

## Teacher Trainees Taking Alternative Routes to Certification Are “Highly Qualified” Under NCLB

The United States Court of Appeals for the Ninth Circuit recently ruled that under current federal law, teachers who are not yet fully certificated, but who are on their way to obtaining certification through “alternative routes,” are highly qualified under the No Child Left Behind Act (NCLB). (See [Lozano Smith Client News Brief No. 1](#) (Jan. 2011).)

In *Renee v. Duncan* (May 10, 2012) \_\_ F.3d \_\_ (2012 WL 1624772), a group of California school children, their parents, and two non-profit organizations challenged a federal statute that allows teacher trainees who are participating in alternative-route teacher training programs, but who have not yet obtained their state certification, to be deemed highly qualified under the NCLB. Appellants contended that the statute allows a disproportionate number of intern teachers to teach in minority and low-income schools. The statute in dispute defines “highly qualified teacher” as meeting the requirements of federal regulation 34 C.F.R. 200.56(a)(2)(ii), which was adopted pursuant to the NCLB. That regulation specifies that a teacher trainee taking the “alternative route” path must: (1) receive high-quality professional development; (2) participate in a program of intensive supervision; (3) assume functions as a teacher for a specified period of time not to exceed three years; and (4) demonstrate satisfactory progress towards full certification. Thus, the federal statute expands the definition of “highly qualified teacher” to include those teachers taking an “alternative route” to certification.

The court held that the challenged statute is consistent with the NCLB. The court further validated the statute’s definition of “highly qualified teacher” as including teacher trainees who are demonstrating satisfactory progress towards full certification through an “alternative route.” While neither the NCLB nor its related regulations define “alternative routes to certification,” the term generally refers to nontraditional training programs that are often designed to address teacher shortages in specific subjects or geographic areas. “Alternative route” candidates usually have work experience or hold at least a bachelor’s degree in a field other than education. The *Renee* court listed Teach for America and Troops to Teachers as examples of alternative route programs.

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The challenged statute is set to expire at the end of the 2012-2013 school year, so unless it is extended, teachers taking “alternative routes” to certification will have to achieve full certification, as opposed to merely demonstrating satisfactory progress towards certification, in order to be highly qualified under the NCLB.

If you have any questions regarding this decision or any other NCLB requirements, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#) or follow Lozano Smith on [Facebook](#).

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