the domestic literature on teacher shortages and the professional paradox teachers find themselves in as it relates to de-skilling and de-professionalization are illuminative in so far as they portray a profession caught between purposes and struggling to maintain control of pedagogy and policy. The policies of remunerating, evaluating and licensing by test scores in a high stakes, low status setting are certainly preparing the ground for increased shortages and increased pressure on teachers and their unions. However, without the other bodies of literature one might think that this was solely a U.S. problem and not part of a global educational reform movement based on market demands versus democratic processes and human rights. The fact is that all these bodies of literature contribute significantly to understanding the activity of teacher migration, but have yet to holistically integrate the lenses and make the micro and macro connections about what it all means. To date, no study has been undertaken in a community where all these factors overlap and play out.

I am applying a rights-based approach to understand how a group of international teachers make meaning out of their migration, their newly minted communities and their new professional roles and responsibilities. I was especially curious to analyze the results of EIs Global Teacher Migration Study with a small group of migrant teachers in the school district of the United States with one of the largest populations of migrant teachers. I have three research questions:

Q1: How has migrating affected teachers' perceptions of their pedagogy and how they see the state of their profession?

Q2: Did the experience meet migrating teachers' expectations?

Q3: What has been the experience of migrating teachers with the local teachers' union?

### **Chapter 3. Methodology**

This study seeks to use a right-based approach to not only better understand the phenomenon of global teacher migration, but to situate it within a larger context of privatization and commodification of a public good, education, at a time when the very concept of education is changing due to globalization. A necessary tension within my use of a rights-based approach for this study will be balancing the rights of a citizenry to get an education against the rights of an individual educator to choose in which country or community she will work. The role of a State in a decentralized environment versus a centralized one is also a confounding variable that must be considered. However, if one is interested in making the connections from the micro to the macro it is essential to establish some parameters for each, which is why I chose to focus on a group of overseas trained teachers that were recruited by an urban, mainly minority school district.

Increasingly, some urban minority school districts in the U.S. are coming to rely on overseas trained teachers to fill hundreds of special education, math, science and ESL slots. A magazine article from August 3, 2008 called “Outsourcing our Schools” by Phuoy Ly describes how one county became one of the largest importers of foreign teachers in the country. That district pays a finders’ fee to recruiting agencies that already extract \$12,000 dollars from the teachers they identify for the foreign market (Ly, 2008). That district is hardly a unique example.

In 2009 a new cohort of 300 international teachers arrived to fill classes in a handful of hard-to-staff schools in a school district I will call Penelope County Public Schools (PCPS). These teachers were the fourth cohort that has been recruited to serve

three-year contracts on H-1B visas at a time when many senior teachers are being dismissed due to budget constraints. This district, PCPS, is engaged in a global activity that far extends the reaches of its borders. The individuals that make up the PCPS vary greatly by gender and ethnicity - from students to administrators to teachers and parents. They are all involved in the activity of education within circumstances that are part of a larger system of international labor markets, networks and human rights. To better illustrate the way a global phenomenon like teacher migration manifest itself within a local educational setting at the micro level I will apply the case method to the circumstances of PCPS. Specifically I will focus on the experiences of a group of overseas trained teachers that were recruited by PCPS as part of its responsibility to provide its students with a high quality education.

### **The Case Study Approach**

*Case study is the study of the particularity and complexity of a single case, coming to understand its activity within important circumstances (Stake, 1995).*

As is apparent from the previous chapter, teacher migration is a particularly complex activity made even more important by the circumstances that globalization and mobility present. However, missing from the literature is a detailed account of the teacher migration phenomenon in context through a rights-based approach that explores the processes through which a migrant teacher makes meaning out of his/her work and constructs their identity as part of the teaching profession within a school district.

To this end, I have determined that the case study method presents the best fit to illuminate both that process as well as the process by which a district deploys said

teachers. Drawing from Merriam (1988), Yin (1994), and Stake (1995), my case study falls within a qualitative case study design. According to Merriam, “case study method offers intensive descriptions and analyses of a single unit or bounded system [such as] an individual, program, event, group, intervention or community,” (Merriam, 2003). The emphasis is on process over outcomes, context rather than a specific variable, discovery rather than confirmation (Merriam, 2003, p. 19). Hence, the case study approach would “allow for both interpretation with a relatively high level of abstraction and conceptualization (that could range from ‘suggesting relationships among variables’ to constructing theory) to a more inductive mode of analysis. [And], by concentrating on a single case the researcher aims to uncover the interaction of significant factors characteristic of the phenomenon,” (Merriam, 2003, p. 29)

Focusing on a group of migrant teachers as I seek to describe their experiences as labor migrants and understand how this influences their beliefs, practices and lives. I use inductive approaches in case method data analysis, searching for relationships and themes. As Clandinin and Connelly (1994, p. 417) suggest, be “open to a rich and sometimes seemingly endless range of possible events and stories and . . . be prepared to follow leads in many directions.” Consequently, my research study and design can be described as emergent.

A more positivist approach to doing case study comes from Yin (1994). Although less inclined to the more interpretative uses, he does agree with Merriam that, “The case study method allows investigators to retain the holistic and meaningful characteristics of real life events – such as individual life cycles, organizational and managerial processes,

neighborhood change, international relations and the maturation of industries,” (Yin, p. 2). Merriam adds that case study requires a tolerance for ambiguity – “throughout the research process – from designing the study, to data collection, to data analysis – there are no set procedures or protocols that can be followed step by step,” (Merriam, 2003, p. 20). For Yin, four components of a case study research design are especially important and to the extent it makes sense, I will use these as guideposts as I elaborate my research design. They are:

1. a study’s questions,
2. its unit of analysis,
3. its logical coherence, and
4. the criteria for interpreting the findings. (p. 24)

Merriam states that a study’s central questions are the “how” and “why” questions, so their definition are my first task. The study’s propositions derive from the “how” and “why” questions, and will be helpful in keeping me focused on the study’s goals of illuminating an extreme case. However, according to Stake (2004), not all studies need to have propositions. An exploratory study such as mine has a “stated purpose or criteria on which the success will be judged” (Tellis, 1997, p. 5). I am successful if I can illuminate the processes by which the population makes sense of their work, their migration and relationship to the local union. In this way, the unit of analysis defines what the case is – current migrant teachers in the PCPS school district.

### Trustworthiness Issues: Credibility and Transferability

Construct validity is cited as being an especially problematic risk in case study research. It has been a source of criticism and requires an explication of why I am a trustworthy investigator. Given my past position within the NEA, I am especially conscious of working with a population of international teachers. To counteract bias, I will employ Yin's "three remedies" (1994): using multiple sources of evidence, establishing a chain of evidence, and having a draft case study report reviewed by key informants. In the interest of triangulation of evidence, the documents and other artifacts I collect serve to corroborate the evidence from other sources.

External validity refers to knowing whether the results are transferable beyond the immediate case. Since, there are other large hard-to-staff urban districts using recruitment agencies to staff their schools with OTTs my first assumption is that other populations may encounter similar experiences. The rising levels of inequality that are impacting public education budgets in many countries which fund education locally (particularly the case amongst Northern Anglophone nations) coupled with lowering of teaching qualifications and the portability of said credentials and global standardization of knowledge signal that the findings of this case study may be increasingly relevant. This is equally true for those who wish to address the negative aspects (the 3Ds) of migration as well. The complexity of the forces that come together and make labor standards more flexible for employers are in plain view worldwide as the search for cheaper goods and services expands. The potential initiatives addressing the exploitative aspects of migration, be they at local national or global levels, are certainly transferable to the extent that the approaches identify and hold accountable key stakeholders to realizing rights.

During data collection and analysis, I used member checks by asking for clarification during conversations with the participants. Each of the teachers was given the opportunity to review his or her own section, suggesting corrections, additions, and commenting on interpretations. By using interviews, observations, and collecting documents, allowing for triangulation of data and methods, I was able to corroborate what I see emerging. By describing the steps taken during data collection and analysis, I have created an audit trail. Each researcher's biases, past experiences, and implicit thoughts impact his or her research interpretations (Eisner, 1998); however, another researcher would be able to use the trail I am leaving behind as an "operating manual" to recreate my study (Goetz & LeCompte, 1984, p. 216). Part of my audit trail includes an organized research notebook of data collected from each of my ten participants, and the "narrative . . . report a history of the research project," (Polkinghorne, 1997, p. 15).

During open-ended interviews the subject's schedule must dictate the activity (Stake, 1995). Gaining access to the subject organization, having sufficient resources while in the field, clearly scheduling data collection activities, and providing for unanticipated events, will be expanded on in the next section. Suffice it to say that gaining access to the subjects of this study was extremely difficult and time consuming.

Case studies can be either single or multiple-case designs. Single cases are often used to confirm or challenge a theory, or to represent a unique or extreme case. Single-case studies are also ideal for revelatory cases where an "observer may have access to a phenomenon that was previously inaccessible," (Merriam, 2004). Single-case designs require careful investigation to "avoid misrepresentation and to maximize the

investigator's access to the evidence” (Yin, 1994). Table 1. links my questions to the evidence/data sources.

There are two reasons that I believe this case is revelatory. First, whereas other research with migrant teachers has traditionally focused on intercultural communication in the classroom, this case study focused on their identity as education workers from a rights-based approach within a complex staffing process made more complex by the current federal education mandates. Secondly, the access I have to their local Association affords me access to answer the labor rights awareness questions and probe more deeply about the tensions and issues inherent in their relationship with their union and vice versa.

**Table 1. Research questions**

Research Questions	Documents/Sources
Q1: How has migrating affected teachers’ perceptions of their pedagogy and how they see the state of their profession?	<ul style="list-style-type: none"> <li>• Interview transcripts from migrant teachers</li> <li>• Email correspondence</li> <li>• Posts on the network website</li> </ul>
Q2: Did the experience meet migrating teachers’ expectations?	<ul style="list-style-type: none"> <li>• Interview transcripts</li> <li>• Email correspondence</li> <li>• Affidavits to DOL (Tory)</li> <li>• Memos from PCPS</li> <li>• Letters to political leaders from the migrant teachers network</li> </ul>
Q3: What has been the experience of migrating teachers with the local teachers’ union?	<ul style="list-style-type: none"> <li>• Field notes from overseas teacher teas</li> <li>• Interviews with union official</li> <li>• Field notes from information sessions</li> <li>• Interview with migrant teachers</li> <li>• Migrant Teacher Network Action Calendar</li> </ul>

## Researcher Background

I come to this study having worked internationally in the field of education for fifteen years, over which I have sought to understand education policy internationally by alternating study and work for a wide variety of educational organizations and sectors. Currently, I am Deputy General Secretary of the global federation of teachers' organizations called Education International. Prior, I worked to shape the National Education Association of the United States' international work in my capacity as the director of the Office of International Relations where my main responsibilities were to help represent the voice of NEA's 3.2 million members in international education policy and human rights discussions at Education International, the UN and other international organizations; oversee a portion of NEA's development cooperation projects; and build strategic partnerships at the policy and practice level to advance NEA's agenda for global understanding, social justice and solidarity. In my capacity at NEA, I have helped form an Education International Teacher Migration Taskforce as well as served as a respondent and witness on a number of research panels looking at teacher migration within the Commonwealth. I also understand the issues of teacher migration from the perspective of governments tasked with achieving Education for All.

I spent almost seven years as an Education Specialist at the Organization of American States (OAS) where I was tasked with helping create mechanisms for ministries of education to share good practice in the field of teacher education and professional development. Concurrently with my work at OAS and NEA I pursued a PhD in International Education Policy (IEP) at the College of Education at the University of Maryland (UMD). The IEP program at UMD is well-respected as a hub for critical and

rights-based approaches to the globalization of international education policies and specializes in analyzing, deconstructing and debunking the discursive versus actual implementation of education programs in poor countries by international institutions like the World Bank. In no small way my current position at Education International is a direct result of my preparation at UMD.

In a sense, I am a teacher migrant that has moved from North to South and urban to rural. Before OAS, I completed Harvard's Master's Program in International Education Policy where I focused my research on equity policies in Latin America. I would have had no understanding of inequity and the struggle to realize the right to education had I not worked in Bolivia for two years as a project coordinator and curriculum developer for an NGO that worked with street kids and orphans. I would not have had the ability to migrate to Bolivia and participate with Bolivian educators and human rights workers had I not also started as a teacher myself. I began my career as a public, high school German teacher in rural Ohio.

I have attempted to be both a researcher and activist by participating in professional associations like the American Education Research Association and the Comparative and International Education Society. I also served on the Leadership Council of the U.S. Chapter of the Global Campaign for Education and represented the educators of NEA on a number of coalitions and alliances like the U.S. Global Leadership Campaign and the Partnership for Global Learning. Currently I serve on the boards of the Center for Teaching Quality, the Global Partnership for Education and the Education for All Steering Committee.

I have been in a U.S. classroom enacting policy through my practice, seen and dealt firsthand with the challenges and opportunities facing an NGO trying to backstop a dysfunctional government, worked with government bureaucrats and academics to consolidate lessons from promising education programs and policies and joined ranks with my brothers and sisters in the labor movement to defend the right to education domestically and internationally as globalization's demand for flexibility and efficiency bears down with increasing force. I have personally experienced the tensions that international migration and recruitment create via my participation with the Commonwealth Secretariats Advisory Board on Teacher Migration. I empathize with the small State who desperately wants to curtail migration of its highly-skilled citizenry in whom they have invested so much, and equally empathize with the migrant teacher who sacrifices everything to come and make a better living in the hopes of a better future for themselves and their families. I particularly believe that this tension adds to my credibility as a researcher who sees value in attending to both the national development and human rights aspects of this phenomenon.

### **Research Strategy**

Stake (1995), and Yin (1994) identified at least six sources of evidence in case studies.

The following is not an ordered list, but reflects the research of both Yin and Stake:

- Documents
- Archival records
- Interviews
- Direct observation

- Participant-observation
- Physical artifacts

*Documents* I found germane to the study were: letter, emails, memoranda, teacher recruitment selection data, meeting agendas, administrative documents and amicus briefs that migrant teachers filed to challenge the 2011 Department of Labor inquiry that eventually ended with many of their colleagues being forced to return home.

*Interviews* are one of the central sources of case study information. For my study I used open-ended, focused, and structured interviews. I used an open-ended interview modality for key respondents when asking to comment about certain events, like recent placements, working conditions and interactions with their union. This in turn enabled me to corroborate evidence obtained from other sources. I used a focused interview with set questions in situations when time was a major factor. From open-ended interviews I was able to identify patterns and issues that I was not even aware of earlier. One example I will discuss later was the betrayal that some respondents felt *vis-à-vis* the union that represented them in the district and the collective decision to form a network that could seek legal protection and redress on their behalf. In this sense, it was by taking a snowball method which allowed me to have the necessary breadth in the beginning while staying open to other potential areas for deeper and more focused interrogation.

In regards to *participant observation* and *direct observation*, I took deeply descriptive notes during the international teacher teas and at numerous meetings of the teacher network. This helped in identifying leaders and other potential interview candidates.

*Archival records* were either provided by confidential sources within DOL or the PCPS. In neither case were individuals willing to go on the record.

### Case Sampling

To answer my research questions, I employed a holistic case method approach that deeply describes and interrogates a site that is bound locally by the recruited teacher population itself and concentrate on the experiences and perceptions of foreign trained teachers in ex-urban school district, Penelope County Public Schools (PCPS).

This district is particularly illuminative for a number of reasons. First, it is located in a major, urban area of the United States with a high percentage of low-income students. The district itself mainly serves non-white students of African American and Hispanic descent and experiences relatively high levels of teacher attrition and turnover. As an example of the difficulties the district faces, a major teacher preparation university is located within the boundaries of the district but only a fraction of its graduates choose to teach there. Secondly, the district decided to develop relationships with recruiting agencies that specialized in bringing teachers from the Philippines into the U.S. and specifically into their state. Officials later acknowledged to the media that they were ill prepared to handle all the visa-related issues that arose from this move to solve their staffing shortages.

### Selecting Participants

Through contacts at the Penelope County Education Association (PCEA) I identified a group of approximately fifty international teachers who participated in PCEA-organized

“International Teacher Teas”. These Teas served as an evening meeting place for international teachers to come and talk with PCEA about their work and experiences and PCEA officials. Later they became a heated debate space where international teachers aired their frustrations and disappointments regarding a lack of support. For the sake of balance, I interviewed the union representative who was responsible for supporting the teachers and organizing the Teas. To protect her identity she will be referred to as “Rebecca”.

I correctly foresaw that a major challenge would be to find ten PCPS teachers willing to give of their time to participate in my study. I was surprised to learn that 95 percent of the international teachers in the district are women. Therefore, to ensure the group was representative, I purposefully selected ten teachers based on their years of teaching experience and ages.

I followed Maxwell’s (1996) suggestion of using purposeful sampling when persons are “selected deliberately in order to provide important information that [cannot] be gotten as well from other choices,” (p. 70). A key informant emerged through the selection process that helped me purposefully select the widest possible range within this rather homogenous population.

To analyze the data, my general analytic strategy was to:

1. Use NVIVO software to pull out common themes/patterns both across and within interview groups.
2. Categorize and analyze themes that specifically relate to my questions.

3. Triangulate data from interviews, observations and artifacts to find diverging and converging patterns.
4. Include multiple perspectives from the three dominant schools of thought in the literature. 1) Teachers as a subset of Global Labor Migration, 2) Transnational Migrant Teacher Communities and 3) Migrant Teachers and the Nation-State.

#### Ethical Considerations on the Researcher's Role and Reciprocity

According to Merriam the researcher is the *primary instrument* for gathering and analyzing. Therefore, a good researcher must exemplify case study researcher “traits such as tolerate ambiguity, intuitiveness and sensitivity and be a good communicator – empathic, good listener,” (Merriam, 2004). As an instrument, I maintained the highest ethical standards in ensuring both informed consent as well as maintained anonymity of those that I interviewed. Private data collected from the OTTs could be of high value to the district, the recruiting agency and teachers’ union and must be treated with the highest ethical standards. All interviewees had a chance to view their responses before data from interviews were interpreted. I have coded all participants in such a way that they and their responses are never traceable and their anonymity remains fully intact.

## Chapter 4. Findings

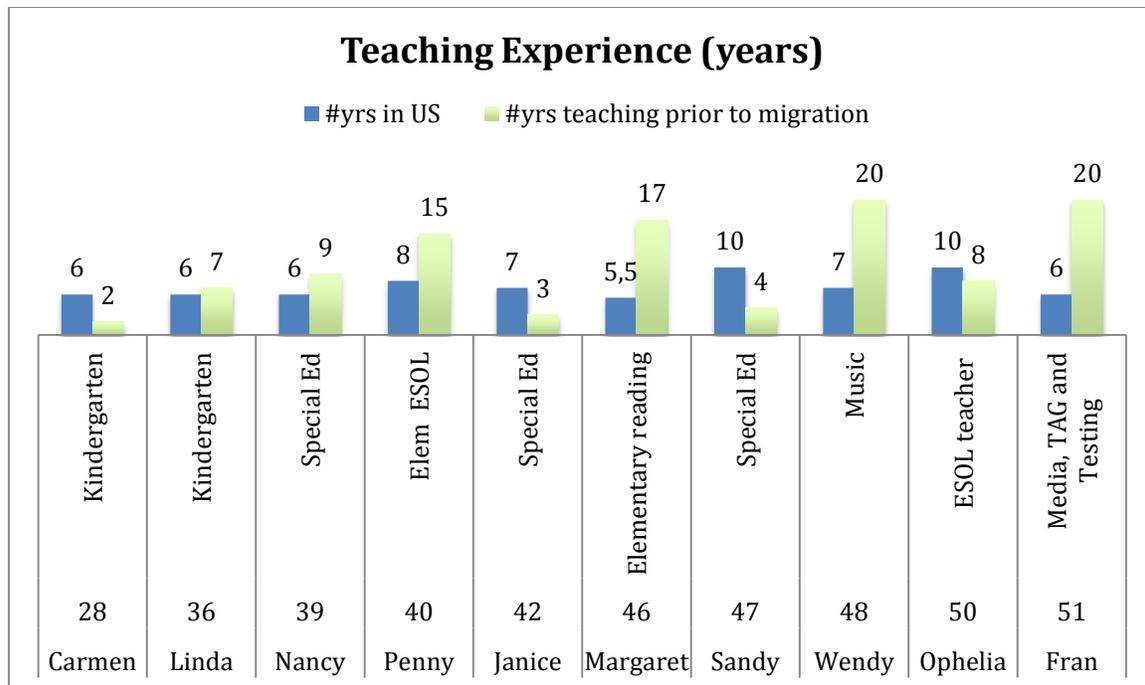
Over the course of my data collection, between 2011-2013, I was able to obtain numerous sources such as amicus briefs, affidavits, human resource emails, district mailings and private correspondence. These artifacts, when analyzed from a human rights perspective in tandem with the interviews of international teachers, produce a uniquely revelatory and instrumental case of migrant teachers. The themes, trends and patterns that emerged over the iterative coding and query process illuminate both the seldom seen human side of the migration experience as well as the professional and political identities of migrant teachers.

As a backdrop to my data collection, the U.S. Department of Labor was conducting (unbeknownst to me at the time) its own investigation about the legality of the recruitment process that PCPS had undertaken. The DOL found that the county was a willful violator of its H-1B rules in that it made the teachers pay for fees that were the responsibility of the employer. As a result of that finding the county was debarred from participating in the H-1B program and could no longer sponsor the visas of the teachers it had recruited. Tragically, the finding that the district had willfully violated the rights of the teachers it recruited from the Philippines was worsened by the fact that many of these teachers who had not yet gained permanent status were now without a sponsor. The affidavit in Appendix A (modified for confidentiality) as provided by *Tory* provides a heart wrenching account of the sequence of events that befell the teachers due to the investigation. I will refer to it as the “DOL investigation and debarment” but the teachers refer to it as the “double injustice”.

## Participants

As foreseen, the issues in gaining trust and access to the Filipino teachers who had been going through the aforementioned DOL investigation and debarment within Penelope County were difficult. Fortunately, continued contact and outreach to the leaders of the network that the teachers formed for professional, moral (and later legal) support was key to establishing myself as a credible researcher with an interest in their experiences and views. Particularly, a forty-something leader whom I will refer to as *Penny* proved to be the invaluable broker of all my contact with the individual teachers that form the basis of this study.

As can be seen in the table below, the Filipino teachers selected for this study vary in terms of both subject they teach as well as their years of experience. One would expect that older teachers might have more experience prior to migrating and potentially even more experience teaching in the U.S. However this was not the case. Table 2, lists the teachers from youngest to oldest. The group contains self-described career changers and is also somewhat limited by the H1-B rules which generally allows for two three-year visas that may or may not lead to permanent residency. The issue of experience was of special interest to me as I wanted to know if more experienced teachers were leaving the Philippines, if that experience was counted in the calculations for remuneration packages and whether more experienced teachers were more likely to be teaching in the area they were prepared for and had taught in prior.



**Table 2. Teaching Experience, Age and Subject Area**

Beyond experience, I was also interested in interviewing teachers of differing types of qualifications after I learned that the district human resource office had put out a guidance suggesting that teachers who got their masters in shortage areas would be “safe from termination via nonrenewal of their visa,” (see Tory’s Affidavit in Appendix B). Much literature suggests that the “safety and portability of qualifications” varies according to the source country. Since the source country for the teachers in this study all come from one country, the Philippines, it was important to gain understanding about how they became qualified and what they underwent in order to migrate. While most of the teachers were recruited for areas for which they were qualified, this was not the case of all. Some were even surprised to learn that even though they were accomplished teachers in one field, their assignment would be in another.

The following section profiles each teacher in the sample. Beyond their family characteristics I will attempt to provide a description of them as individuals. To protect their identity I will use aliases.

### Profile of the Teachers

“My children are now ages 26, 22, and 19. I sent for my two younger children when they were 10 and 12. My oldest son stayed behind to finish college. I brought him here before he turned 21. But when he could not find employment here, he chose to return to the Philippines and he has been there since 2008.”  
- Ophelia

The ten overseas trained teachers who graciously participated in this study defy traditional stereotypes and generalizations. They are all risk-takers to a certain extent who overcame great financial obstacles to migrate to a country known for its struggles in providing quality education to students hailing from more than a hundred different backgrounds. An overview of their profiles is displayed in Table 2.

The majority of teachers who participated in this study either were married or had been married. Due to visa requirements many were forced to leave their family behind at first. While the process of migrating meant great financial cost in both navigating the complex visa process and paying the recruitment fees, it also had an emotional cost. Tightly knit families and communities were disrupted and mothering at a distance became an additional challenge to that which awaited them in their newly minted communities.

**Table 3. Profile of the teachers**

Interviewees	Marital status	#children	accompanied, stayed or joined later
Fran	married	2	joined later
Wendy	married	2	children joined after 2 years
Margaret	married	4	joined later
Janice	divorced	0	N/A
Carmen	single	0	N/A
Nancy	married	2	joined after 6 months
Sandy	married	4	4 children, boys. <i>The eldest is here in the U.S. and my 3 younger sons are still in the Philippines.</i>
Linda	married	1	<i>my husband and son are now with me</i>
Ophelia	divorced	3	<i>My children are now ages 26, 22, and 19. I sent for my two younger children when they were 10 and 12. My oldest son stayed behind to finish college. I brought him here before he turned 21. But when he could not find employment here, he chose to return to the Philippines and he has been there since 2008.</i>
Penny	married	3	Accompanied

*Penny: The Key Informant*

Penny is a forty-something teacher who manages and maintains the migrant teachers’ education network in the county. She has been a teacher for twenty-three years. She has a youthful air and determination that makes her remarkable among peers. Many of the interviewees I spoke with were only willing to talk to me after she “cleared me”.

Her role as a gatekeeper is directly linked to the solidarity she shows her fellow teachers. On multiple occasions she would arrive for our meetings just after coming from a session with a legal counsel helping to advise teachers or interviews with the media on the plight of her colleagues. She places her family, her students and her teachers ahead of her own wellbeing. Her resourcefulness and ability to mobilize and activate her networks

set her apart from other leaders I have encountered over the years who claim to represent groups of people. She was clearly unique.

We would often meet after school hours at a local coffee shop and she would relay the current state of affairs among the international teachers in the district. Once, she showed up with swollen eyes from crying and told me the story of Gloria, a middle aged teacher from Manila who had been diagnosed with cancer. After teaching in the district for five years she had to take extended medical leave for treatment. When she returned to the district after several months she found that her contract was changed and she would no longer get credit for those five years of experience. Her medical leave was reduced to that of a first year teacher and many of her medical benefits were called into question.

Penny said, “They know she only has a year or so to live and don’t want to pay the health insurance so she keeps getting treatment. It’s inhuman and I shouldn’t have to do this, but I will go to the union office and district offices and call them out.” She did this repeatedly until a special resolution was found that covered Gloria’s palliative care. I met Gloria briefly once shortly thereafter. The cancer had progressed and she could only enter the coffee shop with the help of Penny and the teachers who surrounded her. She shared how indebted she was to Penny who helped ensure her last few months were meaningful and without too much pain.

Penny herself took on the district over her right to be with her terminally ill mother by using the Family and Medical Leave Act (1993) to ensure they would not use her visa status as a bargaining chip. In discussing that episode she questioned why hiring a substitute to cover for her, a common practice among U.S. nationals during bereavement

was different for her. “Is this the flexibility that the U.S. economy requires? Who will defend our rights if we don’t?”

The network she helped to create linked hundreds of teachers in her county and provided an important social and political outlet. As the network expanded it linked to other networks in neighboring cities and towns that had large Filipino expatriate teacher communities. Penny would use the site to build community. Her posts included information about upcoming events, responses to a multitude of queries on legal advice and even the details of the next party to watch the famous boxer Pacquiao (the national hero) fight. More than once the similarity between that small, pugilist and Penny the international teachers’ rights brawler has occurred to me.

*Fran: The Librarian of All Trades*

Middle-aged Fran is a librarian by training who ended up becoming a media specialist, Talented and Gifted (TAG) coordinator and head of testing for her school. When she first learned about the opportunity to migrate after reading a newspaper she remembers thinking that would be good experience for her family. She had obvious concerns about repaying the costs (U.S. \$20,000) on a librarian’s salary and was equally worried about what she would find in Penelope County. Like many migrant teachers her two children and husband did not join her until much later.

Fran’s descriptions of the multiple changes of responsibilities that inevitably fell to her and befell her were laid out stoically as a series of unmet expectations and increased responsibility. She clearly loved working with students but was unsure of what the new common core tests were going to mean when they started to implement them. She also

seemed less than confident in the capacity of the district or state to provide more than “lip service” regarding the deep structural problems that churned teachers through the system. She cites her own case often as symptomatic of most teachers who spend too much time reporting and carrying out non-teaching functions instead of being in the classroom, preparing lessons or collaborating.

*Wendy: The Musician*

Wendy is an energetic mid-career teacher who has taught K-12 music for two decades before migrating. Her poise, presence and clear enunciation of every word give her away as a choir teacher and voice specialist. Her entire being radiates excitement for her students and the arts. Like many of the others, Wendy had to leave her children behind for the first few years. She spoke longingly for her home environment in the Philippines full of support—having her in-laws who lived next door, “always available for any of us, my husband, two kids and me.” It was a switch as she shifted from middle class with a helper, (sometimes two at a time) to doing everything and just getting by. Wendy’s husband worked full-time and “because of the nature of his job, he was always out of town or country.”

Unlike her school in the Philippines, she found the Penelope district to be extremely challenging because of the lack of parent participation and the unaddressed student behavior issues. She also found that the culture of learning was different and that it was particularly tough to deal with as students’ culture in the county which differed greatly from her experience. Be that as it may, the conversations with her often circled back to the arts as a medium for reaching and engaging kids.

*Margaret: the patient constructivist*

Margaret is used to being around a lot of children. She is married with four children and grew up within a big family of 11 children. She was actually a teacher at the University of the Philippines before migrating in 2008. She attributes her success to her family, “for the kind of upbringing I have received from my husband, parents, aunts and grandparents. They have taught me to be patient, understanding, to be persevering, kind-hearted and empathetic.” These traits come in handy for an early grade reading specialist in her daily practice.

However, she repeatedly vented her frustration about the narrow focus on testing and worksheets, which she says goes against everything she was taught and believes. She sees constructivism and optimism as pedagogical “values” that are more Filipino than American and warns new teachers to avoid the trap of being all business. She stated that instead of the status quo, “We need love and patience and understanding for the little children, no matter their race.”

*Janice: the special educator*

Janice can be best described as an overachiever who was looking for more meaningful work and found education. She is chair of the Special Education department and specializes in teaching students with mild to moderate disabilities such as those with learning/ intellectual disabilities, ADHD, autism, and emotional disturbance who are being educated within an inclusive setting.

Janice has an Advertising Arts degree and worked in various advertising agencies in creative and account management positions before eventually going

into Advertising & Promotions Management at the largest retail chain in the Philippines. She reflects back:

“It was a decent-paying job with some perks. However, I felt empty after a long hard day’s work. I felt I was only helping the capitalists grow richer. Also, I was just newly married and wanted to have children and the frenetic pace of the industry was something that did not jive well with the kind of life that I wanted to live. Since I was having a difficult time bearing a child, we decided for me to stop working for a spell. My then-husband was working for their family business and so we could afford the hiatus I was going to have from work. In two months’ time I got bored from not having anything to do so I decided to go into part-time teaching at a center that taught English as a Second Language to neighboring Asian countries such as Korea and Vietnam. I loved the experience and became interested to go into Special Education. My mother and sisters were educators and so I disliked being one myself. With Special Education, it seemed a more eclectic and challenging field so I decided to pursue it. I love how one can help empower a child with a disability the skills to make him perform at his optimum.”

Janice is extremely reflective about the *otherness* that accompanies her as a foreign migrant teacher. She strongly feels that there are universals and collective consciousness that connect people’s thinking and feelings cut across geographic and cultural divides and that “the common threads among people are more than we think.” For instance, “our principles and life situations may vary but at the gut we are all the same. We want the same freedom, respect, and importance as the different-colored next-door neighbor.

During my first year of teaching, this gave me the impetus to be comfortable in who I am despite my being ‘foreign’ and ‘different’.”

*Carmen: the young, enthusiastic kindergarten teacher*

Carmen was one of the youngest teachers who were recruited from the Philippines to work for Penelope County. She is 28 years old and points out that while she is not living in poverty - “neither do I have properties I own, other than my car.” She told me that her degree in Family Life and Child Development helped her grasp and apply the foundations of education, but that it was only after she interned in various early childhood education classrooms that her eyes were “opened to the individual learning styles each student has.” And when she formally had her own classroom, she “learned how to differentiate her instruction for the benefit of her students.” She says:

*“I can’t recall a time when my passion wasn’t directed to teaching. Of course in the innocence of my youth, I did dream of different things that I wanted to do in the future. From being a pilot, to a doctor, to a bus conductor, and then to being the president of my country; all of these aspirations however, took a back seat when I started to think about teaching. My elementary school offered a relatively highly traditional form of education. Every day is basically the same. I come to school in the morning, sit in silence throughout the class ...taught via direct instruction, perform the daily drills ...paper and pencil activities, of course... eat lunch in silence, and then go home. We were all expected to follow the norm every single second. Needless to say I was extremely bored in class and I also had to struggle to fit in. I couldn’t learn the way the teachers are expecting me*

*to. My responses during graded recitations were not the ones that were written in textbooks. Even in my art class, I was considered a challenge because I couldn't picture the trees and the flowers the way my teacher wanted me to.*

*So throughout elementary school, I had to devise a way to cope in terms of education. Because I "couldn't learn" in class and at the same time petrified of being publicly humiliated by my teachers again, every day after school I would study for the next day by teaching myself the assigned lessons. As I kept "teaching myself" every after school, I soon found the best learning strategy for me and it helped me improve my grades. For a while I was content with simply following the routine I have outlined for myself. However, as I grew older, I realized that it really wasn't me who had a problem. The problem lies not just with my teachers but with the whole educational system we were exposed to. So trying to make a difference, I decided that I would be involved in the children's lives in the future. And the rest, as they say, is history."*

By the time the interview process completed Carmen had left Penelope County and found work in private daycare center in an adjacent county. She openly expresses her frustration about being laid off "because of immigration issues rather than my performance. I think I gave my all to teaching and when I lost my job, it was really hard to take. This is especially when I see teachers who are half-hearted in their career and are only in schools for the salary."

*Nancy: special educator and permanent “other”*

Nancy is an ambitious, late thirty-something who came to Penelope County first and foremost to get a new start for her family. She knew that special education was a shortage area so she became certified and applied. She admits that it was extremely difficult in the beginning. She still laments the burden of paperwork and testing that get in the way of teaching. However, she now enjoys her field more and her students and jumped at any chance for training in ICT and new media. She remembers being surprised at how little technology was available and used. In her home country there is even less, but what does exist is utilized to its full potential.

Like her colleagues, Nancy feels that the *otherness* factor is palpable. This is particularly the case when students mock her accent. “They are not aware of our native tongue, they tend to look at the accent rather than the content or the message of the dialogue.” The district had so many issues in the early years of hiring overseas teachers that it partnered with a local university to offer the teachers special workshops on effective communication. In her special education class Nancy teaches students with autism which further adds to the occasional communication issue. She reports that many of her students are much older than their peers and that this also contributes to their frustration and need to act out.

*Sandy: The special provider*

Sandy is a 47-year-old kindergarten teacher in the Autism Program at a large elementary school. She has been in the county for nine years and has obtained residency status. Unfortunately only one of her children, her eldest son who is a

special needs student was able to join her on a dependent visa. The other three boys have been raised by their father and extended family. Sandy shares that her experience as a teacher of students with autism has helped her cope with the needs of her eldest son and vice versa. Her program is the first point of intake for the district and she recognizes that setting the stage for the students' time in the school begins with her.

*“I have observed that my students who have behavior problems act out more. It seems that the change of environment from Pre K in a different school to our school plays a big factor. This handling of this critical situation would depend on me and my team. My management skills play[ed] a big role in this situation.”*

Sandy's migration has been costly on many fronts. Besides the stress of not seeing her children regularly she was also forced to ask her family to take out a loan on their house. Even in the U.S. she is frustrated by the lack of materials available for her students. She spends a lot out of pocket and she still finds it surprising given the relative wealth of the country. Still, she possesses a resilience common to many that I interviewed and a clear work ethic. This quote captures Sandy's essence:

*“I feel that I am successful as a teacher because I do my best in the interest of my students. I attribute my success to hard work, dedication, being receptive to the expertise of others, ample preparation, being resourceful ...”*

*Ophelia, The feisty advocate*

Ophelia is a feisty middle aged, middle school English as a Second Language (ESOL) teacher as well as a single mom with three adult children.

*“I was a single parent of 3 children. My children are now ages 26, 22, and 19. I sent for my two younger children when they were 10 and 12. My oldest son stayed behind to finish college. I brought him here before he turned 21. But when he could not find employment here, he chose to return to the Philippines and he has been there since 2008.”*

Ophelia teaches one English ESOL Advanced class and the rest are called CABLE (Cognitive Academic Basic Language Experience) Science, and CABLE Social Studies. CABLE classes are for students who have recently enrolled in U.S. schools and speak very little to no English. This is quite common in Penelope County where a large number of Spanish speaking immigrants from mostly Central America comprises the second largest demographic group. Ophelia expected to just teach high school English when she was hired, as that was what her training had prepared her for and her credentials “indicated.” In a way typical of many migrant teachers, what she found after migrating was somewhat different.

The following section will look at the emergent patterns across the teachers in the sample in relation to my research questions. The patterns show that while their perception of their pedagogy was strengthened via the process, the migration experience did not meet expectations largely and the relationship with the local union left much to be desired.

### Making Sense of Teachers’ Migration: Emergent Patterns

The case of Penelope County is important because it reveals aspects of the complex and multifaceted nature of the global teacher migration phenomenon at exactly the point of

intersection with the local. The interviews with teachers and union leaders also provide entry points into many universal features of the case. Emergent patterns around pedagogy, the migration process and union role are clear themes requiring greater scrutiny. Themes of persistent and structural inequity and casualization (labor flexibility) become a familiar backdrop to human stories of struggle and agency.

I coded sections of responses and other sources in ways that enabled me to better understand key concepts and see relationships and themes as nodes which connect across respondents and artifacts. Three major nodes that map on to my three research questions<sup>7</sup> were clearly apparent (see Table 4). The first relates to the way they perceive their pedagogy. The second hinges on the expected versus actual migration experience and encompasses the recruitment process through to their appointment and relocation. The third node that emerged addressed the question on role of the union and the appropriateness of its role *vis-à-vis* migrant members with a unique status and situation that challenged the very purpose of a union in a district importing them.

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<sup>7</sup> Q1: How has migrating affected teachers and how they see the state of their profession?

Q2: Did the experience meet migrating teachers' expectations?

Q3: What has been the experience of migrating teachers with the local teachers' union?

**Table 4. Summary of views across nodes**

	<b>Q 1: Perception of Pedagogy</b>	<b>Q 2: Unmet migration expectations</b>	<b>Q 3: Teacher Union Relationship</b>
<b>Fran</b>	US system deprofessionalizes, possible to have autonomy but requires persistence and coherence (clear vision) by public authorities.	Hired for different position; negative treatment by district and agency	Tense; union did not perform their function
<b>Wendy</b>	Able to maintain child-centered approach despite testing policies, detached parents	Costly and not entirely legal treatment	Poor; they did not represent us well
<b>Margaret</b>	Maintained progressive-constructivist anchored in multiple intelligences despite focus on worksheets and testing	Lack of family supports for students; costly; challenges core values	No comment; nothing to say about them worth repeating
<b>Janice</b>	Multimodal to support special education students; high expectations	Duped by agency; exploited	They stood behind the school district, not us. No real effort to provide resources to stay afloat or do damage control for the sake of our families.
<b>Carmen</b>	Combination of constructivism and Social Development Theory. allowing children experience learning and serve as the knowledgeable other that would guide the children into their zone of proximal development.	Duped district; no process to protect migrating teachers' rights	Prioritize US-born teachers; did not represent us
<b>Nancy</b>	Overly standardized curriculum for special needs students requires an individualized mediator	Nothing was as promised;	No support
<b>Sandy</b>	Every child should be given the opportunity to learn regardless of disability. It is the role of the teacher to teach the child in appropriate ways and strategies.	expected more resources for teaching and not have to spend personal money.	Did not do enough; expect better
<b>Linda</b>	Every child is capable of success. approaches and methods consider the individuality of the student.	Predeparture was smooth; cost was high; student issues worse than expected	Transactional; not competent with our issues
<b>Ophelia</b>	Equip with tools and knowledge so able to make informed choices about their future lives as leaders in society, despite administrative requirements.	Low motivated students; unclear expectations; sink or swim scenario	Union worked for the employer; collected dues and did not represent us; wish I could have changed unions
<b>Penny</b>	Whole-child; multidimensional; informed by interactions and students needs first, not test scores	Costly; deceitful; unsupported	Work for the administration not members



Carmen, for instance, was well versed in the theories that underpin her practice and adept at expressing a preference for an eclectic approach:

*“Listen, my teaching philosophy is a combination of Piaget’s constructivism and Vygotsky’s Social Development Theory. I am a strong believer in allowing children to experience learning. However, I also believe that the teachers should not just provide these experiences but rather serve as the knowledgeable other that would guide the children into their zone of proximal development.”*

Carmen’s mix of constructivism and social development theory was in full view in almost every moment when she was discussing her students. She became more student centered after her migration but was equally frustrated by the shrinking space for professional discretion in the face of increased testing and high stakes tests.

Wendy represents the views of her colleagues when she states that “I believe that teaching is a lifetime profession and a good teacher does not stop teaching and wanting to learn.” She also clearly expresses a preference for experiential and child-centered teaching. “Teaching is preparing the minds of little children (in my case) to many possibilities and it is the job of the teacher to provide the resources and to motivate the child to want to explore and discover the world.”

Another key pattern that emerged with Wendy, and can be seen in the responses given by her peers, has to do with assessing and assigning value judgments with respect to students’ performance. In fact, she states clearly that “[she] also believe that teaching is not judgmental, in that every child has every potential to be good and smart, it just depends on a lot of things that are going on within and outside the child.”

This particular pattern, showed that teachers who said that they were dealing more directly with student testing had a greater propensity to talk about pedagogy in terms of unlocking potential with a caveat that there are determining factors specific to the student and his/her circumstances. For example, when speaking of her pedagogy, Ophelia, a teacher of newly arrived non-English speaking immigrants laments the imbalance of district focus towards purely cognitive objectives. Her students require someone who will care about them and stick by them, even inspire them. She became quite serious at one point in the interview when discussing the dehumanizing aspects of instrumentalist visions of teaching. She recounts:

*“Teaching is an advocacy. It requires more heart than intellect. It requires diligence and perseverance and hope that never fades. We do not teach subjects, we teach souls, and future leaders. We help them understand that they are stewards of their God-given gifts and talents and the opportunities that are made available to them. We equip them with tools and knowledge so that they are able to make informed choices about their future lives as the adults in society. Because adulthood is their destiny and they will become accountable to God, to their progeny, and to society.”*

This view of education, especially the part about equipping students to make informed choices is interesting as it positions the role of the teacher as preparing the student to exercise good judgment but not necessarily assumes responsibility for that judgment. In fact, although no teacher interviewed directly referenced Coleman or Rothstein in relation to the interschool versus extraschool factors that influence

performance, the debate around how much is the teacher versus how much is the student and the environment can be teased out.

Penny, for instance, blends Gardner's multiple intelligences with an almost Montessori view on pacing and readiness:

*“Children learn in many ways and at their own pace. Teachers, parents and community work hand in hand to provide for a nurturing, safe, healthy learning environment. Curriculum has to be balanced and developmental, educating the whole child in psychomotor, affective, cognitive, social aspects.”*

The mentioning of the “whole child” concept raises another important issue that becomes central to Penny. The quality of the educational experience is a never finished process wherein an outsider could look within a classroom or at a student's test score data and announce that any one student has “achieved.” This supposition is further articulated by Linda who says that she is also “Pretty much eclectic. [My] philosophy relies on the fact that every child is capable of success. I make sure that my approaches and methods to teaching also consider the individuality of the student.” When asked whether her philosophy was consistent before and after she migrated, she just shrugged and nodded. Interestingly, this was similar to the response of Wendy who laid out her own expectation of students and summed her view of education the following way. “Education is a lifetime process and starts from the earliest stages in life and that a teacher is needed to aid a child in developing his/ her full potential.”

What is remarkable about the pedagogically related identity responses is how they also map on to the way that these teachers argued for the exceptionalness of their

knowledge, skills and competencies as a game-changing variable in improving performance and reducing the achievement gap across Penelope County (see Appendix B, Letter to the Labor Secretary). These teachers did not expect the narrow, testing focused education landscape and yet they made meaning out of it and resisted it with broad notions of the purpose of their teaching.

From a rights-based perspective one main issue that the teachers perceive is the diminishing of their professional rights. One long-standing, international instrument many use to gauge how professional rights are or are not being respected is the 1966 ILO-UNESCO Recommendations on the Status of the Teaching Profession. Every three years, the Joint Committee meets to monitor and promote the use of the 1966 Recommendation in member States of the ILO and UNESCO. It examines reports on the application of the Recommendation that are submitted by governments, by national organizations representing teachers and their employers, by the ILO and UNESCO, and by relevant intergovernmental or non-governmental organizations. The Joint Committee then communicates its findings to the ILO Governing Body, the International Labor Conference and the UNESCO Executive Board, so that they may take appropriate action and authorize transmission to member States of both organizations.

Another aspect of CEART's work is examination of allegations from national and international teachers' organizations on the non-observance of the Recommendations' provisions in ILO and UNESCO member States. After consideration of the content of the allegation, CEART issues its findings and recommendations for the resolution of the problems or conflicts.

Article VIII. Paragraph 61 on the rights and responsibilities of teachers lays out core professional rights:

The teaching profession should enjoy academic freedom in the discharge of professional duties. Since teachers are particularly qualified to judge the teaching aids and methods most suitable for their pupils, they should be given the essential role in the choice and the adaptation of teaching material, the selection of textbooks and the application of teaching methods, within the framework of approved programs, and with the assistance of the educational authorities. (ILO-UNESCO, 1966)

The description of professional freedom for teachers in Penelope County indicates a certain degree of nonobservance by the county with respect to these recommendations. In particular the narrow curriculum and test-driven environment are evidence of a violation of professional rights and potentially even students' rights.

Q2: Did the migration experience meet expectations?

All the teachers interviewed for this case study were recruited by the same, Philippines-based recruitment agency in largely the same manner for the same school district. They (the teachers) were invited by colleagues or recommended by peers to attend information sessions where the migration experience and application process were laid out in detail. Applicants were then screened and separated into groups based on their qualifications and the demand for their specialty area by the school district. Lastly, they were offered high interest loans to pay for the many fees.

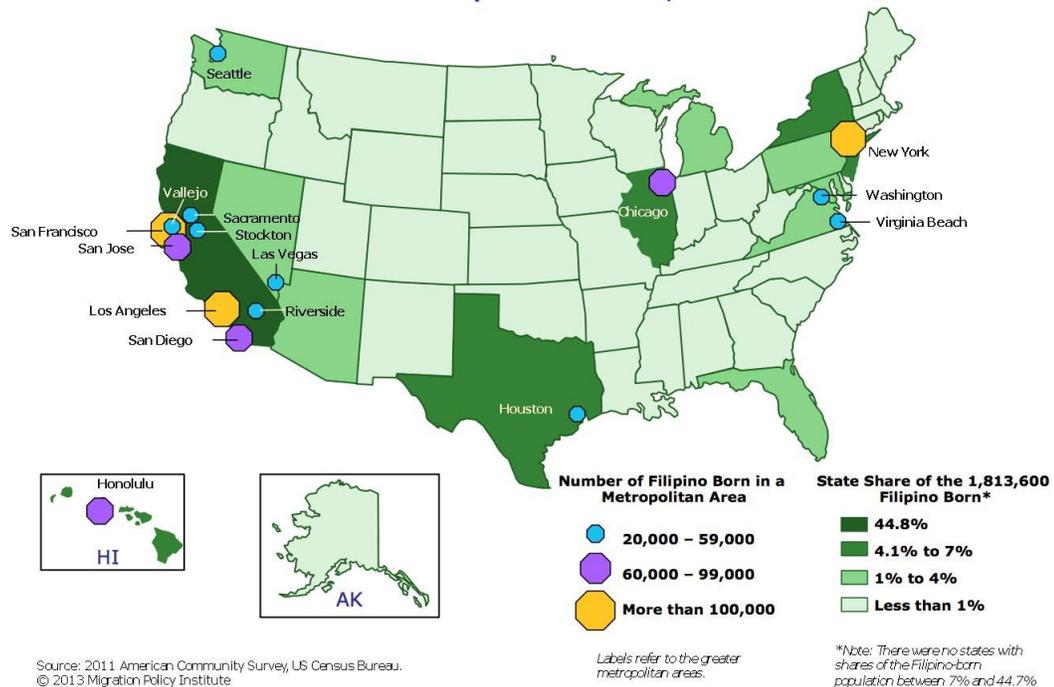
### *Pre-departure*

Wendy matter-of-factly laid out the typical pre-departure process:

*“The recruitment agency processed our papers and gave us some preparatory seminars. They also made sure we took the test to qualify for a teaching certificate in the state... set-up crash courses with a university to accommodate us in fulfilling requirements in a short period of time. They also arranged for a representative from the Philippine Overseas Employment Agency to provide us with the government required pre-departure seminar, at our convenience.”*

According to the Migration Policy Center (Batalova, 2011), the Philippines have figured out that managed migration of their citizens means that both remittances flow better and market access improves when it is integrated into their national development plans. They have been so successful at it that the Philippines are among the largest exporters of its people to the United States.

## State Proportion of the Filipino-Born Population in the United States and Metropolitan Areas with 20,000 Filipino Born or More, 2011



**Figure 5. Proportion of Filipino Born Population**

In fact, over the course of the interviews many of the teachers referred to the fact that they knew others who had migrated as nurses or in other professions and that many “horror stories” were out there about false job sites and unethical recruiters. Equally powerful were “made it” stories about Filipino migrants becoming both successful and permanent residents or citizens. For example, Frances recounted that,

“For professions like waiters, seamen, or nurses sent abroad this was quite a common way to hire people for deployment all over the world... including the U.S. for nurses. However, in the teaching profession, it seems like not a whole lot of recruiters were out there that catered **specifically to the U.S. market**. We would also hear a lot of ‘horror stories’ about people who had bad experiences with other

recruiting agencies. Thus, most everyone was extra cautious in selecting an agency for fear of being duped.”

Frances remembered that after selecting the agency it took time to wait for the visa interview and that a lawyer whom the recruitment agency hired did the application. She scheduled the visa interview herself with the U.S. Embassy and had to wait outside in line for hours before she could be interviewed. She had to put up thousands of dollars over the span of more than a year from the start of the recruitment process—fees for the agency, exam fees, visa application, lawyer’s fee...and it was not an insignificant amount. Janice also focused on the fees that the Department of Labor’s Wage and Hour Division cited as a key reason for their later investigation.

*“The recruiter based in the Philippines closely coordinated with the school district and facilitated the smooth transition from the interview process to the actual relocation to the U.S. However, we had to pay a substantive amount of money which included the processing fees that we weren’t supposed to pay. It was quite swift because we were very much needed by the school district. However, the visa cap was exhausted at the time our cohort was being processed so we were only able to leave on January instead of August, 2007. We waited with bated breaths for the final outcome as we had our local jobs hanging in the air. It was a nerve-racking experience for me especially after having undergone the grueling situation of having to come up with the huge amount of funds that was needed for the move. I was only earning roughly \$220/ month at the time.”*

Linda said that she applied for an advertised teaching position she saw from the newspaper.

*“But before that, my friend already told me about the agency. I had to go through a preliminary screening conducted by the agency. Then, I was recommended for interview with the school district’s representatives. After that, I had to pass a [name withheld] test before a job was offered.”*

Janice had a relatively positive experience with the agency. She recounted that:

“[The agency] was very proactive in helping make sure that we had everything we needed in most every step of the process: from interview to the first few months of school. This included being provided with seminars that exposed us to the culture found within the African American community that we served. They even made sure we had decent lodging that was shared by at least three people so that we can afford the initial year of relocation until such time that we were able to find our own. In addition, they also offered to lend us money through a sister company. However, I only borrowed a small amount from them *because the interest rates were quite staggering.*”

According to the literature on global migration one of the areas that is most ripe for exploitation comes when recruiting agencies have sister companies that provide high interest financing or accommodation. The issue of financing cuts across all teachers interviewed for this study and will be taken up later in the following chapter. Of note is the importance of social capital and ability for some teachers to borrow microloans from family at no interest versus those who were forced to use the agency provided financing instruments.

## *Fees*

Reported out of pocket costs ranged from U.D. \$20,000 paid by Fran to \$14,000 reported by Ophelia. Given the average annual Philippine teacher's salary of \$2,400 this meant raising somewhere between three to ten years of their salary. As an illustration Ophelia offers some perspective”

“All told, about \$14, 000, more or less. In 2005, the exchange rate would go as high as P54 to a dollar. So it cost more than half a million pesos. It cost a fortune for teachers like me who earned only about P150, 000 a year. I remembered saying that if I had that kind of money for me to spend on anything right that moment, I would not move. *I bore the cost...all of it.* I had to borrow from relatives and from [the recruiting agency]. But I paid them all, including interest. So, yes, I bore all that cost. Well, maybe except for a few hundred dollars that was returned to us by [Penelope] County after they were found to be a willful violator.

I don't remember having any specific thoughts. I was going through a process myself of saving my children from their father's neglect. And this was it! I was going to finish the process, come hell or high water, and not stop until I get everyone to the U.S. I would have a year to pay off my debts...I was going to earn a few thousand and then, I would be able to send for my children. It was always the plan to bring the family over and make U.S. our permanent residence. I have relatives and friends who came to work on H-1B visas and were granted permanent residence after two years. *It was my belief that that was the process for everyone.*”

A similar expectation that emerges in looking across the responses from teacher who were interviewed has to do with the belief that the H-1B visa would lead to permanent residence. As mentioned earlier, most of the teachers were unable to bring their families, but held out hope that they would be able to send for them later. Nancy told me that her “only goal was to be a successful educator in America and bring my family in U.S.” which she accomplished faster than her peers in just six months. Linda however, now consciously tries to persuade migrant teachers to not select the United States after her negative experience:

*“I would tell them that if they have a choice, don’t choose to be here. It is very hard, not only in the classroom but also personally and emotionally. Every day you are uncertain of how long you will be staying until you get that permanent residency card. If they can get a permanent residency card through their relatives, it would be easier. Through a job, it is very nasty.”*

In fact, when asked about what advice they would offer others considering migrating to teach, Janice gave the answer that nine of the ten agreed with: “If they are considering, I recommend that they do not apply to this district.” The same nine also reported that they chose to participate in the massive organizing campaign that sought national attention to the “double injustice” as well as a political remedy. All referred at some point about their sadness and anger in saying goodbye to their colleagues.

### Transition and expectations

When asked to describe their expectations and how migration affected them, response patterns took three main forms. First were the expectations about students and the work

of teaching, the second related more to the district as an employer and the third refers more to their overall acceptance in society and their local communities. However, a clear thread running through was a notion of social resilience<sup>8</sup> and agency. For example Janice said that in terms of expectations,

*“I have heard the horror stories, the challenges, and the rewards of teaching in the U.S. In many ways the expectation mirrors the reality I faced in the classroom. However, it is kind of different too, to experience things first-hand. My view is more grounded and has a lot of depth now than before. One of the things that I learned is that people’s thinking and feelings cut across geographic and cultural divides. The common threads among people are more than we think. Our principles and life situations may vary but at the gut we are all the same. We want the same freedom, respect, and importance as the different-colored next-door neighbor. During my first year of teaching, this gave me the impetus to be comfortable in who I am despite my being ‘foreign’ and ‘different’.”*

Margaret added her frustration that respect from students was often difficult to come by and that her prior teaching experience did not require her to put as much into classroom management as classroom instruction. She in many ways typifies the challenge that the district had in terms of retention of its current teachers.

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<sup>8</sup> By resilience, I am referring to Keck’s definition social resilience as being comprised of three dimensions: 1. Coping capacities –the ability of social actors to cope with and overcome all kinds of adversities; 2. Adaptive capacities – their ability to learn from past experiences and adjust themselves to future challenges in their everyday lives; 3. Transformative capacities – their ability to craft sets of institutions that foster individual welfare and sustainable societal robustness towards future crises. (Keck & Sakdapolrak, 2013)

*“Although I have heard how difficult it is to discipline the children, I did not expect it to be this difficult. These children are not only defiant; they can be very disrespectful as well. And it breaks my heart, knowing how very little attention they get from their parents.”*

Nancy had “very high expectations toward a fast and high technology and multimedia educational system.” She was surprised that things were not as wired as she had heard. She echoes her fellow teachers in regards to “the students’ attitude toward education which is not their priority” but was resolute to reach them. Sandy was equally surprised about the out-of-pocket expenses that have become the norm for teachers in the United States.<sup>9</sup> “I expected that it would have more resources for teaching and I would not have to spend personal money. I found out that I have to spend a lot on my own.” Carmen was surprised about the “culture of the students and their behavior. One needs a lot of conscious effort for classroom management.” Also, she was surprised how little planning time she had and how many “duties” were required of teachers, especially given the demands for individualized instruction and the steady strain that student poverty puts on teachers:

*“I would tell [anyone considering] that they need to be ready with the students’ behavior and study habits as well as the limited time in preparing lessons, and that they have to do extra duties in the cafeteria, playground or hallways. I would add though, that there is freedom in planning, preparation, and implementation of*

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<sup>9</sup> One study found that 99.5 per cent of all public school teachers spent some amount of money out of pocket, with the national average for 2012-2013 coming in at \$485 among those surveyed (National School Supply and Equipment Association Survey, 2013)

*lessons and activities. They can also look forward to a better pay compared to what we get in our country. But they have to basically adjust to a different culture.”*

Ophelia discussed in detail the experience of ‘sink or swim’ that many of the teachers felt due to a lack of appropriate transition and support from the district or their union. Her identity as an outsider meant that she lacked the ability to engage her students but also navigate the complex world of individualized education plans (IEPs) for students with special needs and other types of student interventions.

*“I have heard horror stories from friends who ventured here and had to go home in shock. I thought they were extreme cases. This was in a different state. She was assigned to teach a maximum-security class. I knew it would be filled with challenges of unmotivated students, more than what we had in the Philippines.*

*But, I was confident in my abilities to engage students. What I encountered on my first year I could have never imagined. Students (were) out of control; only about three of my thirty students were motivated. I made my existence about these three students who were ready and willing to learn every day. I did not understand the system. My administrators did not seem to understand that we were coming from a different world and did not care to show us the way. I was never told that half of one my classes consisted of students with IEP and 504’s - I did not learn what these terms were until much later, in a different school. I did not know to ask, because I did not know that such things existed. So, one day, I had to face some irate parents in what I imagined would have been a SIT*

*conference, because I was failing their daughter, and didn't I know that she has accommodations? There was like an eternity of silence when I said "no, and what are accommodations?" in front of my colleagues and the principal. I was fortunate to be taken in by the ESOL department after that first year. Now, I understand the system."*

Linda spoke about a transition period that lasted from her initial experiences (which verified her beginning concerns) to feelings of mastery and confidence. She equates the notion of "getting established" with her own "toughness" and ability to manage her class.

*"I expected before that it is going to be tough because of culture differences but when I got here, it was worse. The discipline of students is totally challenging. I felt disrespected, insulted and ignored at times, but after few months I was able to establish myself. Then my students started treating me with love and respect. I became tougher because of this challenge. After my first school year, there were no more problems with classroom management."*

Many of the Philippine teachers expected that the Penelope School District would be comprised of schools that would be using student-centered pedagogy and thematic inquiry. These expectations were largely based on notions many discussed in their own preparation programs such as the more innovative U.S. approaches started by the likes Ted Sizer and Deborah Meier. For example, Penny underscored that she came from an open education system where the curriculum is integrated and not fragmented into

different areas. Children learn through thematic learning experiences. She was “shocked that it is still 70 per cent a traditional way of teaching here except for the use of technology.”

Many reported surprise that most U.S. education reforms were focused on traditional drilling and testing versus experiential learning. For example, the debates around the Common Core State Standards (CCSS) popped up repeatedly in the interviews. Ophelia who works with special needs students, summarizes the worry it causes some teachers:

*“We have concerns about the academic rigor it aspires to. Are the students ready to take this on? Are the teachers? I have heard teachers worry about it. Will this change to more teaching to the test? What kind of assessment would it be this time? I read the selections to my students as their accommodation requires... it was dreadfully too much uninteresting and irrelevant to my life information. Even for a book lover like me! Too much testing! Why can't we have a pre-assessment and post-assessment - one at the beginning of the year and one at the end? Is it because we need data for the SLOs, student learning objectives? SLOs - someone else's money making scheme that we are all forced to follow. Practicing teachers are never asked for their input.”*

Ophelia's lament regarding the current state of education reform beautifully captures some of the main debates raging today. They range from her questioning of the relevance of the content to her students, the narrowing effect of over-testing and the influence of for profit companies selling “schemes”. Using a rights-based approach this

shows that the role of teachers as duty bearers who constantly question the acceptability, accessibility, availability and adaptability of education policy. She openly challenges the mechanization, bureaucratic and evaluation control that she views as barriers to realizing the right to education as well as her labor rights as a professional with autonomy and discretionary authority.

*“The greatest challenge for me is having to comply with administrative requirements that do not contribute to student learning. Like, bulletin boards that explain the activity to those who give teacher evaluations. Students only care about your comments and that their work is displayed. So you could get written up for not following bulletin board standards. These seemingly small things take away from instructional planning and grading papers. My coach pointed out that I am doing what is right... ‘But did they look at your anchor charts?’ Also, the new teacher evaluation system does not seem fair to teachers. All teachers that I know have a problem with this. How much do I need to do to prove my mettle?”*

As one of the teachers who lost her job due to the Department of Labor ruling, Carmen remembers being frustrated with the performance evaluation system but says she would have preferred some evaluation versus termination by nonrenewal. The next section will address that frustration in depth as I address research question 3.

Q3: What has been the experience of migrating teachers with the local teachers’ union?

An important pattern that emerges and illuminates some of the more complex aspects of global labor migration amongst professionals centers on the perceptions of the union and their roles in representing all members and ensuring their rights. This issue took various

forms in the interviews and there were quite a range of views. Some saw their membership as mostly transactional, with the union bargaining wage increases and members paying dues for this bargaining. Others, however, were quite frustrated with their union amidst the DOL investigation that led to the county's eventual disbarment from employing foreign-trained teachers and the immediate termination of scores of teachers in different phases of the residency process.

Over the course of the discussions on this topic, it became apparent that those with more negative perceptions also felt that the union leadership was more interested in serving the needs of its locally-hired teachers, especially within the context of a RIF (reduction in force). Of the ten teachers interviewed, Ophelia was the most vocal regarding her expectations about the appropriate role of a union within such a context and the Penelope County union's inability or unwillingness to play that role.

*"If I could join a different union, I would. First of all, membership is mandatory, otherwise you cannot be employed by Penelope County. This is not my idea of a union. I always thought that people who freely come together to protect their jobs organize unions. So our union is kind of like an oxymoron. Before you can have a job, you have to be in the union. And you can be a paying-member only, waiving Union representation in labor disputes. When I was a full member, I did not get the kind of representation I was entitled to. I felt that [the union] was working in favor of the employer who did not do right by us. Then they collected a full year's dues when I was only employed for two months. I tried to be reimbursed for the unused portion, but it was not granted. I have no relationship with my union.*

When asked a follow up question about whether she felt overseas trained teachers' issues were represented as well as those of locally hired teachers she responded: "That is a resounding no! The people who manage [the union] are not teachers. They have no vested interest in any cause. They just do what they do because it is their job. There is no heart. We are members by default. No one cared about our special circumstances or we would have been forewarned."

She recounted that the Filipino teachers in her local were amongst some of the most vocal and participative union members and that what happened was nothing short of tragic. She listed the steps that the union pursued to obtain legal advice, support and representation. She also shed light on the dilemma faced by the district in light of inadequate recruits stateside to work in high needs schools for more than three to five years and the issue of constant turnover. She said,

*"The challenge is finding the best and brightest who want to come in to teach in high needs schools and want to stay longer than three to five years. It has become more imperative than ever to recruit the best and brightest, support and compensate them accordingly. Teaching is a risky business and there are the factors... of a profession being labor intensive, often without systemic and on-going support, working conditions, compensation and ... teaching not viewed favorably by the public or sometimes seen as a profession."*

When asked about when and why the county began to recruit from overseas, Rebecca responded "[It started] ten years or more ago. Difficult finding teachers stateside to fill positions in the system and heavy turnover of those recruited locally."

When I then asked, ‘how did the county prepare for the additional visa preparation and renewal for overseas recruited teachers?’ she responded: “It is my understanding that requisite measures were taken.” However, when asked if the preparations were adequate she responded: “If I recall correctly, in the course of time, there was some question on this.” And as to the participation of the union in the orientation or preparation process Rebecca responded, “As per the negotiated agreement, the Association has time with new teachers during system orientation week.”

Despite Rebecca’s assurances that International Teacher Teas and orientations were held, a feeling of inadequacy persists among many of the teachers interviewed. Penny shares Ophelia’s frustration with her local union and compares it to her union in the Philippines:

*“They want the dues. Do I feel that they understand me and issues that are specific to our circumstances? Not at all. They won’t even educate themselves on migration issues. Our union at home works for the teachers’ benefits. That is foremost. They don’t use the funds to support the campaign of certain politicians. Officers don’t get salaries higher than the teachers or extra allowances.”*

Linda agrees that the unions do not understand the issues of international teachers, but adds that it is precisely because that has not been their traditional core business. “From my own experience with my union, the answer is no. The union has no jurisdiction on the basic problems or concerns that their international teacher members have, so when we are facing these kinds of problems, all the union can do is to listen. Maybe if the

problem is not about visas and immigration papers, the union can represent their members.”

Sandy takes a slightly different view and also provides an insight into the importance of her faith (something common to all teachers in the sample) to her resilience:

*“I pay my dues and I appreciate the salary increase. I just feel that when me and my fellow foreign teachers were encountering the debarment issue, that the local teacher’s union did not do enough to help with the issue. A lot of my fellow teachers were displaced without fair warning and they were teachers with outstanding performance, as hardworking and dedicated as I am and the rest of the local teachers. What happened should not have happened. But it has passed now and my friends who were affected became stronger because of it. All is well in God’s hand.”*

When I asked Carmen about the local union’s role she said, “I was not a part of any union from my home country. Here though, I think that the [local union] was not able to really assist and support us in our plight when we were laid off.” On the reasons why the local union could not help more she replied resignedly “that of course they had to prioritize the interests of the teachers from *this* country.” This particular issue of whose rights should be prioritized in a given labor context that usually awards preference based on seniority and experience is at the core of much of the debate on unions and global labor migration. For example, just prior to the announcement that the DOL investigation

was taking place, the district announced that it would be entering into talks with the union on potential RIF talks due to the economic downturn that depressed property values and in turn significantly reduced local education funding. The international teacher network that Penny helped to found knew cuts were coming and had argued for the more fair criteria of performance and seniority to be used versus simply not renewing the contracts of the international teachers.

According to Rebecca, the union official, the introduction of the foreign teachers had “pros and cons” which are normal when you “introduce a group into a domestic environment.” She was unable to comment on the negotiations between the district and the union but wanted to be clear that: “If I may be so bold, quite frankly I think I speak for the vast majority of the association as I know it and say that all teachers, no matter origin, once hired and under our unit would be represented accordingly.”

Janice was one of the teachers who was able to find a position elsewhere soon after the debarment announcement was made. On the role of the union she said:

*“My current school district in the Indian reservation does not have a teachers union. However, in [the district], I have seen how it has not really given us the support that we needed to answer the hard questions at a time we truly needed them just because we were not citizens. They stood behind the school district, not us. After the verdict given by the DOL about their violation of labor laws and foreign teachers losing their jobs, no real effort was there to provide us with resources to stay afloat or do damage control for the sake of our families. Let’s just say that after that experience I have learned to have even lower expectations of teacher unions than I initially had. I do understand that they were*

*caught in the middle but some unions [in other jurisdictions] really did more to help their members. The foreign teachers losing jobs was not even an insignificant number.”*

Wendy also doubted that the local union met expectations about the appropriate role of a union in a situation like that in Penelope County. She thinks that their attempts fell far short of what would have been required.

*“When we had an employment issue with [the district], they listened to the officers and members of [the network] and tried to answer questions. I think they tried but did not fight enough for us as expected of a union, enough for us to see the benefits of being in a union, fight for our rights as foreign teachers and see justice. They did not represent us fully well. I did not see or learn of any evidence that they did something for our case.”*

Fran felt that a different standard was held for different categories of members and that her home union in the Philippines would have reacted differently: “It is different. In our country the union helps in every way they could to help every member. Lawyers are provided all the way, democracy is practiced and justice is given to members, no matter where they were born.”

Whether this is an accurate or idealized view of the home country unions is debatable. What is not debatable is the fact that a number of factors converged in such a way to negatively influence the perceptions of international teachers, *vis-à-vis* their local

union. The next section will attempt to distill these factors based on the interviews and artifacts collected for the case study.

### Finding a Perfect Global Storm

It is understandable that certain individuals are not interested in discussing the events that led from the international recruitment of nearly 1,000 international teachers to work in Penelope County between 2007 and 2011 to the eventual disbarment of that county from engaging in future international recruiting. All individuals contacted for this study used either the word “painful” or a synonym thereof to describe the sequence of compounding complications and potentially avoidable traps that befell the Penelope education system and its students. Yet, with the help of a key informant, I constructed a unique case study using the artifacts, correspondence, articles and interviews I had gathered. The findings of this case study analysis show that while teachers’ pedagogical identity was strengthened via the process of migrating, the migration experience did not meet their expectations and the relationship with the local union left much to be desired.

In the process of answering my three research questions, I found that the data further illuminated three corresponding dimensions worth considering as areas for additional work and attention. There is a pedagogical dimension (Q1) which includes their identity as a teacher and includes the way they make sense of coming to teach in what many term a ‘high-needs’ school district (caught between the realities of a global depression and a global education reform movement). There is an actual migration dimension (Q2) which includes their expectations *vis-à-vis* the expensive and cumbersome activity of migrating. Lastly, there is a union relationship (Q3) and labor rights dimension which reveals the tensions, asymmetries and unpreparedness of local

polities and unions to mitigate or defend themselves at a time when the very notion of who ‘themselves’ are in a global context.

The final chapter will address these three findings/dimensions and draw conclusions on possible ways forward. Specifically, I will: Q1) look at what the findings on a strengthened pedagogical identity mean in terms of creating the potential for a counter- pedagogical alternative that has the potential to advance and sustain a broader, rights-based notion of public education that ensures both professional and equitable funding guarantees; Q2) use the findings on why the migration experience expectations were so different from the reality and through that process interrogate and strengthen international and national instruments for promoting ethical international recruitment (like the Commonwealth Teacher Migration Protocol and the U.S. Code for the Ethical Recruitment and Employment of Teachers) and Q3) distil, from the third finding regarding a negative relationship with the local union, a potential alternative way that teachers unions could build capacity and understanding of the global trends that cut across local, national and regional boundaries and respond effectively to the real human and trade union rights challenges that economic globalization brings.

## **Chapter 5. Conclusions**

This study set out to illuminate a complex phenomenon – international teacher migration through the methodology of case study analysis as applied to an illuminative and revelatory case.

The case of the migrant teachers of Penelope County must first and foremost not be understood in isolation, but rather be viewed as a precursor of what happens when unregulated, unethical and exploitative global recruitment and migration collides with an equally and increasingly exploitative, inequitable and commodified national education system - against the backdrop of austerity and de-professionalization.

### Illuminating the current literature

Much of the current literature on the topic of global teacher mobility and migration as it relates to recruitment to the U.S. can be divided into four main fields: 1) teachers as labor migrants, 2) transnational migrant teacher communities, 3) migrant teachers and the nation-state and 4) teacher migrants and shortages in the U.S. The literature clearly shows that global migration from developing to industrialized countries is increasing, mostly by individuals (mainly women in education) who sacrifice their families, take on debt, and suffer substandard labor conditions.

In terms of the field that looks at teachers as labor migrants, the study illuminates the literature in that while it shows from the interviews that there are both push and pull factors that contribute to the increase in migration, it also points to the emergence of new actors seeking to capitalize on the portability of teaching credentials. One such actor is/are recruiting agencies that seek to place overseas trained teachers in schools suffering

high turnover and shortage. The costs for a poor district to continuously recruit and rehire are much higher than the costs of global recruitment where in some cases the costs are even borne by the candidates themselves. Within those costs and benefits are also profits for the agencies, remittances for the sending nation and substantially higher salaries for the teachers. The research is equally illuminative about the questionable usefulness of national or international protocols that purport to balance individual rights to migrate against national needs for development and realizing the right to education for its people.

In terms of the field of literature concerned with transnational teacher migration communities, the research highlights the power of informal networks for raising awareness, mobilizing action and sharing information. In regards to the field of literature focusing solely on the Nation-state the research illuminates the interlocutor problem perfectly in that the Philippines was preparing and tracking its teachers whereas the jurisdiction importing the teachers was not the U.S. per se but a local school district.

Perhaps the most illuminative part of the research findings is what can be said about the way the literature on U.S. teacher shortages and moreover the unreconciled problems associated with addressing shortages in the U.S. with international recruitment, needs to be seen as more than as a stop gap measure and rather instead, a human rights issue. This clear asymmetry calls into question the systemic policy coherence of the U.S. education system as a whole and would require much more work be done to link teacher credentialing, deployment and distribution. The incoherence of the U.S. education system is as historical as the states' rights agenda in the United States. Many leading educationalists like Linda Darling Hammond have called for a Marshall Plan for

Teaching.<sup>10</sup> Even the OECD sees as its major challenge to achieve excellence and equity (OECD, Lessons from PISA for the United States, 2011 p. 17). Together with inequitable funding, the policy incoherence permits widely different policies on recruitment and deployment across the country. Not to mention a wide variation of the remuneration levels that contribute to attracting teachers.

### Suggestions for Future Research

All four fields of the literature on teacher migration tend to be mostly silent about teachers experiences, their pedagogical identities and their relationships with unions. However, the actual experiences of the teachers and how they make sense of the experience from the decision to migrate to the moment when they realize that they do not enjoy basic human and labor rights or clear support from anywhere or one, save their own solidarity and networks. More quantitative work by the Commonwealth, EI and others has attempted to raise awareness about the size and scale of this flexible workforce and brain drain. Yet the United Nations continuously fails to formalize protections for foreign workers and the WTO opens yet another new round of trade of international service negotiations. However before this study few considered how Kafkaesque the politics of visas and immigration law can be when viewed from the level of the migrant teacher.

Another gap in the literature is the issue of global education reform trends that are most commonly identified by the emphasis on testing, standardization, marketization and competition. Against a backdrop of global benchmarking, how do overseas trained

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<sup>10</sup> See: <http://www.edweek.org/ew/articles/2007/01/10/18hammond.h26.html>

teachers make sense of the bureaucratization and loss of autonomy as they join their local colleagues in the U.S. during what Diane Ravitch (2014) calls the “Reign of Error” and Hargreaves (2006) calls the “professional paradox”? The interviews conducted for this study reveal the comparative disappointment many experienced when their imagined notion of the land of Ted Sizer and Deb Meier bumped up against the reality of test prep and professional isolation but also that their pedagogical identities, their ability to express a clear philosophy and theory about what informs their teaching, was strengthened.

A third gap, one that clearly emerged in the study, centers on the role of professional unions in defending local jobs in times of austerity and members rights regardless of their origin. What are appropriate roles for local, national and global teachers unions amidst the opening up of local systems to global labor pools? The study reveals that recruiting agencies in sending countries can construct training and development courses aimed at preparing teachers in that country to meet qualification requirements in another country. It also revealed that there are no reliable watchdogs policing the teacher recruitment landscape and informing prospective applicants of their rights.

If I take on the one hand the research findings that teachers’ pedagogical identity was strengthened via the process of migrating, the migration experience did not meet their expectations and the relationship with the local union was largely negative. On the other hand, I use a rights-based approach to the research so as to illuminate three corresponding dimensions: a *pedagogical dimension* (Q1); the *migration dimension* (Q2); and a *union relationship and labor rights dimension* (Q3). In tandem we could extend both the findings and dimensions identified with a view toward both drawing conclusions

and even developing proposals. These conclusions/proposals would then be necessarily micro and macro to reflect the local to global nature of the phenomenon. For purposes of nomenclature I suggest that they be classified as pedagogical-political, practical-instrumental and networked-institutional. Before I describe them I will suggest a few areas for future research in each.

Future research should seek to delve deeper into each of the three dimensions. In the first area it would be useful to conduct cross-national, comparative case studies of the impact that teacher migration has on teachers' perceptions and practice. Are they being treated as a stopgap measure or cultural ambassador? What impact has global benchmarking had on the globalization of teaching?

In the second area it would be worthwhile to look at the teacher migration experience across language groupings. Given that most of the current research focuses on Anglophone countries, what does teacher migration look like in francophone, lusophone, Spanish speaking, Arab speaking contexts? What regional treaties are in place to protect the rights of teachers to due process and students to qualified educators? Additionally, it is important to look at the application of CERET now it has been established. Have any grievances been successfully prosecuted? Have any recruiting agencies been blacklisted? Lastly, further research should look at new configurations and roles of those who should be defending both the professional and labor rights aspects of teaching, teachers unions. What examples exist of globally minded teachers unions who are able to balance those two countervailing purposes?

### The Global Education Reform Movement (GERM): A political-pedagogical response

The research took as its unit of analysis a county-level school district experiencing high rates of teacher turnover, a persistent achievement gap, an eroded tax base, a multi-ethnic and multilingual ‘exurb’ and a steady flow of “business style, reform-minded” leaders backed by education sponsors like Bill Gates. It could as easily have been another high minority, urban district in another Anglophone country that recruits teachers internationally, employs test-based accountability, incentivizes competition for scarce resources and seeks greater flexibility around the qualifications required to teach. It might be comparable perhaps to Tower Hamlets in London within the context of the UK’s ‘academies expansion’ and persistent lack of educational opportunities for immigrant children. This fact may also be linked to the increased global policy borrowing or legitimating known best as Pasi Sahlberg (2012) calls it, the Global Education Reform Movement (GERM).

According to Sahlberg, the GERM is also a political project aimed at reducing the role of the State and opening up public education to private capital and equity via the introduction of ‘choice.’ Ironically this occurs many times under the auspices of ‘autonomy’ where local jurisdictions are asked to fund and staff education institutions with whatever resources they have. Hence the capacity to handle complex managerial tasks, carry out assessment (which becomes increasingly standardized and centralized), address inequities and oversee the day-to-day running of schools varies greatly. In other words, adherents to the GERM project apply the same business principles anywhere they

operate and can only do so in a favorable environment where recurrent expenditure (labor) is cheap, returns (test scores) are high and the market (students) is captive.

A first step in addressing the exploitation and abuses that occur as a result of global teacher migration practices in both source countries and recipient jurisdictions is to address the exploitation and abuse that happens as the result of inequitable education funding. If the GERM project can succeed at deregulating, privatizing, standardizing and de-professionalizing it can only do so through advancing a political ideology that resonates due to its simplicity and pseudo-meritocratic assumptions that cites poverty as an excuse and not cause. By this I refer to the “no excuses” school that seeks to identify outliers across distributions as proof points of the possible despite circumstances. The book *No Excuses* (Thernstrom & Thernstrom, 2004) typifies this discourse. The Washington Post’s Answer Blog (January 27, 2014) describes it as:

‘No excuses’ charters pride themselves on their tightly controlled environments. From the minute students walk into their school – and even before, as they get dressed in the mornings – their actions, their bodies, and their words are documented, reported, rewarded, and punished in an endless stream of behavior management practices. Most famously, the KIPP network of charters has embraced a view of teaching as an urgent, constant act that includes a parallel effort to deliver content knowledge while simultaneously monitoring behavior and punishing all transgressions.

The GERM loses momentum when the right to equitable funding that helps to guarantee all students have the right to a high quality public education, is realized. It also

loses momentum when the pedagogy used for schools regardless of jurisdiction is not a choice between the behavior modification of Bandera and the active and democratic learning environments.

Therefore, a second step requires addressing the pedagogical dimension of educational quality in context. If it is widely accepted that a nation or jurisdiction's learning can be benchmarked globally on culture neutral grounds, then the practice of teaching is simply a technical process by which content and skills are conveyed and the purpose of education is to prepare students to be globally employable. To that extent we return to the example of knowledge workers as seasonal apple pickers who can be brought in physically or virtually to facilitate the learning of a given skill or content objective. However, the teachers interviewed in the case study saw their work differently. Pedagogically speaking, they were surprised at the district's focus on 'teaching to the test' versus 'to the student'. They were also suspicious of the common core standards and vocal in their belief in professional discretion and autonomy.

Yet, they believed that the cultural chasm between themselves and their students, particularly in the first year, was wide. They like many teachers report in large teacher status surveys like TALIS<sup>11</sup> or METLIFE<sup>12</sup>, report frustration that their low professional status in society reflects a belief in the instrumentalist view of education and distrust of their capabilities. This perception of teaching as low status in turn sets the stage for the opening of numerous back channels into the profession which in turn erode the ability of the profession to regulate entrance criteria and professional practice. Hence, a professional guarantee is as important as a funding guarantee, and equally as contested. A

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<sup>11</sup> <http://bit.ly/1jYm05J>

<sup>12</sup> <http://bit.ly/1ocvCOy>

professional guarantee refers to the ability of the profession to exercise professional autonomy with regards to the entry into the profession as well as the practice itself. It refers to a student's right to be taught by a professionally trained and qualified teacher and a teacher's right to have their professional and labor rights respected. Far from the GERM philosophy of firing low performers until you don't have a bottom quintile (a statistical impossibility) a professional guarantee assumes that teacher development and leadership can be nurtured.

In some parts of the world like Latin America, a resurgence of *Movimientos Pedagogicos*<sup>13</sup> have taken root in the wake of the decades of "official" education reforms and GERM-like trends in the 1980s and 1990s. These rights-based social movements led by academics, civil society groups, student movements and teachers unions have a unique political and pedagogical character in that they are based loosely on Freire's challenging of the banking model, but also are proposing a collective vision that is being developed and adapted at national and subnational levels.

One main conclusion from this study is that economic globalization is challenging the relevance and strength of the teaching profession from the local to the global. The challenge is whether teaching will be relegated to mere content delivery, outsourced and automated or be transformed into a public profession of wisdom workers, not just interchangeable knowledge workers.

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<sup>13</sup> See: <http://bit.ly/1m7Bni1>

## Practical international and national instruments for promoting ethical international recruitment and human rights

Presently there are two main instruments for addressing international recruitment: the Commonwealth Teacher Migration Protocol and the U.S.-based Code for the Ethical Recruitment and Employment of Teachers. While neither is legally binding, both offer a potential way forward to address the negative aspects of global teacher migration albeit from completely different levels. I will specifically be looking at these in relation to the case of Penelope County in the U.S. given the finding that expectations were not met and the need for a practical-institutional response to ensure rights and provide information while understanding the limitations that asymmetries in international recruitment present.

### The Commonwealth Teacher Recruitment Protocol

A number of countries have been concerned at the loss of scarce professionals as a result of targeted recruitment programs, a problem that has caused particular difficulties for small states. The protocol argues that while recruited teacher mobility has great value (it can benefit individual teachers in their professional development as well as strengthen and enrich education systems), the recruitment of teachers must not be to the detriment of national education systems. (CRTP Preamble, 2004)

The 54 member states that form the Commonwealth make it one of the largest cross-regional organizations in the world. Originally, it was a thinly veiled attempt to maintain the UK's colonial influence in the post-Colonial era but steadily it became a major arena for countries in the Anglophone world to address common issues in a spirit of cooperation. Suffice to say that towards the end of the 20<sup>th</sup> century the mobility and migration of professional workers was high on the agenda. Particularly controversial was a view held by some developing countries in the Commonwealth who subsidized teacher education. They felt that the recruitment of their teachers by other more developed

nations was akin to poaching individuals who had been selected and invested in for the good of the society, and they even wanted reparations.

One region that was particularly impacted within the Commonwealth was the Caribbean. Ministers of Education of the Caribbean gathered in 2002 at a meeting organized by the Commonwealth Secretariat to address the issue in Barbados. The meeting resulted in the Savannah Accord which laid out an action plan for dealing with: 1) a managed and ethical recruitment process, 2) a better understanding of the impact of teacher recruitment, 3) strategies for vulnerable states to retain teachers and 4) the possibility of recruiting countries paying compensation to source countries. Of these proposals, the last proved to be the most politically difficult to achieve and is notably absent from what went on to be signed by the Commonwealth Ministers of Education in 2004.

The Commonwealth Teacher Recruitment Protocol, although not a legally binding document, holds “moral authority” for the both recruiting and source countries and lays out certain rights and responsibilities for countries and teachers. According to Protocol Paragraph 2.3.1 its objective is 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 scarce human resources of poor countries.”

For recruiting countries, the Protocol seeks to ensure: the management of domestic supply (3.1), forms of assistance and technical support (3.2), acceptable recruiting processes (3.3), the provision of relevant information (3.4), a working

complaints mechanism (3.6), quality assurance (3.7) and basic standards in terms of employment conditions for recruited teachers.

For source countries, the Protocol seeks to ensure: the retention of qualified teachers in areas of strategic importance (4.1), the right to be informed of recruitment (4.2) and the most controversial right to refuse recruitment and enter into bi-lateral discussions (4.2). Recruited teachers, on the other hand, shall: enjoy conditions not less than those of nationals of similar status (3.10), be provided with names and contact details of all teachers unions in recruiting countries (3.12), employed by a school or educational authority (3.13), receive adequate orientation and induction (3.14) and receive specific professional development as a “mode of reciprocation” (3.15).

The Protocol was deemed “successful” by a DfID (the UK Aid Agency) commissioned report in stemming brain drain and has been repeatedly identified by UNESCO, the International Labor Organization and Education International as a good practice. The Seychelles even used it in 2006 to negotiate the terms of a teacher recruitment pact with Kenya. The Global Campaign for Education, a consortium of NGOs, unions and civil society groups included its extension to cover non-Commonwealth countries as a major policy recommendation of its newest report, *Closing the Trained Teacher Gap* (2012).

However, a survey by Bradford University found that few recruited teachers are aware of the protocol or their rights within it (Reid, 2006). The Commonwealth Secretariat distributed their own surveys to gauge the implementation of the Protocol with a view to distributing the findings at the Commonwealth Meeting of Ministers of

Education in Cape Town, South Africa in 2006. Of the 15 national responses received, the majority of Education Ministries in source countries reported teacher turnover persistently highest at the secondary level and found that the decentralized nature of many recruiting countries education systems made accurate data gathering difficult at best (Degazon-Johnston, 2006).

This last point is particularly salient for the conclusions one can draw from this study about the usefulness of a non-binding international instrument agreed among national governments when much teacher recruitment in the industrialized world occur at the subnational and usually local level. The United States for example does not track the entrance and departure of internationally hired teachers from its 15,000 school districts. Data exist on the number of H-1B and J-1 visas that were sponsored in a given year but, it is difficult to tell how many international teachers started with a cultural exchange visa only to convert to an H1-B as the teachers interviewed said was the norm. Additionally, the U.S. is not a Commonwealth country and will not be asked to abide by the protocol. In fact, even if the current Global Forum Migration on Development (GFMD) process that is fighting for legitimacy in the United Nations was able to agree a convention, all signs suggest that the U.S. would be unlikely to ratify.

#### United States Code for the Ethical Recruitment and Employment of Teachers (CERET)

In an era of global recruiting agencies, CERET may actually hold more promise as a model for countries like the United States with decentralized education systems. It utilizes a tripartite model of minimum standards, offering a list of ethical agencies that

have endorsed the Code and provides a grievance system that enables migrant teachers to blow the whistle on employers and agencies that don't adhere to the standards.

[CERET] is the product of a multi-stakeholder deliberation that included recruiters, employers, and unions. The authors of this Code have divergent and sometimes opposing opinions and interests regarding international recruitment of teachers, but have worked together to arrive at mutually agreed upon minimum standards and best practices for these activities. Underpinning this Code is an acknowledgement that individuals have a right to migrate in pursuit of improved working conditions and expanded professional opportunities. To the extent that the migration of teachers is facilitated by active international recruitment, this Code seeks to maximize the benefits and minimize potential harm for all parties involved in, or affected by, the international recruitment process. (Preamble, p. 2)

The model was actually established to address the exploitation of foreign trained nurses who were in heavy demand in the U.S. due to an aging population and overburdened healthcare system. It differs in a few ways from teaching in that the visa pathway was more straightforward and did not include a "cultural exchange" (J1) route. The code states that, "international recruitment of educators to the United States is motivated by two distinct purposes, teacher shortages and cultural exchanges. For shortages it cites the fact that:

A large number of teachers have been recruited internationally for the purpose of addressing structural and persistent shortages in rural and urban schools,

particularly in the content areas of math, science, special education and bilingual instruction.

Such recruitment is undertaken only when schools have determined that there are not a sufficient number of qualified domestic candidates. Teachers recruited for this purpose are meeting acute needs. This international recruitment model should support the search for lasting solutions to persistent shortages and should not exacerbate the problem of teacher turnover. (Code for the Ethical Recruitment and Employment of Teachers, p. 2)

By addressing the issue of cultural and professional exchanges, the code clarifies the purpose of different types of recruitment:

Cultural and professional exchange programs strive to diversify the content of school curricula and enhance the quality of instruction through the interaction of U.S. students and teachers with educators from around the world. International exchange teachers add value to U.S. education by broadening language skills and increasing exposure to other cultures and perspectives. Exchange programs are designed to purposefully internationalize the teaching profession and to better prepare U.S. students and teachers to succeed in a globalized world. Teachers recruited for this purpose come to the United States for a finite period of time with the intent to return to their home country to share new educational tools, pedagogical models, and cultural experiences with students and colleagues and act as cultural ambassadors for the United States. It is a premise of this Code that these two goals should be differentiated. The visas used in each case are different.

H-1B and permanent employment visas are intended for labor shortages. J-1 visas are intended to promote cultural exchange. While sometimes these two goals overlap, i.e. international teachers recruited to address shortages can also facilitate cultural exchange, in order to be fair and transparent to teachers it is important to acknowledge which of the two is the primary goal. (Code for the Ethical Recruitment and Employment of Teachers, p. 2)

While the protocol was a negotiation amongst governments, the code was a negotiation among actors and included recruiting agencies, unions, and employers. Interestingly, the primary principle of the code is transparency throughout the process. Its point of departure is disclosure of the actual visa and visa type. This is important as it clearly sets out whether the visa type offers a pathway to permanent employment or citizenship and what the rights of children or spouses are under each visa type. It also requires disclosures about fees and specifies that all H-1B sponsors must pay all the processing fees and that recruiting agency application fees cannot a nominal amount of \$150. The code also stipulates that the recruited teacher has the right to finance their migration however they wish and must not be forced to use recruiter approved lenders or housing upon arrival. Had the code existed at the time that the international teachers in Penelope County were recruited (and assuming the agency involved would have been pressured to follow it) many of the more exploitative aspects of the loans and housing might have been avoided. Lastly, the code also requires a fair amount of orientation for newly recruited international teachers. Teachers interviewed expressed feelings of being abandoned and left to fend for themselves. The Code stipulates that:

1. Teachers are entitled to adequate cultural and professional orientation, and clear disclosure regarding which party (i.e. employer, recruiter, and worksite supervisor) is responsible for providing it.

## 2. Professional Orientation

Employers are responsible for development and execution of a professional orientation program that includes a mechanism for ongoing support and addresses, at minimum:

- 2.1 Student demographics and culture;
- 2.2 Classroom management;
- 2.3 Performance evaluations for students and staff; and
- 2.4 Parent or community relations.

## 3. Recruiter Employment Requirements

If a recruiter has unique requirements related to employment programs they administer, it is the recruiter's responsibility to provide teacher participants with adequate and timely training.

## 5. Orientation of Other Staff

Employers shall provide training and support for principals, other administrators, staff, and fellow teachers to anticipate the contributions and potential challenges of recruiting teachers from other countries.

Obviously, the limitations of such a code are both the noncompulsory nature of its adherence for recruiting agencies/jurisdictions and the difficulty in spreading the word amongst teachers who are considering migrating. Therefore, successful endorsement, adherence and implementation would require the continuous effort of teachers unions and

associations to spread the word. Ideally, a global teacher union federation would be best placed to develop a teacher rights portal or clearinghouse that collects and disseminates information of this nature. The next section will address the potential for unions to play a role outside of their more traditional ones.

### Globally Competent Teachers' Unions: An institutional hub in the networked society

There are a number of practical steps that governments and unions can and should take to mediate the negative effects of global teacher migration and promote a more positive type of professional teacher exchange. In fact, many of these were highlighted in Education International's Report, *Getting Teacher Migration and Mobility Right* (2014).

- 1.Improve data collection and make it publicly available
- 2.Protect migrant teachers' rights and support their professional needs
- 3.Expand opportunities for well-structured teacher exchanges and language programs
- 4.Reduce reliance on international recruitment to fill shortages or spur development
- 5.Involve educators and unions in crisis response
- 6.Limit and regulate the role of international recruitment agencies
- 7.Empower migrants through unions
- 8.Create a harmonized policy framework

Of course, not all of these recommendations are so straightforward to local teachers unions and schools in recruiting or source countries who are trying to navigate the confluence of global forces on their education systems. For this reason, at the micro level

it is important that intense awareness raising and capacity building opportunities be organized for local leaders so that induction, integration and protection of migrant teachers' rights is a core component of 21<sup>st</sup> century leaders. Equally important is the need for local teacher unions in decentralized systems to assume the professional mantle to the extent that they are solution-oriented with respect to teacher training and long-term retention strategies. This means redoubling efforts at community outreach to encourage “grow your own” teacher education candidates to enter the field and stay in the district. It also means continuously pressing for the funding and professional guarantees that create the conditions for greater collaboration between unions and management in ensuring all students have the right to a high quality public school education. The eighth recommendation listed above, “empowering migrants through unions” must mean more than including them under the collective agreement and bargaining for their conditions of service. It must extend to purposeful and structured ways to bring migrants into the union and link up the individual agency and resilience that propelled them into another country with a collective, professional and political vision of an inclusive, multicultural and multiethnic society.

The case of Penelope County is particularly important to note for the simple fact that when the local union was unable to organize much on their behalves, Penny and the teachers used technology to organize themselves, get legal counsel, write advocacy letters, hold press conferences, build community alliances and mobilize with a spirit of solidarity. This is precisely the type of energized activists that all teachers unions seek to develop and bring into leadership at a time when unions themselves are in a fight for relevance and influence, be that on the education, labor or social justice agenda.

It is a difficult balance sometimes - openly welcoming international teachers and defending their rights while simultaneously arguing against short-term recruitment to solve long term structural issues. However, local and national unions will increasingly require better coordination with their global federation. In the case of teachers, this means Education International and its 30 million fellow educators in 172 countries from over four hundred unions and associations need better information about their rights, about migration and ways to get in contact with other migrants.

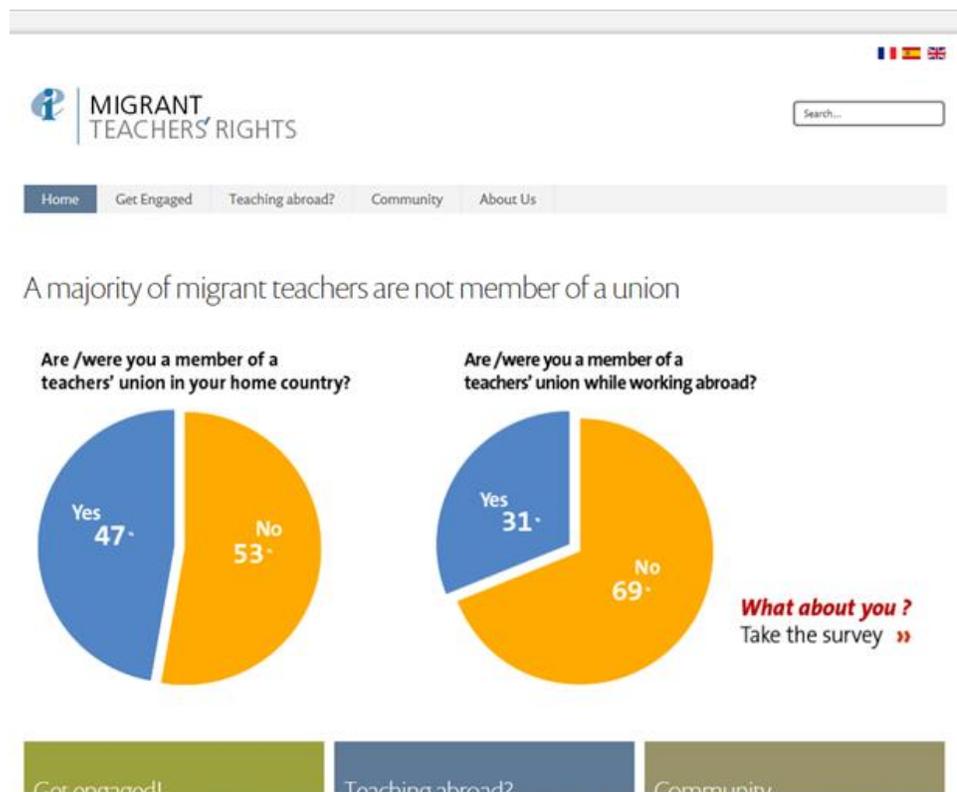
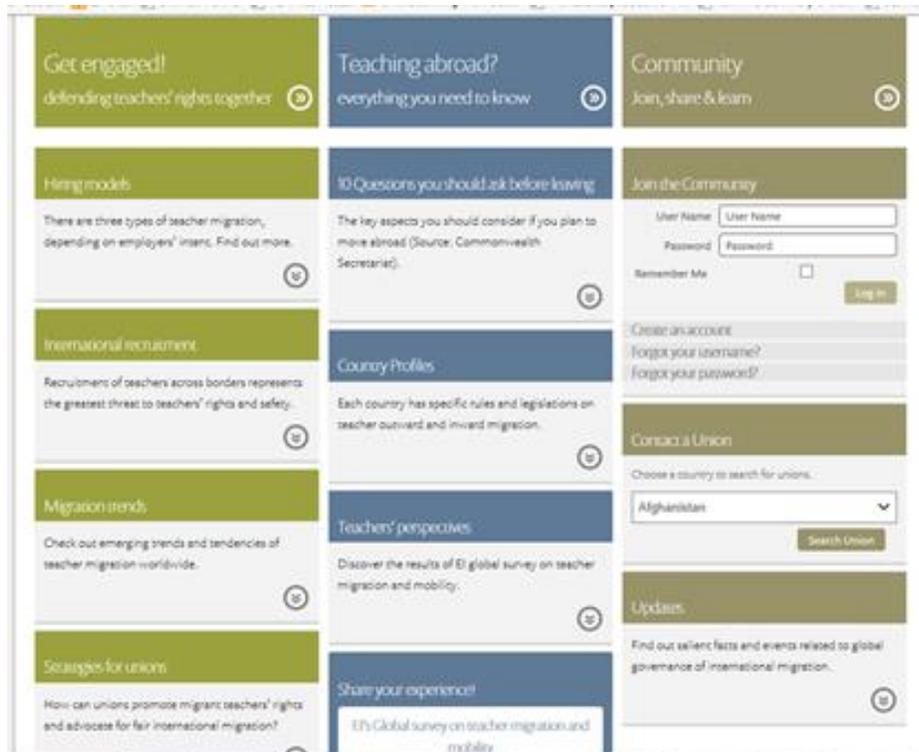


Figure 6: Migrant Teachers' Portal



**Figure 7 Rights, Information and Community figure prominently in the portal**

In terms of providing information and coordination Education International has recently launched its Migrant Teachers' Rights Portal [www.migrantteachersrights.org](http://www.migrantteachersrights.org) (see Figure 6 and 7 above) and its Migrant Teachers Taskforce is working to push for a UN convention that would protect both migrant teachers' rights and stem brain drain and deskilling. One of the advantages of the portal is that it serves as clearinghouse and discussion space for teachers considering migrating as well as unions that are receiving large numbers of migrant teachers. Equally it provides a platform to network teachers in as part of an active and engaged community.

One important area to track that will have a far-reaching impact on the extent to which rights are realized and recruiting agencies can be regulated are the ongoing international trade talks. Although the WTO failed in the Doha round and most recently

in Bali to reach an agreement on services, the new version of GATS is the Trade in International Services Agreement (TISA) and many G7 countries, and particularly the U.S., England and Australia are pushing it. EI and its allies must continue to be focused on keeping public education out of the liberalization of services agreements from GATS to TISSA as that would render governments helpless against multinational corporations bidding for the human resource management, assessment and a wide range of other education services, up to and including provision.

It is also important that unions recognize that a students' right to education must be defended simultaneously with the rights of educators. The 'edubusinesses' that fund and win lawsuits (even those supposedly brought by students like the recent Vergara Decision in California<sup>14</sup>) to argue that teachers' rights to due process negatively impacts students right to a quality education are not going to stop their campaign to set teachers and students and teachers and parents against each other. These same businesses are participating in global conferences like the WISE in Dubai or the World Education Forum paid by technology companies. They are driving a global conversation on education innovation with the sole purpose of privatizing policy making and opening up one of the last publicly funded services to private equity. Private actors in an unregulated, unethical education marketplace are setting their sights on emerging economies who are struggling to reach the Education for All targets before the end of 2015 or hoping to climb the PISA league tables. This is the backdrop to global teacher migration and it is

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<sup>14</sup> See: <http://www.washingtonpost.com/blogs/answer-sheet/wp/2014/06/11/a-silver-lining-in-the-vergara-decision/>

important that efforts made to address the phenomena understand locate it within this broader global context.<sup>15</sup>

What we can confidently conclude from the extreme and revelatory case of the international teachers who were recruited to Penelope County is that resilience and agency was not just a key feature of that group of teachers, but extends to most teachers who decide to migrate. However, the reduction, standardization and narrowing of what teaching is, regardless of the agency and resilience of individual teachers must be collectively responded to with a broader and bolder pedagogical vision for society. If no vision comes forward and teaching becomes little more than an automated process of content delivery then the de-professionalizing search for cheaper, flexible teachers will continue.

We can also conclude that had certain international instruments like the Commonwealth Teacher Recruitment Protocol been in effect, its usefulness as a global tool at the local level would be negligible due to the asymmetry discussed earlier. Local jurisdictions like Penelope County is not subject to international protocols. Yet, had the Code of Ethical International Recruitment and Employment of Teachers been in effect and adhered to from the beginning of the process, potentially hundreds of families would not have been uprooted and students deprived of their teachers. I conclude this because the disbarment occurred because an unethical agency was actively exploiting Philippine teachers who were willing to pay large sums of money to teach in the United States. Had the code been in place, the Philippine Overseas Employment Agency could have had

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<sup>15</sup> For more information see the Privatization in Education Research Initiative (PERI) [www.periglobal.org](http://www.periglobal.org)

oversight and responded more effectively. Similarly, had the local Penelope teachers unions been properly prepared and informed about the district's situation it may have been able to collaboratively seek solutions to the shortages prior and they might not have been caught in a perfect storm situation with a reduction in force and district disbarment.

In retrospect, it is difficult to predict what the outcome would have been had all the aforementioned protections been in place. Global inequality in all its forms - racial, gender or economic – continues to reproduce itself and its exploitative, dehumanizing search for cheaper, faster and better goods and services for fewer and fewer. Those looking to mitigate the negative effects of globalization on migration, education and democracy will need to quickly map out and identify collective initiatives and develop networked local to global responses and counterproposals. It seems that organized teachers are well placed to lead as the wisdom workers who are helping students to think critically, interrogate and participate in the world and the organized political power who are struggling for justice and equality in society. The question will be whether they are up to the task of changing to be a united, professional force or remaining a largely fragmented, conservative and self-preserving bystander.

## APPENDIX A: Tory's AFFIDAVIT

I, [TORY], of legal age, single, Filipino, currently residing XXXXXXXXXXXX and depose and say that :

On July 27, 2007, I was part of a big group of Filipino teachers who arrived from the Philippines. Two years before that, I applied at XXXXXXXX for a US teaching job, specifically in the area of early childhood education. As part of my application, I took and passed XXXXXXXX tests; enrolled in additional Special Education and Reading courses in Philippine Normal University; and passed the interview conducted by representatives of the School System.

During the whole application process, I incurred a lot of expenses, both in dollars and Philippine peso, such as below:

Registration Fee (August 11, 2005)		Php 3,000.00
Credential Evaluation (August 24, 2005)	\$195.00	
ETS Registration Fee (November 23, 2006)		Php 2,040.00
Praxis 2 (November 23, 2006)		Php 3,825.00
[Recruiter] Service Fee (November 23, 2006)		Php 1,530.00
ETS Registration (February 28, 2007)		Php 2,040.00
[Recruiter] Service Fee (February 28, 2007)		Php 1,530.00
P2 Elem Ed Content Knowledge (February 28, 2007)		Php 4,130.00
Placement Fee (May 2, 2007)	\$1,000.00	
Visa Application (May 3, 2007)		Php 4,800.00
Enrolment in PNU (April 20, 2007)		Php 7,500.00
Immigration lawyer (March 9, 2011)	\$1,000.00	
H1B filing (March 9, 2011)	\$ 190.00	
H1B premium processing (March 9, 2011)	\$1,000.00	
Anti-fraud fee (March 9, 2011)	\$ 500.00	

[Test] Review Elem Content Knowledge	Php 1,500.00
OWWA Membership (June 7, 2007)	Php 1,275.00
Philhealth (June 7, 2007)	Php 900.00
Predeparture Orientation Seminar (June 7, 2007)	Php 100.00
██████ Processing Fee (June 7, 2007)	Php 205.00
P1-PPST Math (June 19, 2007)	35.00
██████- Reading (June 19, 2007)	\$ 35.00
██████- Writing (June 19, 2007)	\$ 35.00
[recruiter] Service Fee (June 19, 2007)	\$ 30.00
ETS Registration fee (June 19, 2007)	\$ 40.00
Reopening of ██████ (July 26, 2007)	\$ 100.00
Start up living allowance (July 2, 2007)	\$2,000.00
Overseas support & service (July 2, 2007)	\$1,500.00
Balance of placement fee (July 2, 2007)	\$2,500.00
In-service training & mentorship (July 2, 2007)	\$ 750.00
Airfare one-way (July 2, 2007)	\$ 800.00
U.S. Consultants fee (July 2, 2007)	\$ 500.00

I raised all these money needed, in the total amount of **Php 34,375.00 and \$12,175.00**, using up all my savings and borrowing from my family, because in my mind, I believed that I would be able to get this back once I started working in the USA.

Initially, my H1-B visa was only for a year. At the beginning of 2007, I already experienced confusion with regards to my teaching assignment. The first assignment

given to me was at XXX Elementary School but I was told that there was no Pre-K teacher slot available. It was then changed into a co-teaching job at XXXXX Early Childhood Center, but I was told that I should have a class by myself so I was put at XXXXX Elementary School as a Pre-Kindergarten teacher.

Since 2007, I have been working at this particular school and consistently getting satisfactory evaluation from my supervisor. For School year 2010-2011, I was even chosen by the principal to be the Pre-K level chair and joined the School Design Team.

Towards the end of my first year, I applied for visa renewal and got three years, from 2008 to July 31, 2011.

On November 2010, I submitted my documents for PERM application. The Board of Education filed it on EB2 but was unfortunately, audited.

On the first week of February 2011, I submitted my documents related to my application for extension of my H1B Visa, which is to expire on July 31, 2011. They were received by Atty. XXX who told me to come back second week of March to follow-up on the status of my documents. I also inquired about my PERM application which has been pending since last year, but he was not able to give any specific answer. All he said was to be more patient since there are still lots of papers to be worked on by the Human Resources. To this date, no update has been given with regards to the status of my audited PERM application.

On March 19, I attended the fourth session for international teachers. This was done by the Human Resources to discuss the modification on XXX, where we were told that only teachers who are teaching in the critical areas (Special Education, English as the Second

Language, Math and Science). I got very upset upon learning this since, given that I am a teacher with certification on Early Childhood (Pre-K to 3) and Elementary, I am one of the many who will be affected. Aside from the question on legal bases for this, this runs contradictory to the previous letter they gave us which mentioned tenure and satisfactory performance as bases. Furthermore, during our first year, what was reiterated by Mr. XXXX was for us to have Master's degrees and we will be safe. Atty. XXXX, the one who presented, told us that this move has nothing to do with budget and that this is not termination; **it was only non-renewal of H1B visa.** When we commented that this seemed to be very sudden, giving us only 4 months to find job, he replied that at least the Human Resources informed us now, and not in June. With this, I started losing zest to work-often lacking sleep and dreading going to work in the morning.

Lacking direction and hope, I, together with hundreds of Filipino teachers started looking for possible employments. We attended the XXXX Job Fair in XXX and the Job Fair in XXX. However, most of the employees I was able to talk to informed me that they are not sponsoring. The very few employers who said they might consider sponsorship said that it is so short a time to process sponsorship. I spent the next few weeks seeking employment, applying both online and sending application packets to possible employers. I even had to absent myself several times from work only to be able to go to interviews. Unfortunately, there was no positive response to this job hunting.

On March 19, I emailed Mr. XXXX, an employee of [the County] responsible for the documents, asking about my application for visa extension and the status of my audited PERM application. This was his response, dated March 21 and 23:

*Yes, we did receive confirmation from the Dept of Labor that our audit responses were received and quite acceptable. They are now processing cases in filing date order, but working from a two year backlog. The good news is that they have dedicated themselves recently to significantly reducing their backlogs.*

*With respect to H-1B extensions, we are awaiting further word from HR management as to what policies and procedures will be implemented. Hold your breath on this.*

*Your PERM LC was one of very many that the Dept. of Labor selected for audit. I am pleased to report that the Dept. of Labor has received and is satisfied with all of the information that they had requested of us at XXXX. They are continuing to process these applications. However, I do not know how soon we should be expecting a final decision. I hope for the best in this, but we have no way to control how and when they process applications.*

This letter left me hanging and the more I become frustrated. Until when do we wait for the result?? Time was running and I could not see any progress on my PERM application and visa extension.

On April 20, I emailed [XXXX](#), asking why my name was not included in the recipients of the letter signed by Mr. XXXX with regards to the plan for processing information. I only learned about this when colleagues called my attention because they were wondering why my name was not included in the list of recipients. I was given the reply contact Ms. XXXX, an HR employee. The next day, April 21, I forwarded the email to Ms. XXXX. She answered me on April 25,

*I will have to review the list to determine why you were not included on the email. Your H-1B extension is currently awaiting review to be either approved or denied based on Administrative Procedure XXXX. Once that process is complete you will receive a letter informing you of the approval or denial and what the next steps will be. At this time we do not have an update for those who's PERM Application was in audit.*

Again, two letters were sent to foreign nationals, regarding procedure on processing papers and summer travel outside US, but I did not receive any. The same colleagues called my attention again about this so I emailed [XXXX](#) on May 4 regarding this. The only reply they gave was “ we will add you to the email list” . I felt so disappointed and concerned. What if nobody told me about this? I would not know anything about things that concern me. This made me so alarmed since with this, there is a big probability that I would not be able to receive crucial information. This was a very simple task which the Human Resources should do but it failed to do it effectively.

On May 5, an email signed by the Human Resources Chief XXXX was sent, informing us that all the visa extensions of teachers, regardless of whether you teach in critical or non-critical areas, will be processed. To quote the actual letter:

*This is to inform you that effective immediately, [the district] will make decisions regarding H - 1B renewal without regard to teaching assignment in critical and non - critical areas.*

*As a result, [the district] is rescinding any decision based on non - critical area assignment. Further, [the district] will process renewal petitions on behalf of all*

*tenured H - 1B teachers who meet the other requirements outlined in AP XXXX notwithstanding prior notice issued to the contrary.*

*This means that until further notice, those small number of employees who recently received a denial of continued sponsorship based on not teaching in a critical area will have those notices rescinded and will be approved for continued sponsorship, assuming all other requirements of AP XXXX have been met. Those who are awaiting determinations for continued sponsorship based on upcoming (2011) visa expirations will receive approval, if they meet all other requirements of AP XXXX.*

This particular email gave me hope that everything will be worked on. But this hope was short-lived because on May 9, I received a letter signed by Ms. XXXX informing me that the Pre-K Classroom Teacher position to which I am presently assigned “will be eliminated at the conclusion of the current fiscal year, June 30, 2011, due to budgetary reductions”. The letter further indicated that specific information regarding my employment status for 2011-2012 is not yet available, but information will be sent soon, as they are working diligently to make sure that all actions are in congruence with the applicable provisions of the Negotiated Agreement for my particular unit.

This letter made me think again: What will happen to me? Where will I go when my position is eliminated? Negative thoughts started running my mind again but I was able to have a sigh of relief when on May 11, I received a letter signed from Mr. XXXX, Director of Recruitment and certification, stating that my request for an H1B extension petition or petition for permanent residency has been carefully reviewed and approved.

The letter also stated that appropriate documentation will be forwarded to the USCIS for processing. I thought that since my visa will be extended, I would have a new teaching position. On good faith, I waited. This gave me a new hope. Though there were some job applications I still had to make, I did not anymore proceed. There was also a job offer I declined since in good faith, I believe that everything will be in the right place and I am assured that my papers will be processed.

On June 1, Ms. XXXX sent an email, requesting for several documents to be submitted, in relation to application for H1B visa extension. The email further stated that documents will only be accepted on June 2 afternoon and June 3 and “all extensions will be filed in order of status expiration”. These documents to be submitted are different from the ones I submitted last February. Even if this notice was so short, I did not question it; I willingly followed. I even had to ask permission from my principal to leave our building early so that I would be able to meet the deadline set. On June 2, responding immediately to [the district’s] HR’s call, I submitted other necessary documents.

On June 9, I provided [the district] with a check amounting to \$1225 for premium processing. I was hoping that my papers will be included in those which are to be submitted to USCIS in the soonest time possible. After this, I consistently reviewed my bank account to see if the check has been credited. I also consistently sent emails to [the lawyer] and Ms. XXXX to ask about the status of my visa renewal. But their answer was simply that they have not started processing the July applicants. Though I was already starting to get worried, I held on to the written assurance given to me that papers will be processed.

June 28, I received a letter dated June 24, signed by Ms. XXXX, stating that after a careful review of the staffing allotments of the school system for the school year 2011-2012, I am placed in the position of Kindergarten Teacher at the same school, XXXX Elementary School. I felt so positive about this but the next day, this favorable feeling started changing into doubts. June 29, I started getting information from my friends and colleagues that they were advised by some employees in the Human Resources that my application for visa renewal, together with those teachers whose visas are expiring on July and August, is on hold, while the negotiation with DOL is ongoing.

I was disheartened and appalled by this. After the May 5 letter of Ms. XXXX and May 11 letter of [head of recruitment], I was very confident that my papers for visa renewal will be processed and that I would continue my employment in [the County]. I held on to these “promises” from them that I stopped my job hunting. Even my principal was very positive in telling me that I would be part of the Kindergarten Teaching Team this coming fall. Hence, I started feeling so frustrated and depressed. I trusted HR’s word that my papers will be processed so I just waited and did not anymore aggressively seek employment. What will happen to me?

With all these bad news going around, I again started experiencing sleepless nights and demotivation. I cannot wait any longer; I wanted to know the situation personally so on July 2, I emailed [head of recruitment and] shared with him how I felt about what was happening and urging him to continue working on our papers since negotiation is still ongoing with the Department of Labor and everything is still status quo. I reiterated to him that my application, together with the papers of other international teachers, have been in the HR office since February; hence, the school system should be more

aggressive in moving our papers and submitting them to USCIS, instead of just waiting for the final verdict. July 2, [the head of recruitment] replied :

*I understand but we are in the process of negotiations with DOL and are not processing anything until that has been concluded.*

This answer was tantamount to a hopeless case. With a very short period of time, how will our visas be renewed? I am disappointed and frustrated.

On July 7, an email from Dr. XXXX, Superintendent of Schools, was sent to me, officially stating that [the County] will no longer be extending my employment into the 2011-2012 school year and upon the expiration of visa, my employment with the school system will be separated. The same message was sent via a certified mail with the same date. This email and letter are the culmination of their unjust treatment to us, international teachers. The officials of the school system plotted a very good plan against us. They made us hold on to both spoken and written promises, only to be trashed at the end. They did not inform us ahead of time ( not even following the prescribed number of days) so we were left so powerless, without anything.

This whole experience has been an ordeal for me, causing both mental and emotional anguish and distress. I feel like international teachers like me were treated like robots that can be manipulated and short- changed anytime. [The County's] HR's negligence, their way of conducting their business with teachers, as well as the flip-flopping of policies, provided me with false hope and played with my, and other teachers' lives. The inconsistent information given by [the HR Director], [head of recruitment], and other employees of the Human resources caused more confusion and panic. Given that I only

have few days left before my visa expires and the uncertainties I am faced with, I am left with no options anymore.

The whole process was done wrongly; the way they treated us and conducted business with us was unprofessional. They terminated us, not on the basis of objective criteria such as tenure and satisfactory performance, but just because of our visas. I, together with the other foreign teachers, was singled out. I performed my task as a teaching staff effectively and efficiently, not committing immorality, misconduct, insubordination, incompetency or willful neglect of duty, or any which may merit dismissal from service. However, I was still victimized by this unfair, discriminatory termination.

I am executing this affidavit, under penalty of perjury, to attest to the truth of the foregoing to the best of my knowledge and belief.

**XXXXX**

Affiant

**SUBSCRIBED AND SWORN TO** before me this \_\_\_\_ day of July 2011  
at \_\_\_\_\_.

NOTARY  
PUBLIC

**APPENDIX B: Penny's letter to the Secretary of Labor from July 20, 2011 (private correspondence)**

The Honorable Hilda L. Solis

Secretary of Labor

U.S. Department of Labor

200 Constitution Ave. NW

Washington, D.C.

Dear Madame Secretary:

We represent more than 1,000 international teachers who were recruited by the [REDACTED] [REDACTED] County Public Schools ([REDACTED]) between 2004 and 2009. These teachers are grateful for the opportunity to be a part of the local teaching workforce who brings to fruition the No Child Left Behind (NCLB) Act of 2001.

Prior to the arrival of these international teachers, [REDACTED] had faced tremendous challenges in complying with the NLCB mandate that highly qualified teachers are assigned in each classroom. The hiring of these teachers exponentially improved [REDACTED]'s compliance rate with this mandate: [REDACTED] has reported to the [REDACTED] State Department of Education that the percentage of classes taught by highly qualified teachers increased from 48.6% in the academic year 2003-04 to 65% in 2006-07.

Furthermore, in a [REDACTED] website article about Governor [REDACTED]'s allocation of federal stimulus funds in favor of [REDACTED] County schools, [REDACTED] touted its progress: "Investments in [REDACTED] and its students have paid tremendous dividends. [REDACTED] students have improved on the [REDACTED] School Assessments for five years in a row, including 2008 when scores rose in every subject tested, in every grade, and in every subgroup. [REDACTED] met all mandates for Adequate Yearly Progress (AYP) for the first time and would exit Corrective Action

by meeting AYP again this spring.” Although this improvement cannot be entirely attributed to the international teachers who comprise 10% of ██████’s teaching workforce, it is undeniable that their hard work and commitment has yielded a positive result.

The full brunt of the U.S. Department of Labor’s (DOL) recent finding that ██████ willfully violated the H-1B visa program regulations would fall on these international teachers and their families who had uprooted their lives from their home countries to start anew here in the US.

██████’s debarment from participating in any employment-based immigration program would result in the abrupt end of their lawful presence in the United States. For these teachers and their families, there is no more home to go back to for they already consider the United States as their home. It is egregiously unfair that the full impact of the penalty imposed on an employer for violating the law is borne by its employees.

We understand that debarment is explicitly mandated by law. However, we respectfully appeal that an exception be applied to ██████’s current international teachers, especially those who are beneficiaries of approved labor condition applications, permanent labor certification, and I-140 petitions. Allowing ██████ to continue processing the immigration papers of these teachers will ensure their lawful presence.

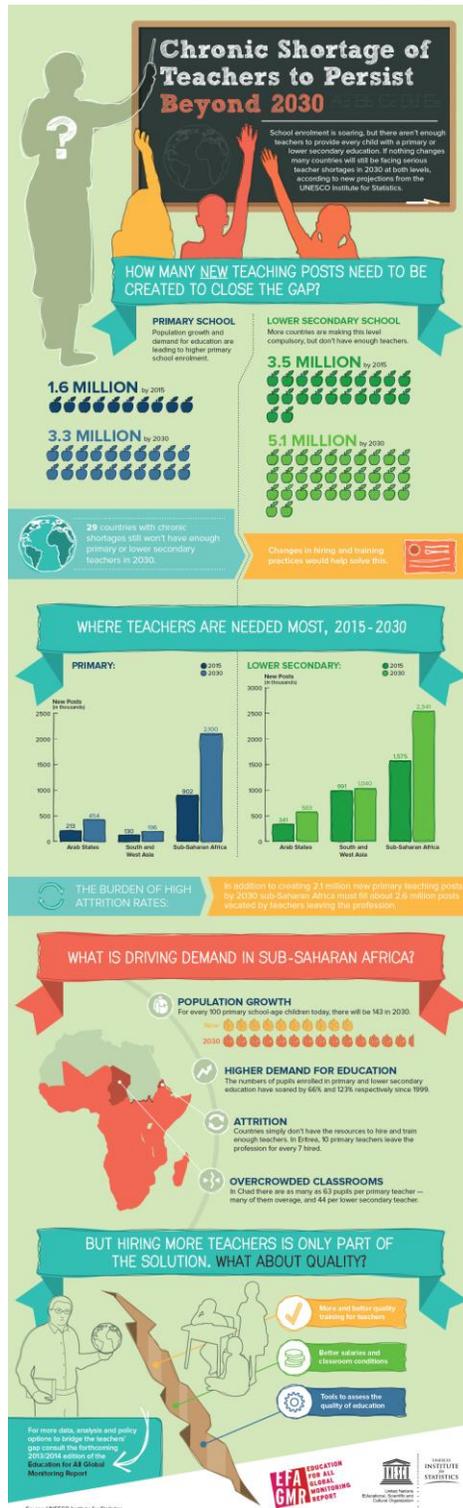
Alternatively, we believe that the circumstances surrounding the recruitment and employment of these international teachers by ██████ warrant the DOL’s exercise of its authority to certify U Nonimmigrant Visa applications pursuant to DOL’s U Visa Process and Protocols and Wage and Hour Division’s Field Assistance Bulletin No. 2011-1, both of which were issued last April 28, 2011.

██████ students have made significant progress due in large measure to these highly-qualified international teachers who have provided a high-level of service to the county’s public schools. They are committed to serve and fulfill the promise that no child will be truly left behind in this

country. It would be a great disservice to these students if these teachers were prevented to stay on account of [REDACTED]'s failure to comply with the law.

We trust that you will seriously consider our plea so that [REDACTED]'s international teachers can benefit from a fair and equitable treatment that every U.S. worker deserves.

# APPENDIX C. EFA Global Monitoring Report Infographic on Teacher Shortage



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