

# Beyond Government-Assigned Schooling; Beyond Government-Mandated Teacher Licensure

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**To cite this paper:** L. Burke, Ph.D., “Beyond Government-Assigned Schooling; Beyond Government-Mandated Teacher Licensure,” released by the Regulatory Transparency Project of the Federalist Society, December 22, 2023 (<https://rtp.fedsoc.org/paper/beyond-government-assigned-schooling-beyond-government-mandated-teacher-licensure/>)

## Introduction

The nature of K-12 education is changing dramatically. State after state is moving away from government-assigned schooling to funding children directly, adopting school choice policies that enable them to choose learning environments that are the right fit for them. More than half of states now offer some form of private school choice, and 14 have adopted the most flexible form of school choice to date – education savings accounts (ESAs). Perhaps most consequentially, nine states now offer *universal* education choice, offering these options to all students in the state.<sup>1</sup> Universal school choice, which was once only a reformer’s dream, is rapidly becoming a reality: nine universal programs were adopted in states’ 2022 and 2023 legislative sessions.

As education freedom expands, teacher freedom will expand as well. Reforms to the teacher workforce – namely, hiring practices largely dictated by state certification laws – will need to accompany the growth of school choice, so that private providers will have a large hiring pool of qualified teachers who align with their schools’ missions and values. A failure to reform existing certification practices that have served neither schools nor students well will risk replicating the existing public school model over time.

## Teacher Effectiveness Matters

As Stanford economist Eric Hanushek has noted, scholars have known since at least 1966, when the seminal Coleman Report was released, that the most significant influence on student academic achievement is the family.<sup>2</sup> “Equality of Educational Opportunity” – or the Coleman report, as it came to be known – was authored by James S. Coleman: it was the first in-depth exploration of the potential causes of academic achievement gaps between white children and their non-white peers. Although the Coleman report found that families had the greatest effect on student academic outcomes, teachers are the most important *in-school* factor contributing to a child’s academic success, with researchers estimating they have “two to three times the effect of any other school factor, including services, facilities, and even leadership.”<sup>3</sup> A growing body of literature confirms this assertion. A 2007 review by Ron Haskins and Susanna Loeb includes a 1996 empirical evaluation by William Sanders and June Rivers that found that students who were taught by teachers “in the top fifth of teacher effectiveness for each of the three years [studied] scored about 50 percentile points better than students who had teachers in the lowest fifth.”<sup>4</sup> Teacher effectiveness in this case was

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<sup>1</sup> With an education savings account (ESA), the state deposits a portion (e.g., 90 percent in Arizona) of the per-pupil dollars that would have been spent on a child in their public school into a parent-controlled restricted-use account. Upon receipt of those funds, parents can then use their ESA to pay for private school tuition, online learning, special education services and therapies, curricula, textbooks, and a host of other education-related goods and services. Unused funds can be rolled over from year to year and can be rolled into a college savings account if desired. Universal education choice refers to school choice programs that have no eligibility requirements for which students may exercise choice. Every child in a state, regardless of income level or special needs, school district, etc., has access to school choice through universal eligibility.

<sup>2</sup> Eric A. Hanushek (2019). “The Fall of Educational Productivity and Policy Paralysis,” in *The Not-So-Great Society*, eds. Lindsey M. Burke and Jonathan Butcher. The Heritage Foundation.

<sup>3</sup> Isaac M. Opper, Teachers Matter: Understanding Teachers’ Impact on Student Achievement,” Rand Corporation, 2019, at <https://www.rand.org/education-and-labor/projects/measuring-teacher-effectiveness/teachers-matter.html#:~:text=Teachers%20matter%20more%20to%20student,related%20factors%2C%20teachers%20matter%20most>.

<sup>4</sup> Ron Haskins and Susanna Loeb, A Plan to Improve the Quality of Teaching in American Schools, Policy Brief, Spring 2007, The Future of Children, Princeton-Brookings, at [https://www.brookings.edu/wp-content/uploads/2016/06/spring\\_childrenfamilies\\_haskins.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/spring_childrenfamilies_haskins.pdf)

assessed based on how much teachers could improve students' math test scores. These findings held regardless of demographic group. Access to an effective teacher significantly impacts academic outcomes such as college enrollment and important life outcomes such as higher earnings and lower teen pregnancy rates.<sup>5</sup> Being taught by a "very ineffective" teacher compared to a "very effective" teacher can be the difference in an entire year's worth of learning, according to research by Hanushek.<sup>6</sup> Natalie Bau and Jishnu Das found that "moving a student from a teacher at the 5th percentile to one at the 95th would increase the student's test scores by 0.5 standard deviations — the equivalent of more than a year of school."<sup>7</sup> Raj Chetty, John Friedman, and Jonah Rockoff found that replacing a teacher in the bottom five percent of effectiveness as measured by their value-added impact on student test scores with an average teacher would increase lifetime earnings by more than \$250,000 for that student.<sup>8</sup> Indeed, as Hanushek has documented, "replacing the bottom 5-8 percent of teachers with average teachers could move the U.S. near the top of international math and science rankings with a present value of \$100 trillion."<sup>9</sup>

Although the importance of teacher quality is clear, concerns about teacher effectiveness have been mounting for decades. Researcher Jonathan Wai analyzed a combination of five different measures of students' academic ability (SAT, GRE, data from a stratified random sample called Project Talent, the Selective Service College Qualification Test, and the Armed Services Vocational Aptitude Battery) from 1946 to 2014. Wai's analysis paints an uninspiring picture of the teacher workforce: "These data show that US students who choose to major in education, essentially the bulk of people who become teachers, have for at least the last seven decades been selected from students at the lower end of the academic aptitude pool."<sup>10</sup> These figures represent averages, and many individual teachers are excellent and highly effective. But as Wai also notes, a 2010 McKinsey report found that "top performing school systems, such as those in Singapore, Finland, and South Korea, 'recruit 100% of their teacher corps from the top third of the academic cohort'."<sup>11</sup>

Other teacher workforce challenges exist. Children from low-income households and minority children are less likely than their peers to be in classrooms with highly effective teachers.<sup>12</sup> And chronic teacher absenteeism is a growing concern. According to researchers Jay Greene and Jonathan Butcher, nearly three-quarters of public schools reported higher rates of teacher absenteeism than they did prior to the COVID-19 pandemic. Additionally, as they explain, a 2008 study found that teachers were significantly more likely to miss class on a Monday or a Friday,

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<sup>5</sup> Raj Chetty, John Friedman, and Jonah Rockoff, "Measuring the Impacts of Teachers II: Teacher Value-Added and Student Outcomes in Adulthood," *The American Economic Review* (2013).

<sup>6</sup> Eric A. Hanushek, "The Trade-Off between Child Quantity and Quality," *Journal of Political Economy*, 100(1), February 1992, pp. 84-117.

<sup>7</sup> Bau, Natalie, and Jishnu Das, 2020. "Teacher Value Added in a Low-Income Country." *American Economic Journal: Economic Policy*, 12 (1): 62-96.

<sup>8</sup> Raj Chetty, John Friedman, and Jonah Rockoff, The Long-Term Impacts of Teachers: Teacher Value-Added and Student Outcomes in Adulthood, Columbia University, December 2011, at [https://www0.gsb.columbia.edu/faculty/jrockoff/papers/value\\_added.pdf](https://www0.gsb.columbia.edu/faculty/jrockoff/papers/value_added.pdf)

<sup>9</sup> Eric A. Hanushek (2011), *The Economic Value of Higher Teacher Quality*, *Economics of Education Review*, 30(3), pp. 466-479, at <http://hanushek.stanford.edu/publications/economic-value-higher-teacher-quality>

<sup>10</sup> Jonathan Wai, Your college major is a pretty good indication of how smart you are, *Quartz*, February 3, 2015, at <https://qz.com/334926/your-college-major-is-a-pretty-good-indication-of-how-smart-you-are>

<sup>11</sup> *Ibid.*

<sup>12</sup> Kati Haycock and Eric A. Hanushek, An Effective Teacher in Every Classroom, *Education Next*, 10(3), 2010, at <https://www.educationnext.org/an-effective-teacher-in-every-classroom/>

“effectively giving themselves a four-day weekend.”<sup>13</sup> Private schools, which can hire from a larger pool of prospective teachers since they are not subject to burdensome certification requirements, have lower rates of teacher absenteeism. As Greene and Butcher explain, school choice means families “can select schools where teachers are more likely to be present day-to-day. Because of this competitive pressure, private schools tend to adopt policies and create work cultures that significantly reduce teacher absenteeism.”<sup>14</sup> Private schools are more nimble when it comes to addressing personnel issues associated with chronic teacher absenteeism, whereas public school leaders’ hands are often tied by certification requirements, last-in/first-out mandates, and other union-supported policies. But even if policy reforms can lead to a more effective teacher workforce, advocates for education choice may not want to replicate the same approach to teacher hiring and retention. Private schools and providers will need more flexibility in educating, hiring, and retaining teachers who are philosophically, pedagogically, and culturally aligned with their missions. Diversity of school supply and education freedom require a philosophically and culturally varied teacher pipeline with a wide range of subject matter expertise.

## Current staffing and enrollment in public and private schools

During the 2020-21 school year, there were approximately 3.8 million public school teachers across the country, serving in both full-time and part-time staff.<sup>15</sup> Half of those teachers were employed in elementary schools and half in secondary schools. Ninety percent of those teachers had what the U.S. Department of Education refers to as “regular” or “standard” certification; four percent had provisional certification, three percent had a probationary certificate, two percent were uncertified, and one percent had a waiver. A provisional certification is often offered on a short-term (one-year) basis and is not typically renewable. Probationary certificates are sometimes awarded to teachers who go through an alternative teacher certification program, rather than a college of education. Similar to a provisional license, probationary certificates may be issued for one year, but can be extended for a longer time period. The average public school teacher's base salary during the 2020-21 school year was \$61,600.<sup>16</sup>

The number of public school teachers dwarfs private school teachers, which stood at 466,000 during the 2020-21 school year. The average private school teacher base salary during the 2020-21 school year was \$46,400, considerably lower than average public school teacher salaries.<sup>17</sup>

The sizeable difference in these two sectors reflects a variance in student enrollment figures. Some 49.5 million students were enrolled in public schools in grades pre-K – 12 beginning in the fall of 2021, compared to 4.7 million in private schools.<sup>18</sup> Although the gulf between public and private school enrollment is large, the significant momentum for private school choice and adoption of

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<sup>13</sup> Jay Greene and Jonathan Butcher, *The Alarming Rise in Teacher Absenteeism*, The Heritage Foundation, July 6, 2023, at <https://www.heritage.org/education/report/the-alarming-rise-teacher-absenteeism>

<sup>14</sup> *Ibid.*

<sup>15</sup> National Center for Education Statistics, 2023. *Characteristics of Public School Teachers. Condition of Education*. U.S. Department of Education, Institute of Education Sciences. <https://nces.ed.gov/programs/coe/indicator/clr>.

<sup>16</sup> *Ibid.*

<sup>17</sup> Donna St. George, *Study: Public schools paid teachers more than private ones in 2020-21*, *The Washington Post*, December 13, 2022, at <https://www.washingtonpost.com/education/2022/12/13/public-school-teacher-pay-private/>

<sup>18</sup> *Back-to-school statistics*, National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education, at <https://nces.ed.gov/fastfacts/display.asp?id=372#PK12-enrollment>

*universal* education choice options in nine states in 2022 and 2023 will likely narrow that gap in the coming years.

During the 2020-21 school year, thanks to significant expansions in school choice, an estimated 3.5 million children were eligible to participate in a choice option. However, as Jason Bedrick and Ed Tarnowski explain, a state with a universal school choice program where all students are eligible to participate (e.g., the program is not restricted to particular groups of students such as those from low-income families or with special needs), the program may still have a funding cap or other policies in place that might limit the number of ultimate users. As such, even though 3.5 million children were eligible to participate in a school choice program during the 2020-21 school year, only an estimated 608,000 did so, funding private education options using either vouchers, education savings accounts, or tax-credit scholarships.<sup>19</sup>

From 2021 to 2023, however, those figures have grown substantially. Nine states – Ohio, Arkansas, Florida, Iowa, Oklahoma, Utah, Arizona, North Carolina, and West Virginia – now have universal education choice; seven of them adopted those policies in 2023. Overall, more than half the states operate over 70 private school choice options, including vouchers, tax-credit scholarships, and education savings accounts. Fourteen states offer vouchers to attend private schools to students; 22 offer tax-credit scholarships, and 14 states offer education savings accounts. As a result, more than 10 million children now have access to school choice, an increase of over six million students since 2021. More than one in five students are now eligible for a private school choice option.<sup>20</sup> Although data are not yet available on the take-up rate (the number of students who actually participate out of those 10 million), the increase over 2021 figures is certain to be considerable.

As the number of students enrolled in public schools declines, giving way to those enrolling in private education options through blossoming school choice options, the number of teachers employed in private versus public settings will follow suit.

What must not follow suit, however, are the current regulations governing how teacher quality is assessed and the licensing and certification requirements governing hiring practices in the public sector. As this paper will detail, while private schools are currently free to determine their teacher hiring and retention policies, states have varying degrees of regulations layered onto public schools by means of their teacher personnel practices. This paper also examines whether or not teacher licensure requirements are actually helping teachers to do a better job in the classroom or merely exposing them to ideologically leftist training.

Parents select private school choice options because they are looking for something different from what the public school system provides: namely, schools that align with their values and hopes for their children's social and intellectual development. Parents want a diverse array of education options from which to choose. The teachers that populate those schools will also need to reflect the values and cultural and academic goals of the private learning environments in which they teach.

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<sup>19</sup> Jason Bedrick and Ed Tarnowski, How Big Was the Year of Educational Choice? *Education Next*, Vol. 23, No. 3, at [How Big Was the Year of Educational Choice? - Education Next](#)

<sup>20</sup> Jason Bedrick, Ohioans Declare Independence from the District School Monopoly, *The Daily Signal*, July 5, 2023, at [Ohio Passes School Choice, Independence From District School Monopoly \(dailysignal.com\)](#)

Teacher certification practices should therefore be as nimble and varied as possible in order to enable private schools to maintain their unique missions and to have the largest possible hiring pool.

The preservation and advancement of such options will be essential as more and more states enact universal education choice in the future. Simply replicating the hiring and certification practices of district school systems might also replicate some of the worst problems plaguing traditional public schools today.

## A Cautionary Tale from Institutional Theory

Moving away from the existing certification practices governing teacher hiring will not be without challenges. The concept of institutional isomorphism developed in the field of organizational theory suggests there will be considerable pressure for a growing private education market to adopt existing teacher licensure practices, even if those practices do not serve students and teachers well.

Some implications of that concept have been nicely explained by organizational theorists Walter Powell and Paul DiMaggio in a notable 1983 sociology paper. Powell and DiMaggio identified three specific drivers of homogenization among organizations: coercive isomorphism, mimetic isomorphism, and normative isomorphism.<sup>21</sup> Coercive isomorphism represents formal and informal pressures to conform to existing practices posed by the cultural environment in which organizations operate: it can include government mandates to conform to certain existing policies. Mimetic isomorphism results from organizations responding to uncertainty, which can lead them to mimic the practices and structure of other organizations, particularly those organizations within a given field that are deemed successful. This mimetic force grows stronger the larger the organization, with those larger organizations that serve a greater number of people feeling the most pressure to offer programs and services found in rival organizations.<sup>22</sup> Normative isomorphism grows out of efforts to professionalize members of a given field, through mechanisms such as professional associations and university training. These normative forces can establish organizational mores that “create a pool of almost interchangeable individuals who occupy similar positions across a range of organizations.”<sup>23</sup> The sorting of personnel occurs in both initial hiring practices and through career advancement, ensuring those individuals who “make it to the top are virtually indistinguishable.”<sup>24</sup>

Normative isomorphism is particularly likely to be a roadblock to any change in the way teachers are hired and assessed. As DiMaggio and Powell contend, “the greater the extent of professionalization in a field, the greater the amount of institutional isomorphic change.”<sup>25</sup> With north of 90 percent of public school teachers being traditionally certified, this normative isomorphic pressure will be particularly strong on the private choice market as it expands. Private schools that do not currently have teacher certification requirements in place – that is, beyond evidence of subject-matter

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<sup>21</sup> Paul J. DiMaggio and Walter W. Powell, The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields, *American Sociological Review*, Vol. 48, No. 2 (Apr. 1983), pp. 147 – 160, at <https://www.jstor.org/stable/2095101>

<sup>22</sup> *Ibid.*

<sup>23</sup> Perrow, 1974, in DiMaggio & Powell, 1983, p. 152.

<sup>24</sup> DiMaggio and Powell.

<sup>25</sup> *Ibid.*

expertise – may feel pressure to adopt state-approved licensure requirements to have the veneer of professionalization.

As a general rule, the justification for requiring certification in a given profession, such as medicine and law, lies in the idea that “the potential costs to clients of an unregulated market are high, and thus professional licensing to enforce standards is an efficient way to ensure competent practice in a field.”<sup>26</sup> However, the value of teacher certification is debatable.

## Teacher Certification in Public Education Today – Quality Assurance or Excessive Occupational Licensure?

Every state requires teachers to be licensed in order to enter a public school classroom, though certification requirements differ from state to state. In most states, prospective teachers must hold a bachelor’s degree (typically in the subject area in which they plan to teach), pass licensure exams such as the Praxis I and Praxis II in the subject area of interest, and meet certification requirements such as obtaining licensure through a university-based college of education or through an alternative teacher certification program. Certification requirements vary considerably by state, but can include requirements ranging from the sensible – fingerprinting and subject matter exams – to the absurd – nutrition training and majoring in “education.”

For example, in California, the route to the classroom runs through the Single Subject Teaching Credential, typically obtained through a college or university. That credential also requires teachers to be additionally certified to teach English language learners. In order to earn a Single Subject Teaching Credential, first a prospective teacher must earn a bachelor’s degree or higher. Next, the basic skills requirement must be satisfied, which includes:

- “For reading proficiency: a course in critical thinking, literature, philosophy, reading, rhetoric, or textual analysis.
- For writing proficiency: a course in composition, English, rhetoric, written communication, or writing.
- For mathematics proficiency: a course in algebra, geometry, mathematics, quantitative reasoning, or statistics.”<sup>27</sup>

To demonstrate to the state that the Basic Skills Requirement has been met, applicants must provide official course transcripts to a Commission-approved preparation program. If the applicant has not taken one of the above-outlined courses, he or she may still qualify if a letter from a university department chair can be obtained. The applicant must be sure to include Form 41-BSR in his or her packet. California offers other avenues for meeting this Basic Skills Requirement, such as passing the California Basic Educational Skills Test, the Multiple Subjects Plus Writing Skills Examination, or passing the California State University Early Assessment Program, among other options. Next,

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<sup>26</sup> Mehta, J., & Teles, S. (2014). Professionalization 2.0: The case for plural professionalization in education. In F. M. Hess & M. Q. McShane (Eds.), *Teacher quality 2.0: Toward a new era in education reform* (pp. 109-131). Harvard Education Press.

<sup>27</sup> Basic Skills Requirement (CL-667), at [https://www.ctc.ca.gov/credentials/leaflets/basic-skills-requirement-\(cl-667\)](https://www.ctc.ca.gov/credentials/leaflets/basic-skills-requirement-(cl-667))

teacher hopefuls must verify subject matter expertise, which they can do by passing a subject matter examination (details on form CL-674S!) or having a degree in the given subject.

After all that, would-be teachers must complete a course “in the provisions and principles of the U.S. Constitution” or pass an equivalent exam. They must then complete a Commission-approved teacher preparation program that includes, among other requirements “instruction in foundational and advanced computer technology,” “instruction in Health Education,” and a teaching performance assessment. Finally, they must “obtain a formal recommendation for the credential by the program sponsor.”<sup>28</sup>

*But wait, there's more!*

Once all of the above requirements are fulfilled, a prospective teacher may then submit an application for credential authorizing public school service. That includes personal information details as well as professional fitness questions which include a review of 1) Federal Bureau of Investigation criminal history, 2) California Department of Justice criminal history, 3) international database of teacher misconduct overseen by the National Association of State Directors of Teacher Education and Certification, 4) previous reviews by the Commission, 5) complains from others, 6) notifications from school districts, and 7) teacher preparation test score violations. The professional fitness section is followed by the Child Abuse and Neglect Mandated Reporting overview, and finally, an oath and affidavit. Applicants must also undergo fingerprinting, pay a \$100 application fee, and submit official transcripts, letters of experience, and performance evaluations.

California's requirements demonstrate just how circuitous teacher licensure can be. And in the vast majority of states, there are similar regulatory hoops through which prospective teachers must jump.

Generally speaking, subject-matter expertise demonstrated through the bachelor's degree requirement is a defensible prerequisite condition for entering the classroom, though many individuals with expertise in a given field could be high quality teachers without a bachelor's degree. Licensing exams such as the Praxis are less defensible, as evidence suggests they are poor predictors of teacher quality. For example, research by James Shuls, published by the Arkansas Center for Research in Economics, found that passing the Praxis I exam did not significantly predict teacher quality for either math or English language arts (ELA). As Shuls explains, the research “means that the Praxis I exam is screening out some individuals who may be ineffective teachers, but it is also screening out some potentially effective teachers.”<sup>29</sup> The least effective method of assessment in this context is reliance on university-based college of education certification: there is a growing body of research that shows little, if any, connection between certification and one's ability to teach.

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<sup>28</sup> Single Subject Teaching Credential Requirements for Teachers Prepared in California (CL-560C), Commission on Teacher Credentialing, at [https://www.ctc.ca.gov/credentials/leaflets/Single-Multiple-Subject-Credentials-\(CL-560C\)](https://www.ctc.ca.gov/credentials/leaflets/Single-Multiple-Subject-Credentials-(CL-560C))

<sup>29</sup> James Shuls, Ph.D., Can We Simply Raise the Bar on Teacher Quality? The Arkansas Center for Research in Economics (ACRE), Spring 2016, at [https://uca.edu/acre/files/2014/11/Shuls\\_RaisingtheBar\\_05312016.pdf](https://uca.edu/acre/files/2014/11/Shuls_RaisingtheBar_05312016.pdf)



For example, a teacher's certification status upon classroom entry has negligible impacts on student academic performance<sup>30,31</sup> and varies little by program type (university-based school of education certification versus alternative teacher certification programs). Some research has demonstrated that alternatively certified teachers outperform traditionally certified teachers,<sup>32</sup> with paper certification qualifications failing to predict teacher effectiveness.<sup>33</sup> Importantly, however, differences in teacher effectiveness *within* the three groups of certified, alternatively certified, and uncertified are large. As researchers Robert Gordon, Thomas J. Kane, and Douglas Staiger found, "the difference between the 75<sup>th</sup> percentile teacher and the 50<sup>th</sup> percentile teacher for all three groups of teachers was roughly five times as large as the difference between the average certified teacher and the average uncertified teacher."<sup>34</sup> As they conclude, "To put it simply, teachers vary considerably in the extent to which they promote student learning, but whether a teacher is certified or not is largely irrelevant to predicting his or her effectiveness."<sup>35</sup>

The lack of efficacy and attendant regulatory capture created through excessive certification requirements in education has been acknowledged for more than half a century. Writing in *The Atlantic* in 1958, teacher Lydia Stout argued:

"The most stubborn obstruction to good schooling in the United States is the hierarchy which the educationists themselves have established. Their influence has a restricting effect 1) on teacher-training courses, with the emphasis on theory or method as opposed to content, 2) on the lawmaking bodies where, by means of lobbying and other wirepulling tactics, they have gained so much power, and 3) on the prestige of the organized groups within the teaching profession itself.

Teacher training, from the point of view of students or teachers, is humiliating... The teachers' colleges then become big business and the cornerstone of the powerful empire that the educationists have built for themselves."<sup>36</sup>

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<sup>30</sup> Kane, T. J., Rockoff, J. E., & Staiger, D. O. (2008). What does certification tell us about teacher effectiveness? Evidence from New York City. *Economics of Education Review*, 27, 615-631. Retrieved from: <https://www0.gsb.columbia.edu/faculty/jrockoff/certification-final.pdf>

<sup>31</sup> Goldhaber, D. D., & Brewer, D. J. (2000). Does teacher certification matter? High school teacher certification status and student achievement. *Educational Evaluation and Policy Analysis*, 22(2), 129-145. Retrieved from: <http://journals.sagepub.com/doi/10.3102/01623737022002129>

<sup>32</sup> Sass, T. R. (2011). Certification requirements and teacher quality: A comparison of alternative routes to teaching). National Center for Analysis of Longitudinal Data in Education Research, American Institutes of Research. Retrieved from <https://files.eric.ed.gov/fulltext/ED529179.pdf>

<sup>33</sup> Gordon, R., Kane, T. J., & Staiger, D. O. (2006). Identifying effective teachers using performance on the job. The Hamilton Project. The Brookings Institution. Retrieved from: [https://www.brookings.edu/wpcontent/uploads/2016/06/200604hamilton\\_1.pdf](https://www.brookings.edu/wpcontent/uploads/2016/06/200604hamilton_1.pdf)

<sup>34</sup> Thomas J. Kane, Jonah E. Rockoff, and Douglas O. Staiger, "What does certification tell us about teacher effectiveness? Evidence from New York City," *Economics of Education Review*, 27 (2008) 615 – 631, at <https://www0.gsb.columbia.edu/faculty/jrockoff/certification-final.pdf>

<sup>35</sup> Kane, Rockoff, and Staiger (2008).

<sup>36</sup> Lydia Stout, What Strangles American Teaching: The Certification Racket," *The Atlantic*, April 1958, at <https://www.theatlantic.com/magazine/archive/1958/04/what-strangles-american-teaching-the-certification-racket/641333/>

Approximately one in ten college students were majoring in education in 2018,<sup>37</sup> and approximately 90 percent of public-school teachers held a standard state teaching certificate, most of whom acquired certification through a university-based college of education.<sup>38</sup> Of the 2,172 teacher preparation program providers tracked by the U.S. Department of Education, just 224 were not university-based.<sup>39</sup> As education freedom expands across the country, hopes of providing families something different from what is currently offered in public schools will require eliminating or significantly reducing the stranglehold that colleges of education have on teacher preparation.

Moreover, teacher certification is not guaranteeing overall academic excellence in schools. One-third of fourth-grade children across the country cannot read at a basic level. As the National Council for Teacher Quality reported, 72 percent of teachers “say they use literacy instructional methods that incorporate practices debunked by cognitive scientists decades ago.”<sup>40</sup> These debunked practices include teaching students to use context clues to guess words or to memorize words, rather than actually teaching them to read through phonics-based approaches such as decoding. According to the most recent (2023) release of the National Assessment of Educational Progress Long-term Trend results, 13-year-old students are reading no better today than they did in 1971, when the LTT was first given to students. Mathematics achievement among 13-year-old students is not significantly different than it was in 1973, when the test was first administered.<sup>41</sup> Overall, only about one-third of eighth graders nationally can read and do math proficiently. Ever-increasing certification requirements in the name of quality assurance and trillions spent have not improved academic outcomes for American students.

Although teacher quality is only one factor contributing to student academic outcomes, as previously noted, it is the single most important in-school factor. Lackluster student performance suggests that existing teacher certification practices are not providing the type of teacher quality assurance that is leading to student success. If teacher certification requirements are not ensuring quality, do they instead represent excessive occupational licensure?

As Dana Berliner and co-authors write in their thorough review of occupational licensure in the states, *Occupational Licensing Run Wild* refers to “the tendency to impose unjustifiable, arbitrary, and protectionist licensing requirements.” The authors note that a mere one in twenty workers had to secure occupational licensure in the United States in the 1950s, a figure which has climbed to 25 percent today.<sup>42</sup>

Teacher certification requirements have contributed mightily to this increase over the decades. The number of public schools and school districts decreased dramatically over the course of the

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<sup>37</sup> Jacob Passy, Fewer Americans are majoring in education, but will students pay the price? *Market Watch*, February 14, 2018, at [Fewer Americans are majoring in education, but will students pay the price? - MarketWatch](#)

<sup>38</sup> Characteristics of public school teachers. National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education, 2021, at [Fast Facts: Teacher qualifications \(58\) \(ed.gov\)](#)

<sup>39</sup> Title II. U.S. Department of Education. <https://title2.ed.gov/Public/Home.aspx>

<sup>40</sup> Teacher Prep Review Standards: Reading Foundations. National Council on Teacher Quality, at [NCTQ Teacher Prep Review: Reading Foundations](#)

<sup>41</sup> NAEP Long-Term Trend Assessment Results: Reading and Mathematics, (2023), at <https://www.nationsreportcard.gov/highlights/ltr/2023/>

<sup>42</sup> D. Berliner, et. al., “Occupational Licensing Run Wild”, released by the Regulatory Transparency Project of the Federalist Society, November 7, 2017, <https://rtp.fedsoc.org/wp-content/uploads/RTP-State-Local-Working-Group-Paper-Occupational-Licensing.pdf>.

twentieth century. During the 1929-30 school year, there were more than 248,000 public schools across the United States. By the 2015-16 school year, that number had declined to 98,000 public K-12 schools.<sup>43</sup> Mirroring the decrease in the number of public schools over time was the number of public school districts, which declined from 117,108 during the 1939-40 school year to just 13,598 regular public school districts by the 2016-17 school year.<sup>44</sup> This consolidation led to the centralization of school administration and a reduction in the number of schools from which parents could choose. Concurrent with school district consolidation was an increase in state legislation supporting the growth of teachers' unions. As Lindert found, "the period from 1960 to 1974 saw a jump in the share of states where laws facilitated collective bargaining and permitted teacher unions to strike under certain conditions. By 1988, when only 19 percent of the U.S. labor force was unionized, 75 percent of public school teachers belonged to unions."<sup>45</sup> Teachers unions have long supported teacher certification requirements, creating barriers to entry while artificially constraining supply and driving-up the cost of K-12 schooling.

Based on the available evidence, a strong case can be made that teacher certification requirements are simply "occupational licensure run wild" rather than critical quality assurance safeguards. Thankfully, some states are beginning to move away from the stringent yet ineffective barriers to the classroom.

***Cracks in the Ivory Tower.*** Although colleges of education dominate the teacher certification "market," some states have begun to relax credentialing requirements in order to attract and retain teachers. California, Oklahoma, Arizona, Florida, Missouri, New Jersey, and Alabama are among the states that have recently relaxed requirements.<sup>46</sup> For example, substitute teachers in Arizona can now teach in the classroom for a full year without certification; in Florida, military veterans can enter the classroom without traditional licensure.<sup>47</sup> The reforms have come in the wake of perceived teacher shortages, even though school staffing is higher than at any other point in history.

Nationally, since 1950,<sup>48</sup> the number of students in public school districts has increased 100%, the number of teachers has increased 243%, and the number of administrators and other nonteaching

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<sup>43</sup> U.S. Department of Education, National Center for Education Statistics. (2019). *Digest of Education Statistics, 2018* (NCES 2020-009), Table 105.50.

<sup>44</sup> U.S. Department of Education, National Center for Education Statistics, Annual Report of the Commissioner of Education, 1870 through 1910; Biennial Survey of Education in the United States, 1919-20 through 1949-50; Statistics of State School Systems, 1951-52 through 1967-68; Statistics of Public Elementary and Secondary School Systems, 1970-71 through 1980-81; Statistics of Public and Nonpublic Elementary and Secondary Day Schools, 1968-69; Statistics of Nonpublic Elementary and Secondary Schools, 1970-71; Private Schools in American Education; Schools and Staffing Survey (SASS), "Private School Questionnaire," 1987-88 and 1990-91; Private School Universe Survey (PSS), 1989-90 through 2015-16; and Common Core of Data (CCD), "Local Education Agency Universe Survey" and "Public Elementary/Secondary School Universe Survey," 1982-83 through 2016-17.

[https://nces.ed.gov/programs/digest/d18/tables/dt18\\_214.10.asp](https://nces.ed.gov/programs/digest/d18/tables/dt18_214.10.asp)

<sup>45</sup> Lindert, p. 159.

<sup>46</sup> Madeline Will, States Relax Teacher Certification Rules to Combat Shortages, *Education Week*, June 28, 2022, at <https://www.edweek.org/teaching-learning/states-relax-teacher-certification-rules-to-combat-shortages/2022/06>

<sup>47</sup> Moriah Balingit, Wanted: Teachers. No training necessary. *The Washington Post*, September 13, 2022, at <https://www.washingtonpost.com/education/2022/09/13/teacher-requirements-shortage-jobs/>

<sup>48</sup> Jim Malatras, Thomas Gais, and Alan Wagner, A Background of Potential Teacher Shortages in the United States, Rockefeller Institute of Government, State University of New York, July 2017, at <https://files.eric.ed.gov/fulltext/ED605640.pdf>

staff has increased a whopping 709%, according to research conducted by Benjamin Scafidi.<sup>49</sup> In public schools across America today, teachers make up just half of all education jobs.<sup>50</sup> This growth benefits the unions – an additional hurdle the growing education freedom sector will have to contend with. As private teacher employment becomes a larger share of the overall teacher workforce, unions will continue to try to thwart the growth of school choice, regulate or otherwise harm programs that are implemented, or try to capture the sector (as they’ve done in a limited way in the charter sector). Currently, among all American wage and salary workers, the union membership rate stood at 10.3% in 2021.<sup>51</sup> However, among public school teachers and staff, that rate soared to nearly 70%.<sup>52</sup> This is a revenue source the unions will not cede willingly. Teachers unions, their millions of members, and their large financial war chest will continue support the status quo in certification and licensure. Union dues are the fuel for that engine, and licensure and certification are the ultimate generator of the fuel.

Public elementary and secondary schools rely almost exclusively on a supply of teachers educated in university-based colleges of education. So, too, do most private schools. Some K-12 private school accreditors recommend traditional state certification for teachers as part of their accreditation process. Other accreditors, such as the Association of Christian Schools International, certify teachers through the association, requiring certain coursework and student teaching prior to teaching in one of the association’s private schools.<sup>53</sup> As private education choice assumes a larger market share, private schools and their accreditors may feel pressure to adopt public school credentialing protocols. For example, the charter school sector, which was designed to infuse innovation and flexibility into the public education system, has been subjected to traditional certification requirements. Dozens of states either require charter school teachers to be state-licensed or require a certain percentage of teachers within the school to be licensed.<sup>54</sup>

As more and more students begin receiving their education through non-public school options, this innovative sector will have to consider how to attract additional teachers and determine whether the public school approach to licensure is the best path forward. Current certification is cumbersome, ineffective, and designed for a government-dominated system of public schooling. In order to retain their unique missions and identities, private schools will need options outside of the state teacher licensure machine.

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<sup>49</sup> Benjamin Scafidi, Back to the Staffing Surge, EdChoice, May 2017, at <http://www.edchoice.org/wp-content/uploads/2017/05/Back-to-the-Staffing-Surge-by-Ben-Scafidi.pdf>

<sup>50</sup> Staff employed in public elementary and secondary school systems, by functional area: Selected years, 1949-50 through fall 2009, Digest of Education Statistics, National Center for Education Statistics, Institute of Education Science, U.S. Department of Education, at [https://nces.ed.gov/programs/digest/d11/tables/dt11\\_085.asp](https://nces.ed.gov/programs/digest/d11/tables/dt11_085.asp)

<sup>51</sup> Union members – 2022, Bureau of Labor Statistics, January 19, 2023, at <https://www.bls.gov/news.release/pdf/union2.pdf>

<sup>52</sup> Total number of public school teachers and percentage of public school teachers in a union or employees’ association, by selected school characteristics: 2015-16. National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education, at [https://nces.ed.gov/surveys/ntps/tables/Table\\_TeachersUnion.asp](https://nces.ed.gov/surveys/ntps/tables/Table_TeachersUnion.asp)

<sup>53</sup> Certification Overview, Association of Christian Schools International, at <https://www.acsi.org/accreditation-certification/certification-for-teachers/certification>

<sup>54</sup> Greg Richmond, Choice, Flexibility, Accountability Drive School Improvement, *Education Next*, Vol. 22, No. 2, at <https://www.educationnext.org/choice-flexibility-accountability-drive-school-improvement-what-explains-charter-success/>

## Moving from “occupational licensure run wild” to quality assurance

School choice is going gangbusters in the states. As a result, many families now have access to private schools of choice in which a functioning, private education market supports higher performing schools that are not burdened by the weight of public education occupational licensure.

The fastest-growing school choice option being adopted by states is the education savings account (ESA). With an ESA, the state deposits a portion (e.g., 90 percent in Arizona) of the public per-pupil dollars that would have been spent on a child in their public school directly into a parent-controlled account. Parents can then use those funds to pay for private school tuition, online learning, private tutors, special education services and therapies if needed, curriculum, textbooks, and a host of other education services and products. Unused funds can be rolled over from year to year and can even be rolled into a college savings account.

One popular approach parents have pursued with their ESAs is hiring private tutors, purchasing curriculum and textbooks, and having their child enroll, for example, in an online class.<sup>55</sup> This do-it-yourself approach to K-12 education has enabled these families to design an à la carte education experience for their children. About one-third of families in Arizona are customizing their children’s education this way, as are an estimated 40 percent of families in Florida.<sup>56</sup> However, the majority of families use their ESAs to pay for private school tuition exclusively, suggesting that families will continue to turn primarily to private schools as the education choice market expands. In order for the growing private school choice landscape to maintain its unique missions and vision, it will need to retain its flexible and school-specific approaches to hiring. States should avoid layering on any certification or licensure requirements on private school choice programs as they expand. Regulatory capture of this growing and innovative sector through overly burdensome occupational licensure would threaten replicating the teacher workforce practices of the public sector, which have failed to serve schools or students well.

Imagine for a moment that a decade from now, every child in America has access to an education savings account. Although they still have access to a traditional district school if they choose, a large portion are now enrolled in private education options. As the institutional theory section of this paper outlined, there will be normative, coercive, and mimetic pressures to adopt public school licensure practices. For example, states may – at the behest of teachers’ unions – respond to a growing private education market by lobbying policymakers to extend licensure requirements to the private sector in order to make the growth of the private market more difficult. Or some private schools, in an attempt to increase viability in the market, may adopt public school licensure practices out of a belief such practices will make their schools look more professional. But this thriving and innovative sector should not be subjected to teacher certification mandated by the state and delivered through university-based colleges of education, and should itself avoid any suggestion to layer on occupational licensure requirements.

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<sup>55</sup> Jonathan Butcher and Lindsey M. Burke, The Education Debit Card II: What Arizona Parents Purchase with Education Savings Accounts, EdChoice, February 2016, at <https://www.edchoice.org/wp-content/uploads/2016/02/2016-2-The-Education-Debit-Card-II-WEB-1.pdf>

<sup>56</sup> Lindsey Burke and Jason Bedrick, Personalizing Education: How Florida Families Use Education Savings Accounts, EdChoice, at <https://files.eric.ed.gov/fulltext/ED591348.pdf>

At the same time, the public education sector should reassess whether current teacher credentialing requirements are serving it well. Knowing that traditional certification is ineffective and bureaucratic, states should also consider providing regulatory relief to public schools to help them in the effort to attract and retain higher quality teachers, eliminating requirements for traditional public schools to only employ state-certified teachers.

What, then is the best way to assess teacher quality in initial hiring? In order to move from ineffective and burdensome state teacher licensing to meaningful quality assurance, states should:

- **Provide maximum flexibility to schools and educators.** Private institutions and providers should be given the widest latitude in determining hiring practices, and parents should be free to contract with any education provider they believe can deliver the services their child needs. There should be absolutely no government-mandated licensure requirements on private schools. Within an ESA context in which parents may engage directly with private tutors, states should avoid licensing requirements beyond criminal background checks, enabling tutors to qualify for ESA payments if they have previous teaching experience in an elementary, secondary, or higher education setting, are subject matter experts, or are otherwise deemed qualified by the state or non-profit that administers the program to provide tutoring services.<sup>57</sup>
- **Avoid teacher certification requirements in school choice bills.** Private schools should remain free from any state teacher certification requirements. States should, however, require school choice program providers such as tutors and teachers to pass background checks. States should also eliminate private school accreditation requirements in favor of private schools simply being recognized to operate by the state or locality in which they provide services, which would limit the extent to which accreditation agencies can micromanage private school hiring practices. Private school accreditors often layer on their own burdensome requirements for teacher credentialing. In order for schools to remain tax-exempt organizations, periodic audits should be required.
- **Eliminate teacher certification requirements for public schools.** Given the inefficacy of teacher certification in improving student learning outcomes, states should cease requiring certification within public schools as well. School leaders and principals should be empowered to hire educators who they deem to have sufficient subject-matter expertise to be effective in the K-12 classroom. Private schools often out-perform their public school counterparts, serving similar populations and doing so with fewer resources. For example, as Kathleen Porter-Magee wrote recently in the *Wall Street Journal*, “if all U.S. Catholic schools were a state, their 1.6 million students would rank first in the nation across the NAEP reading and math tests for fourth and eighth graders...achievement among black students enrolled in Catholic schools increased by 10 points [during the pandemic] (about an extra year’s worth of learning), while black students in public schools lost 5 points and black students in charter schools lost 8 points.”<sup>58</sup> If there was a compelling case for public schools to have teacher credentialing delivered largely through university-based colleges of

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<sup>57</sup> Model Policy: The Education Savings Account Act, American Legislative Exchange Council (2017), at <https://alec.org/model-policy/the-education-savings-account-act-2/>

<sup>58</sup> Kathleen Porter-Magee, Amid the Pandemic, Progress in Catholic Schools, *The Wall Street Journal*, October 27, 2022.

education, it is likely we would see problems in the private sector where such requirements do not exist. As it stands, we do not.

## Education freedom requires teacher freedom

As Stanford economist Caroline Hoxby has documented, the expansion of school choice will increase the demand for teachers in the sector, which will ultimately lead to increased wages.<sup>59</sup> As the Heritage Foundation's Jason Bedrick and I have written:

“The increased educational freedom could benefit teachers as well as students. In August 2013, the Wall Street Journal profiled Kim Ki-hoon, a South Korean ‘rock-star teacher’ who earns \$4 million a year. He offers online classes in English to about 150,000 students each year at a rate of \$4 an hour. He spends most of his week ‘responding to students’ online requests for help, developing lesson plans and writing accompanying textbooks and workbooks’. ESAs would allow education entrepreneurs like Mr. Kim, who offer superior services at lower costs, to reap substantial financial benefits. Greater educational freedom aligns the interests of teachers and students to the benefit of all.”<sup>60</sup>

The potential to unleash better pay for teachers requires eliminating state certification requirements to allow for a market of providers to fill the growing hiring needs of private schools and providers. Kim Ki-hoon would have to hop through myriad regulatory hoops in order to teach in a U.S. classroom today. Although regulatory capture artificially inflates compensation, removing certification barriers as the education market expands can push up real teacher pay.

Beyond the economic benefit to teachers, eliminating teacher certification is a matter of education freedom for the private sector: it can also address concerns about teacher shortages in the public sphere. States have maintained licensure requirements even though they push aspiring teachers into colleges of education that are captive to various eccentric trends in educational theory. Courses that focus on postcolonial theory, queer theory, “QuantCrit,” and intersectionality are markedly less helpful to teachers as compared to courses on foundational pedagogical concepts, lesson-plan design, and classroom management. Traditional public schools should not have to rely on colleges of education for their teacher pipeline. And as school choice grows, private schools will need the freedom to hire teachers that align well with their values and missions – not the priorities of the government school system.

The United States is on the precipice of an education freedom revolution, with state after state adopting universal school choice options for families. Education choice proponents and policymakers should make certain the teacher workforce enjoys the same freedom moving forward. Eliminating overly burdensome and ineffective licensure requirements for teachers in all school settings – public, charter, and private – will be an important next step.

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<sup>59</sup> Caroline Hoxby, Would School Choice Change the Teaching Profession? Working Paper 7866, National Bureau of Economic Research (2001), at [https://www.nber.org/system/files/working\\_papers/w7866/w7866.pdf](https://www.nber.org/system/files/working_papers/w7866/w7866.pdf)

<sup>60</sup> Jason Bedrick and Lindsey Burke, The Next Step in School Choice, *National Affairs*, Winter 2015, at <https://www.nationalaffairs.com/publications/detail/the-next-step-in-school-choice>

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