December 20, 2010

United States Senate
Washington, DC 20510

Dear Senator:

On behalf of the 3.2 million members of the National Education Association, we would like to express our opposition to a proposal included in the continuing resolution (Section 163 of Sen. Amdt 4885 to H.R. 3082) that would permit intern teachers or those who are still in training and have not yet obtained full state certification or licensure to be deemed “highly qualified” from the moment they enroll in a preparation program (often an alternative certification program) and start teaching students.

As you may recall, the requirements of current law--No Child Left Behind--are very clear: every student is entitled to a highly qualified teacher. The definition of "highly qualified" was vigorously debated and, as passed, requires every teacher to have content knowledge in the area he or she teaches, hold at least a Bachelor of Arts degree, and have achieved state certification or licensure. In the initial phases of NCLB implementation, the U.S. Department of Education issued a regulation which allowed individuals who were enrolled in or making progress toward state certification or licensure to be deemed in compliance with the "highly qualified" mandate of NCLB. (34 C.F.R. 200.56(a)(2)(ii)). At least one of the principal congressional authors of NCLB expressed strong disagreement with this type of effort to weaken teacher quality standards. The regulatory loophole was bad policy in 2002, and it is bad policy today.

In fact, the United States Court of Appeals for the 9th Circuit recently struck the regulation down in Renee v. Duncan (previously Renee v. Spellings). The court opined, "We further hold that the definition of a highly qualified teacher contained in 34 C.F.R. 200.56(a)(2)(ii) is invalid because it impermissibly expands the definition in 20 U.S.C. 7801(23) [NCLB] to include teachers who only 'demonstrate[] satisfactory progress toward full certification.'" Renee v. Duncan, 08-16661, order issued September 27, 2010.

What undergirds the Renee case is the attempt to ensure that poor children have equitable access to highly qualified teachers, just as NCLB requires. Too often, public schools with the greatest needs are filled with the most inexperienced and least skilled teachers. As a result, talented teachers in high-needs schools work alongside colleagues who lack training and are unprepared for the challenges they encounter. Furthermore, children of poverty and children of color are far less likely to be taught by highly qualified teachers than are students from more affluent families.

The NEA has fought for years to raise the standards for preparation and entry into the profession, as well as strongly promoting the mastery of the profession through the National Board for Professional Teaching Standards certification process and other high-quality paths to becoming an accomplished educator. The practice of teaching--like the practice of medicine or the practice of law--is both an art and a science. It requires subject matter mastery, a deep understanding of brain development, diagnostic skills to analyze various learning styles, an understanding of behavioral science and child development, knowledge of English language acquisition, knowledge of instructional methods, cultural competencies, classroom management expertise, and much more. Simply put, knowledge of a particular subject is not sufficient to be a great teacher. State licensure and certification requirements, which have been refined over the years, exist to establish professional standards for entry into the teaching profession so that the multitude of competencies all teachers should possess are reflected in the class of teacher candidates who are bestowed
with the honor of a teaching certificate or license. Efforts to skirt these standards is akin to giving a medical license to a first year medical student or declaring a first year law student a full-fledged member of the bar. The language in the continuing resolution reflects such a shortcut around professional standards.

We recognize that there are a variety of programs that can serve as a pipeline for training new teachers and bringing enthusiastic individuals into the profession who may never have otherwise chosen to teach. But we do not believe that an intern with just a few weeks of summer training is “highly qualified” and fully prepared to teach on his or her first day in the classroom. And we certainly do not believe these individuals have the requisite training to teach students most at-risk or students with special needs.

We are deeply troubled that Congress--in a rush to adjourn--may go on record supporting a provision that undermines state certification/licensure standards for the teaching profession. Section 163 in the continuing resolution has not been considered by the relevant authorizing committees, nor has it been sufficiently reviewed by the Congress. Every student in America deserves to be taught by a great teacher. Unfortunately, we believe Congress is retreating from that strong stance by including Section 163 in the continuing resolution.

Sincerely,

Kim Anderson       Mary Kusler
Director of Government Relations    Manager of Federal Advocacy