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Media Advisory

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Court to Decide Whether U.S. Department of Education Violated NCLB by Lowering “Highly Qualified” Teacher Standard

SAN FRANCISCO, CA — On Wednesday, April 23, a coalition of community groups, parents, and students, represented by civil rights law firm Public Advocates and *pro bono* attorneys from Goodwin Procter LLP, will present their case in federal district court to enforce the teacher quality provisions of the No Child Left Behind Act (NCLB). Judge Phyllis Hamilton will hear oral argument from plaintiffs and defendants, U.S. Department of Education and Secretary of Education Margaret Spellings, as to whether a Department regulation that permits teachers-in-training to be labeled “highly qualified” defies the will of Congress and harms students nationwide. More than 10,000 intern teachers in California are labeled as “highly qualified” under the Department’s regulation and are disproportionately concentrated at low-performing schools serving low-income students and students of color.

At issue are regulations guiding states in implementing NCLB. The text of the NCLB Act defines as “highly qualified” a teacher who has a full state credential. The Department’s regulation, however, also labels as “highly qualified” teachers who are still “participating in an alternative route to certification” and making “progress towards full certification.” This means that on the first day in an alternative route teacher credentialing program, a teacher-in-training is considered “highly qualified.”

Plaintiffs Californians for Justice, California ACORN, and individual students and parents are asking the court to declare the Department’s regulation containing the illegal definition of “highly qualified teacher” void and instead use the clear definition that Congress provided in the NCLB statute itself. If they prevail, the suit will have ripple effects on the implementation of NCLB nationwide as plaintiffs estimate over 100,000 teachers in the U.S. are “highly qualified” by virtue of their participation in alternative credentialing programs. A decision may issue before the end of the school year.

WHAT: Oral argument in federal district court in San Francisco

WHEN: Wednesday April 23rd, 9 AM, PST

WHERE: United States District Court, Northern District of California
450 Golden Gate Avenue, San Francisco
Courtroom 3, 17th floor, Courtroom of the Hon. Phyllis Hamilton