

# Court ruling on 'highly qualified' could jeopardize second-career teaching resource

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Second-career professionals that step into the classroom on day one as "highly qualified" teachers are the target of a high-stakes legal battle pitting advocates for low-income communities against the U.S. Department of Education.

The Ninth Circuit U.S. Court of Appeals is reconsidering a July ruling that left intact federal regulations allowing participants in alternative certification programs to meet the definition of 'highly qualified' under the No Child Left Behind Act.

A reversal of that decision could choke off an important source of motivated and effective new teachers, supporters of alternative internship programs said.

Plaintiffs in the lawsuit, however, say they have no interest in restricting the second-career professional from becoming teachers. But, regardless of the life experience of an individual, trainees in any occupation cannot be considered highly qualified – especially since Congress specifically limited that designation to only teachers that have obtained full state certification, they argue.

"To tell the truth, if I had been forced to go a couple more years – which is what this is all about, making you go to a university and sit in a classroom without any kind of modeling instruction – I would not have become a teacher," said Mary Osteen, a 52-year-old former paralegal now in her sixth year teaching creative drama and speech at Albert Einstein Middle School in Sacramento.

Osteen might be considered a typical second career educator, who became disenchanted with the business world and decided her talents might serve a higher purpose in the classroom. A graduate of a district intern program sponsored by the San Joaquin County Office of Education – called IMPACT, Osteen has become an integral part of her school having –among other things – helped establish an award winning digital media class where students put together a school TV news broadcast using sophisticated hi-tech audio-visual equipment that she was instrumental in getting for the school.

"The teachers that are attracted to alternative education credentialing are often a different kind," she said. "I'm not 22 years old; I come with a wealth of experience and chose to do it (certification training) this way because it got straight to the point and it did it very well."

John Affeldt, managing attorney for San Francisco-based Public Advocates – the civil rights law firm that brought the highly-qualified complaint to federal court – said that the goal isn't to get rid of second career teachers but rather to get the government to acknowledge their true status in the profession.

"They are not as prepared and they ought to be reported to the public and the parents as being less than fully prepared," he said. "We also ought to know where they are and right now, the U.S. Department of Education is allowing states to hide the problem and California is hiding the problem."

Not everyone agrees there is a problem. In fact new data from the California Commission on Teacher Credentialing found that 92 percent of hiring school districts participating in a survey said that teachers from alternative programs were as good or better in planning and implementing instruction; 89 percent said they were equal or better in classroom management and 90 percent said they were equal or better in effective teacher training.

Catherine Kearney, director of the district intern program at San Joaquin County and also president of the California Teacher Corps – a newly formed statewide group that represents alternative certification programs – said there's a big misunderstanding about who goes through the alternative certification program.

"Beyond meeting the state requirements, programs also carefully select who is eligible for their programs because not everyone should be an intern," she said. "Some people should go teach next to somebody else especially if they are young or inexperienced."

She pointed out that schools are encouraged to hire teachers that meet the definition of highly qualified under NCLB and if the lawsuit is successful in removing that designation for interns it would become a big barrier for districts to hire what she called "these extraordinary talented people."

Dale Janssen, executive director of the CTC, said that while his agency is not taking sides in the case – the state has been a national leader in the intern program dating back 40 years.

"I've been trying to get away from the term 'alternative' because from California's perspective, all programs meet the same standards," he explained. "So the end results should be exactly the same, everyone has met the standards in California. We like to think of it as a multiple pathway – because there are multiple ways of becoming a teacher." Janssen said that from the standpoint of the CTC, the interns are qualified to be in the classroom – the authorization on an interim credential is the same as a preliminary credential from a university. He did say, however, that if the ruling goes against the interns – there may be an impact on hiring them because of the emphasis districts place on hiring highly qualified teachers.

He also pointed out, that if the interns are filling a void in the market – a resource for hard to fill vacancies – the interns would still be a common choice regardless of their designation because of the shortage of qualified teachers in those areas. If the interns aren't really closing a shortage gap – then districts should be hiring those teachers that are qualified anyway.