

# Employer Information Circular

Volume 23; Issue 13

October 22, 2007

---

## Exchange and Sojourn Teachers

This circular is provided to address a request from employers on information and guidance concerning “exchange” or “sojourn” teachers. CalSTRS is required to apply and enforce the provisions of Education Code §22601<sup>1</sup>, and does not have any authority to grant CalSTRS membership to any individual who is working as either an “exchange” or “sojourn” teacher based on the definitions set forth in §44853 and §44856.

CalSTRS has determined that the exclusion to membership found in §22601: “Persons serving as exchange teachers or sojourn teachers from outside of this state are excluded from membership in the plan,” applies only to teachers who are employed in an exchange/sojourn program, as part of an agreement with the employer. It is the employer’s responsibility to determine the basis of employment when considering what retirement plan or benefits to offer their employees.

For purposes of defining an exchange or sojourn teacher, employers are directed to determine if a teacher is being employed based on the provisions of §44853 or §44856. Any teacher employed with an employer through the process established in §44853 or §44856 is considered an “exchange” or “sojourn” teacher and subject to exclusion to CalSTRS membership (§22601), irrespective of their visa status.

If a teacher continues working beyond the terms of the exchange or sojourn formal program, the membership exclusion to CalSTRS does not apply. Employers are reminded that service performed while a teacher is considered exchange or sojourn, is not available for purchase as permissive service credit (§22803).

---

<sup>1</sup> Hereinafter, all referenced code citations will be to the Education Code unless specifically stated otherwise.