

November 2, 2012

Hon. Deb Delisle
Assistant Secretary
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue SW
Washington D.C., 20024

Hon. Michael Yudin
Acting Assistant Secretary
Office of Special Education &
Rehabilitative Services
United States Department of Education
550 12th Street SW
Washington D.C., 20024

Re: SECTION 145 OF THE SEPTEMBER 2012 CONTINUING RESOLUTION – Public Law 112-175

Dear Assistant Secretary Delisle and Assistant Secretary Yudin:

Thank you for meeting with the Coalition for Teaching Quality to discuss implementation of section 145 of the September 2012 Continuing Resolution (Public Law 112-175), the new reporting requirement regarding teachers-in-training participating in alternative pathways to certification who are currently labeled “highly qualified” while working to obtain full state certification. The 90-member Coalition for Teaching Quality remains disappointed that Congress extended the provision that labels teachers-in-training “highly qualified” under No Child Left Behind (NCLB) and permits their concentration in low-income, high-minority schools. We are pleased that Congress has taken the first step toward documenting and truly understanding the disproportionate impact of this provision on our nation’s most vulnerable students.

Section 145 requires the Secretary of Education to submit a report to Congress that aggregates and reports data “by State and each local educational agency” on the extent to which teachers-in-training enrolled in alternative certification programs (i.e., those deemed highly qualified pursuant to 34 C.F.R. 200.56(a)(2)(ii)) are teaching students with disabilities, English learners, low-income and rural students no later than December 31, 2013. Section 145 mandates that the Secretary “us[e] data required under existing law,” referencing section 1111(h)(6)(A) of NCLB. This provision, known as the Parent-Right-to-Know provision, requires that districts make available to any parent who requests it, information about the qualifications of their child’s teacher of record, including his/her certification status.

At our meeting, it was stated that the Department was exploring whether a report that provided data from a subset of states would comply with section 145. This is very concerning to the Coalition because a report providing data from just a sample of states would violate section 145. The statute’s clear direction to report “by State” requires that the data should be broken out by state and aggregated to state-level totals; it does not authorize sampling a subset of states any more than a mandate in another context to report by gender or grade level would permit a report on only a subset of genders or grade-levels. The call for data to be reported for “each [LEA]” only further confirms that each State must be included in the Secretary’s report.

The underlying data, i.e., the particular qualifications of each student’s teacher, is data that existing law requires districts—and districts alone—to maintain regarding their teachers, pursuant to section 1111(h)(6)(A) of NCLB. Congress said that the Secretary shall “use” that data; it did not say that the Secretary is limited to using the data in precisely the same form or compilation that existing law employs. Congress clearly expressed its intent that the existing data would have to be used or compiled in different ways by requiring that district-level Parent-Right-to-Know data be compiled and reported at the *state*-level. Similarly, even aggregating district-level Parent-Right-to-Know data across the district by way of the four categories is a slightly different use of the existing data than NCLB requires. Congress specifically articulated its desire to see the existing teacher qualifications data compiled, overlaid with other existing data sets such as REAP and free/reduced price lunch, and reported in these new ways to illustrate the extent to which students in the four categories are being taught by teachers-in-training, both by district and by State.

Importantly, statements in the Congressional Record from numerous members of Congress affirm this plain language reading of section 145: that the report must contain data from each and every state and LEA in the country, and that it will be necessary to compile and report existing data in new ways in order to fulfill the mandate of section 145 and report on the extent to which high-need students in the four categories are taught by alternative route teachers-in-training.

It is essential that not only Congress, but also all education stakeholders, have a comprehensive and accurate picture of the extent to which our nation’s highest-need students are being taught by teachers-in-training through alternative route programs who are deemed “highly qualified” under current law. Prompt guidance to states and LEAs is critical to ensuring the Secretary has timely and high-quality data from every state and LEA to prepare the mandated report for Congress before the December 2013 deadline.

As organizations concerned with promoting educational quality and equity, particularly for students who have traditionally been least well-served by our educational system, we share your commitment to ensuring that every student has a fully-prepared and effective teacher. The 90-member Coalition for Teaching Quality stands ready to support the Department in its efforts to faithfully implement section 145. Please let us know if we may provide further information that would be helpful in the Department’s next steps on this critical issue.

Sincerely,

The Coalition for Teaching Quality (see attached list of organizations)

CC: Carmel Martin, Assistant Secretary for Planning, Evaluation and Policy Development

Roberto Rodriguez, White House Domestic Policy Council

Dr. Steve Robinson, White House Domestic Policy Council

Alexis Barrett, White House Domestic Policy Council

Coalition for Teaching Quality (90 Organizations)

National Organizations

Alliance for Multilingual Multicultural Education
American Council on Education
American Association of Colleges for Teacher Education
American Association of People with Disabilities
American Association of State Colleges and Universities
American Council for School Social Work
Association of University Centers on Disabilities
ASPIRA Association
Autistic Self Advocacy Network
Autism National Committee
Center for Teaching Quality
Citizens for Effective Schools
Communities for Excellent Public Schools
Council for Exceptional Children
Council of Parent Attorneys and Advocates
Disability Policy Collaboration, A Partnership of
The Arc and UCP
Disability Rights Education and Defense Fund
Inc
Easter Seals
Education Law Center
FairTest, The National Center for Fair & Open Testing
First Focus Campaign for Children
Gamaliel Foundation
Helen Keller National Center
Higher Education Consortium for Special Education
Latino Elected and Appointed Officials
National Taskforce on Education
Lawyers' Committee for Civil Rights Under Law
League of United Latin American Citizens
Learning Disabilities Association of America
Movement Strategy Center
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Alliance of Black School Educators
National Association of Elementary School Principals
National Association of School Psychologists
National Association of Secondary School Principals
National Association of State Directors of Special Education
National Center for Learning Disabilities
National Consortium on Deaf-Blindness
National Council for Educating Black Children
National Council of Teachers of English
National Council of Teachers of Mathematics
National Disability Rights Network
National Down Syndrome Congress
National Down Syndrome Society
National Education Association
National Indian Education Association
National Latino Education Research & Policy Project
National Opportunity to Learn Campaign
Action Fund
National PTA
National Urban League
Parents Across America

Partnership for 21st Century Skills
Public Advocates Inc.
Public Education Network
Rural School and Community Trust
School Social Work Association of America
SEDL
South East Asia Resource Action Center
TASH - Equity, Opportunity, and Inclusion
for People with Disabilities
Teacher Education Division of the Council
for Exceptional Children
TESOL International Association
United Church of Christ Justice & Witness
Ministries

State and Local Organizations

Action Now – Illinois
Action Now– North Carolina
ACTION United
Alliance of Californians for Community Empowerment (ACCE)
Arkansas Community Organizations
Bay Area Parent Leadership Action Network
Brighton Park Neighborhood Council – Chicago
California Association for Bilingual Education
Californians for Justice
Californians Together
California Latino School Boards Association
Campaign for Quality Education
Center for the Future of Teaching and Learning Coalition for Educational Justice
Delawareans for Social and Economic Justice
Educate Our State
Grow Your Own Illinois
Inner City Struggle
Justice Matters
Legal Advocates for Children and Youth
Parent-U-Turn
Parents for Unity
RYSE Center
San Francisco Teacher Residency
Texas Association of Chicanos in Higher Education
Youth On Board – Somerville, MA
Youth Together