



Court continues to mull ‘highly qualified’ teacher designation

By: Tom Chorneau

Monday, December 6, 2010

A key source of new teachers for hard to fill assignments statewide faces an uncertain future as a federal appeals court shows no sign of reconsidering a September ruling limiting the definition of “highly qualified” instructors.

A three-judge panel on the U.S. Ninth Circuit Court invalidated federal regulations that allowed teachers participating in alternative certification programs – or internships – to be categorized as “highly qualified.”

The designation is one coveted by districts that are required under the No Child Left Behind Act to report to parents the number of teachers in each school who do not meet this standard.

The Obama administration, who inherited the regulations in question but supports them anyway, has requested that the full court take up the issue but so far the judges have not responded.

The U.S. Department of Education has said that while the case is still pending, there will be no change in the status of interns as “highly qualified.”

Alternative certification, which allows participants to serve as a teacher of record in a classroom while completing final coursework, is often utilized by second-career professionals looking for an opportunity for community service.

Advocates for the programs remain hopeful of eventually getting the ruling reversed either at the appellate court or perhaps the U.S. Supreme Court.

“We really believe that in the end, the courts are going to do the right thing,” said Catherine Kearney, president of the California Teacher Corps, which represents the state’s 70 alternative certification programs. “And the right thing is to continue to recognize these teachers as being highly qualified.”

As evidence, Kearney points out that the majority of the second-career teachers have a wealth of life and professional experience before coming into the classroom and over time have proven to be an enormous resource for schools.

After five years, more than 80 percent of teachers coming from alternative programs are still on the job. They also boast that the programs have over the past seven years placed more than 55,000 into California public schools – often into hard to fill classrooms of inner city schools.

John Affeldt, managing attorney at Public Advocates Inc. which represents a coalition of community groups that brought the case against the federal regulations to court said he thinks it is unlikely that either the Ninth Circuit or the Supreme Court will take up the issue or reverse the ruling for the simple

reason that teachers still in training cannot be considered advanced technicians of the profession.

At the same time, Affeldt said, they have no interest in preventing schools from using interns as teachers.

“We want schools to follow NCLB as Congress intended,” he said. “That is, that they are only hiring teachers with less than full credentials where no other fully-certified teacher exists and when they do that, they’re fully truthful about what they are doing.

“That they are disclosing to the public, to parents and to the state, that they’ve got less than a fully qualified teacher in the classroom.” he explained. “That they are disclosing to the public, to parents and to the state, that they’ve got less than a fully qualified teacher in the classroom.”

Kearney bristles at the notion that only teachers that have full credentials can be considered ‘highly qualified,’ asking rhetorically if former general Colin Powell would be highly qualified to teach history assuming he had the same basic training and support that other interns receive.

Affeldt’s answer is no. “He may be a terrific general, but there’s no evidence that Colin Powell is a good history teacher,” he said. “I don’t know what his degree is, but the question is how familiar he is with California history content standards and how to effectively deliver those standards to all students, including English Learners and even those with mild learning disabilities.”

One potential solution could come legislatively – not through the courts. There are some who have suggested that the issue could be taken up as part of the reauthorization of NCLB, which Congress might take up next year.

One idea is to create a new category for second-career teachers that fairly discloses their status in the profession but also accounts for real world experience.

Kearney said the regardless of the outcome of the court case, alternative certification programs will continue to provide quality teachers.

“We are going to continue to serve students by providing them with highly skilled people, who have decided to change careers or bring their content expertise and serve in the hard to staff schools,” she said.

To learn more about California Teacher Corps click here:

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