



**U.S. Department of State
Bureau of Educational and Cultural Affairs
Private Sector Exchange**

May 12, 2016

Guidance Directive 2016-02

TRANSITIONING UNDER 22 CFR 62.24 (TEACHER) TO IMPLEMENT THE CROSS-CULTURAL ACTIVITY COMPONENT REQUIREMENT FOR

- **CURRENT EXCHANGE TEACHERS**
- **EXTENDING TEACHERS**
- **ALREADY-RECRUITED TEACHERS**

This Guidance Directive seeks to provide clarification to sponsors in the J-1 Exchange Visitor Program (EVP) teacher category on how to administer the new teacher regulation set forth at 22 CFR 62.24(h) in regard to the new cross-cultural requirements for exchange teachers. This guidance directive addresses (a) fulfillment of the cross-cultural requirement by exchange teachers on program for the 2015-16 U.S. academic year, (b) exchange teachers on program for the 2015-16 U.S. academic year who wish to extend their exchange by one or two years who have not fulfilled a cross-cultural activity component during their current exchange, and (c) exchange teachers who have already been recruited and selected for participation for the 2016-17 U.S. academic year (i.e. July 1, 2016 – June 30, 2017) without a home school.

As the regulation makes clear, exchange teachers beginning or continuing an exchange program in the 2016-17 academic year (i.e., July 2016-June 30, 2017) and thereafter are required to meet the cross-cultural activity requirements set forth at 22 CFR 62.24(h).

(a) Current exchange teachers:

Teachers currently on exchange in the United States who are finishing up their current academic year of teaching (for the academic year ending June 30, 2016) will not be required to complete the cross-cultural component described in the new regulation at 22 CFR 62.24(h) during the current 2015-16 academic year. Such exchange teachers should begin to conduct the cross-cultural component in accordance with the new teacher regulation during the next U.S. academic year (i.e., July 2016- June 30, 2017). However, an exchange teacher may choose to report cross-cultural activities he or she has conducted during the 2015-16 academic year (i.e., July 2015-June 30, 2016), e.g., for purposes of applying for a program extension.

A teacher who began a new teacher exchange in January 2016 (i.e., during the second semester of the U.S. academic year) must complete the cross-cultural component described in the new teacher regulation at 22 CFR 62.24(h) before or during the Fall semester of the 2016-17 U.S. academic year (i.e., the time-period July 1, 2016 – December 30, 2016). Such exchange teacher must describe his or her cross-cultural activities in his or her 2016-17 annual report (22 CFR 62.24(h)(2)). Sponsors for exchange teachers

currently on exchange in the United States will be required to ensure that their exchange teachers complete the cross-cultural component in the 2016-17 U.S. academic year (i.e., July 2016-June 30, 2017). If a teacher currently on exchange does not have a home school, the sponsor should verify that such teacher has found a school meeting the description in 22 CFR 62.24(e)(4), with which to work in fulfilling the cross-cultural activity (22 CFR 62.24(h)(1)(ii)) in the coming 2016-17 academic year.

(b) Extending teachers:

An exchange teacher currently in his or her third year whose host school wishes to extend that exchange teacher to a fourth or fifth exchange year will not be required to complete the cross-cultural component under the new regulation (22 CFR 62.24(h)) during the current 2015-16 academic year (i.e., July 2015-June 30, 2016). The exchange teacher should conduct the cross-cultural component in the 2016-17 U.S. academic year (i.e., July 2016-June 30, 2017) in accordance with 22 CFR 62.24(h), should a program extension be approved.

A current exchange teacher (U.S. academic year 2015-16) who applies for an extension to teach in the 2016-17 U.S. academic year is not required to file an annual report noting his or her cross-cultural activities as part of the extension request.. However, that exchange teacher may elect to report such cross-cultural activities he or she has conducted during the current or previous academic year(s) as part of the extension application.

(c) Already-Recruited Teachers:

The Department is aware that some sponsors recruited and/or selected teachers to participate in the J-1 Exchange Visitor Program (EVP) teacher category for the upcoming 2016-17 U.S. academic year (i.e., July 2016 – June 30, 2017), before the new teacher regulation went into effect on February 29, 2016. Many of these teachers have not made arrangements to carry out the cross-cultural activity required under 22 CFR 62.24(h)(1)(ii).

If a sponsor can document that it had advertised a teacher category program before the final rule became effective on February 29, 2016, and it selected teachers pursuant to that advertisement without providing for fulfillment of the requirements of 22 CFR 62.24(h)(1)(ii), then such exchange teachers may participate in the program if they have found a school meeting the description in 22 CFR 62.24(e)(4) to work with that teacher in fulfilling the cross-cultural activity (22 CFR 62.24(h)(1)(ii)). **In this situation, the teacher's sponsor must issue his or her Form DS-2019 no later than June 30, 2016.**

Teachers recruited on or after February 29, 2016, must satisfy the requirement of 22 CFR 62.24(h)(1)(ii).



G. Kevin Saba
Director, Policy & Program Support
for Private Sector Exchange