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KEEP THE LOCAL CONTROL, FEDERALIZE TEACHER PREP: FINLAND'S MODEL MAKES THE CASE FOR A NATIONALIZED TEACHER CERTIFICATION PROGRAM

Audry E. Thompson

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**KEEP THE LOCAL CONTROL,
FEDERALIZE TEACHER PREP:
FINLAND’S MODEL MAKES THE CASE
FOR A NATIONALIZED TEACHER
CERTIFICATION PROGRAM**

*By Audry E. Thompson**

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I. FIRST PERIOD: VOUCHING FOR THE TEACHERS

When Betsy DeVos was appointed Secretary of Education in February 2017 under the Trump Administration, the pro-public education community lost their collective minds, certain that her support for school voucher programs would all but guarantee the death of public schools.¹ Fortunately, DeVos’s record on any kind of meaningful school reform mostly consists of her rhetoric, and her few regulatory accomplishments are easily undone, although there is a promising argument that her antipathy towards standardized testing may have left an opening for reforms.² However, the real detriment of

¹ See David Leonhardt, *The Risk with Betsy DeVos*, N.Y. TIMES (Nov. 24, 2016), <https://www.nytimes.com/2016/11/24/opinion/the-risk-with-betsy-devos.html?searchResultPosition=12>; see also Dave Powell, *Betsy DeVos Fails the Test*, EDUC. WEEK (Jan. 18, 2017), <https://www.edweek.org/leadership/opinion-betsy-devos-fails-the-test/2017/01>; Jill Berkowicz & Ann Myers, *Betsy DeVos Is Just Plain Wrong*, EDUC. WEEK (May 30, 2017), <https://www.edweek.org/policy-politics/opinion-betsy-devos-is-just-plain-wrong/2017/05>; Michelle Goldberg, *Will Betsy DeVos Expand the School-to-Prison Pipeline?*, N.Y. TIMES (Mar. 12, 2018), <https://www.nytimes.com/2018/03/12/opinion/devos-school-prison-pipeline.html?searchResultPosition=11>; Gail Collins, *The Bane That Is Betsy DeVos*, N.Y. TIMES (Aug. 17, 2018), <https://www.nytimes.com/2018/08/17/opinion/betsy-devos-for-profit-colleges.html?searchResultPosition=9>. But see Jack Schneider & Jennifer C. Berkshire, *How DeVos May Have Started a Counterrevolution in Education*, N.Y. TIMES (Dec. 1, 2020), <https://www.nytimes.com/2020/12/01/opinion/betsy-devos-education.html?searchResultPosition=5>.

² See Cory Turner, *How Education Secretary Betsy DeVos Will Be Remembered*, NPR (Nov. 19, 2020), <https://www.npr.org/2020/11/19/936225974/the-legacy-of-education-secretary-betsy-devos>; see also Corey Turner, *DeVos Loses Latest Fight Over Rerouting Aid To Private School Students*, NPR (Sept. 11, 2020), <https://www.npr.org/sections/coronavirus-live-updates/2020/09/11/911869208/devos-loses-latest-fight-over-rerouting-aid-to-private-school-students>.

her leadership is not any act she took or word she said, but the passage of another four years with no meaningful action to cultivate the necessary, underlying element in first-rate elementary and secondary education, public or private: teachers.

While the U.S. education reform debate thunders around competing frameworks of private versus public control, federal- versus state-led curriculum models, and ever-increasing student standards anchored by punitive “accountability” measures, Finland has focused its efforts on a rigorous, unified path to teacher certification that creates respected, autonomous professionals capable of addressing the needs of the country’s localized educational agencies.³ Although Finland maintains a set of core academic standards, it eschews many of the accountability measures found in the United States, like standardized student testing and teacher performance reviews, and

³ Compare *Common Core State Standards Initiative*, COMMON CORE STANDARDS INITIATIVE, <http://www.corestandards.org/> (last visited Nov. 21, 2021) (providing a set of common academic standards created by the National Governors Association and the Council of Chief State School Officers in 2010); Race to the Top Fund, 74 Fed. Reg. 59,688 (Nov. 18, 2009) (creating fund incentivizing states to adopt “common core” standards, although not required to use the Common Core State Standards Initiative), with David L. Kirp, *Rage Against the Common Core*, N.Y. TIMES (Dec. 27, 2017), <https://www.nytimes.com/2014/12/28/opinion/sunday/rage-against-the-common-core.html> (describing public backlash against Common Core State Standards Initiative), and Tim Murphy, *Inside the Mammoth Backlash to Common Core*, MOTHER JONES (Sep./Oct. 2014), <https://www.motherjones.com/politics/2014/09/common-core-education-reform-backlash-obamacare/>. See also *Jindal v. United States Dep’t of Educ.*, No. 14-CV-534, 2015 U.S. Dist. LEXIS 23356 (M.D. La. Feb. 26, 2015) (denying U.S. Department of Education’s motion to dismiss a claim filed by Louisiana Governor to enjoin the department from “enforcing . . . unlawful and coercive conditions which he contends are the *quid pro quo* for the State to receive [Race to the Top] funds”). See generally Olli-Pekka Malinen et al., *Teacher Education in Finland: A Review of a National Effort for Preparing Teachers for the Future*, 23 CURRICULUM J., 567, 571 (Dec. 2012); Paul Orłowski, *Saskatchewan Teachers and a Study Abroad Experience in Finland: “I Love How the Finns Respect Their Teachers!”*, 25 J. EDUC. ADMIN. FOUND. 17 (2016); *Teachers in Finland—Trusted and Respected Professionals*, FINLAND TOOLBOX, <https://toolbox.finland.fi/life-society/teachers-in-finland/> (last visited Oct. 24, 2021).

instead has funneled its efforts into producing excellent teachers and then trusting them to carry out their mission.⁴

U.S. teachers enter the classroom via a patchwork of educational routes. While many teachers possess traditional state-sanctioned certification obtained through a four-year bachelor's degree program, which typically requires pre-service teachers to complete a supervised internship, a growing number of educators in U.S. public schools have instead received some form of alternative certification, often granted apart from traditional higher education institutions through on-the-job programs where schools place uncertified personnel in the classroom with little oversight while they complete a fast-tracked certification program, typically online.⁵ Popular examples of these programs include Teach for America, iteach, and other state-run alternative certification programs.⁶ This lack of unified teacher certification in the United States has led to debates over the meaning of "highly qualified," plummeting teacher morale, and high teacher turnover while U.S. students consistently underperform those in other advanced industrial nations.⁷

⁴ See Pasi Sahlberg, *The Secret to Finland's Success: Educating Teachers*, STAN. CENTER FOR OPPORTUNITY POL'Y IN EDUC. RSCH BRIEF 2 (2010), <https://edpolicy.stanford.edu/sites/default/files/publications/secret-finland%E2%80%99s-success-educating-teachers.pdf>.

⁵ Denise K. Whitford et al., *Traditional vs. Alternative Teacher Preparation Programs: A Meta-Analysis*, 27 J. CHILD AND FAM. STUD. 672 (Mar. 2018).

⁶ See Julian Vasquez Heilig et al., *Alternative Certification And Teach For America: The Search For High Quality Teachers*, 20 KAN. J. L. & PUB. POL'Y 388, 392 (2011) ("Teach For America is 'a non-profit organization whose purpose is to eliminate disparities in educational outcomes by recruiting recent graduates of elite colleges to teach in low-income urban and rural schools for a two-year commitment.' As an alternative to the extensive preparation traditionally-educated teachers receive over four years as education majors in undergraduate programs, TFA candidates attend a five-week training program over the summer between college graduation and the start of their teaching assignments."); *id.* at 391 ("iteachTEXAS is a less-selective program allowing anyone without a felony conviction or conviction of a lesser crime 'involving moral turpitude,' who has a college degree with a grade-point average of 2.5 in their last sixty credit hours, to complete teacher training online for about \$ 4,000."); *see also* ITEACH, <https://www.iteach.net> (last visited Oct. 24, 2021).

⁷ *See generally* Renee v. Duncan, 623 F.3d 787 (9th Cir. 2010) (reversing lower court's judgment that teachers participating in alternative certification while

The current fixation on vouchers and charter schools—many of which rely on inexperienced and underqualified, alternatively-certified teachers—funnels public dollars into private education companies that often provide inadequate resources for the students who need them most while doing little to address the nation’s growing educational and economic inequality.⁸ Without addressing the quality of teachers and the oncoming shortage of those entering the profession, these types of private-sector market reforms are unlikely to remedy the underlying educational crisis in America.⁹ Meanwhile, Finland’s unified, competitive, and well-funded path to teacher certification creates a professional workforce that enjoys an esteemed reputation, reports high work satisfaction, and turns out students who consistently rank among the world’s highest performers on the Organisation for Economic Co-operation and Development (OECD) Programme for International Student Assessment (PISA).¹⁰

Although the two countries differ greatly in size, culture, and government structure, both the United States and Finland have

employed are “highly qualified” for the purpose of No Child Left Behind); *see also* Steven C. Ward, *Crisis in American Education as Teacher Morale Hits an All-Time Low*, CONVERSATION (Apr. 7, 2015), <https://theconversation.com/crisis-in-american-education-as-teacher-morale-hits-an-all-time-low-39226>; Emma García & Elaine Weiss, *U.S. Schools Struggle to Hire and Retain Teachers*, ECON. POL’Y INST. (Apr. 16, 2019), <https://www.epi.org/publication/u-s-schools-struggle-to-hire-and-retain-teachers-the-second-report-in-the-perfect-storm-in-the-teacher-labor-market-series/>; Drew Desilver, *U.S. Students’ Academic Achievement Still Lags that of their Peers in Many Other Countries*, PEW RSCH. CTR. (Feb. 15, 2017), <https://www.pewresearch.org/fact-tank/2017/02/15/u-s-students-internationally-math-science/>; *United States: Student Performance (PISA 2018)*, EDUC. GPS, OECD, <https://gpseducation.oecd.org/CountryProfile?primaryCountry=USA&treshold=10&topic=PI> (last visited Oct. 24, 2021).

⁸ *See* Vasquez Heilig et al., *supra* note 6, at 388.

⁹ *See* García & Weiss, *supra* note 7.

¹⁰ *See* Sahlberg, *supra* note 4 (“Education has always been an integral part of Finnish culture and society, and teachers currently enjoy great respect and trust in Finland. Finns regard teaching as a noble, prestigious profession—akin to medicine, law, or economics— and one driven by moral purpose rather than material interests.”); *see also* *Programme for International Student Assessment (PISA) Results from PISA 2018 Country Note—Finland*, OECD, https://www.oecd.org/pisa/publications/PISA2018_CN_FIN.pdf (last visited Oct. 24, 2021).

enacted several educational reforms over the second half of the last century. During the 1960s, the U.S. Elementary and Secondary Education Act of 1965 preceded Finland's Comprehensive School System Act of 1968.¹¹ Then, at the turn of the century, Finland's Basic Education Act 1998 Amendments and Decree on the Qualifications Required of Teaching Staff (986/1998) was closely followed in 2001 by No Child Left Behind in the United States, which has since been replaced with the Every Student Succeeds Act of 2015.¹² Additionally, education is subject to localized control in both countries, supported by federal initiatives and funding.¹³ Although the United States, with its booming post-war economy and intact infrastructure, was arguably better positioned to create the superior public education system after World War II, Finland has risen to the "top of the class."¹⁴ While easily dismissed as a result of the drastic characteristic differences between the two countries, I suggest that, instead, it is worth contemplating whether the underlying factor supporting Finland's educational success—its professional class of teachers—is capable of replication in the United States.

II. HISTORY CLASS: 20TH CENTURY EDUCATIONAL INITIATIVES ACROSS THE ATLANTIC

A. The Post-World War II Educational Landscape, 1944–1960

1944 marked Finland's truce agreement with the Soviet Union, establishing the country's end to World War II. Though the terms of

¹¹ See Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10; Act on the Administration in the Local Provision of Education 1968/467 (Fin.). See also AHO ET AL., *infra* note 15, at 27.

¹² See Basic Education Act 628/1998 (Fin.), amendments up to 1136/1021; Basic Education Decree 852/1998 (Fin.); No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425 (2001); Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802 (2015).

¹³ See Basic Education Act 628/1998 (Fin.), amendments up to 1136/1021; Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802 (2015).

¹⁴ See OECD, PISA 2018 RESULTS: COMBINED EXECUTIVE SUMMARIES, VOL. I, II, & III, 17, available at https://www.oecd.org/pisa/Combined_Executive_Summaries_PISA_2018.pdf (ranking Finland's students third among those of the seventy-nine countries in reading with scores above the OECD average in science and math).

the agreement were costly for Finland—the country paid the Soviet Union seven percent of its gross domestic product in war reparations (\$300 million in U.S. dollars) and ceded twelve percent of its land, including Viipuri, Finland’s second most populated province, forcing the relocation of ten percent of its population—it remained politically intact without Soviet occupation.¹⁵ The relocated people were moved to the countryside, which established approximately 100,000 new farms and temporarily halted the previous trend of rural migration to more populated towns.¹⁶ However, as industrialization picked up speed during the 1950s and afterward, the demographic migration toward urbanized centers resumed slightly. Still, when compared with its Swedish neighbor, Finland remained largely agrarian.¹⁷ This relocation, coupled with a post-war “baby boom,” created a demand for more widespread education for rural children living outside town centers.

The two-track, multi-tiered educational infrastructure in Finland during the 1950s consisted of a basic education track and a grammar school track.¹⁸ The basic education track encompassed state-operated elementary school for children ages seven through ten and a civic school for students ages ten through sixteen, followed by either direct entrance into the work force or abbreviated vocational school training.¹⁹ The grammar school track also included the state-run elementary school.²⁰ However, instead of entering the civic school and proceeding directly into the workforce after their elementary studies,

¹⁵ See Mika Risku, *A Historical Insight on Finnish Education Policy from 1944 to 2011*, 6(2) *IT. J. OF SOCIOLOGY OF EDUC.*, 36, 42 (2014); see also ERKKI AHO ET AL., *POLICY DEVELOPMENT AND REFORM PRINCIPLES OF BASIC AND SECONDARY EDUCATION IN FINLAND SINCE 1968*, at 27 (Education Working Paper Series No. 2, 2006).

¹⁶ See Risku, *supra* note 15, at 36, 42.

¹⁷ See Annamari Ylonen, *Reinventing the Finnish Comprehensive School System Through Specialisation—Reasons, Rationales and Outcomes for Equity and Equality of Opportunity*, 27 (Ph.D. thesis, The London School of Economics and Political Science, June 2008) (“The percentage of the working population getting their living from agriculture was 46 in 1950—by 1970 this had reduced to approximately 15 per cent.”).

¹⁸ *Id.* at 44.

¹⁹ *Id.*

²⁰ *Id.*

students attended lower secondary school, followed by upper-secondary school.²¹ After completion, students graduated into either vocational college or higher education.²² As the country industrialized, this structure provided laborers from the elementary school, middle managers from the lower secondary grammar school, and societal leaders from the upper-secondary grammar school.²³

These co-existing dual tracks perpetuated inequities between rural and city-dwelling students and worked to reinforce an underclass of agrarian workers consigned to vocational employment, especially since the higher-level classes for students after age thirteen were primarily located in cities.²⁴ While grammar schools were both publicly and privately financed, the majority of grammar schools were fee-based, private schools located in cities, further compounding the inequities between the two tracks.²⁵ In 1940, fewer than fifteen percent of grammar school students possessed farming or working-class backgrounds.²⁶

Meanwhile, the United States was experiencing its own post-war “baby boom” and corresponding economic boom, although the country’s war involvement had weakened its schools and the large number of “literacy rejections” by the Selective Service System revealed deep educational deficiencies.²⁷ While the National Defense Education Act of 1958 provided matching grants to states for

²¹ *Id.*

²² *Id.*

²³ See AHO ET AL., *supra* note 15, at 28.

²⁴ See Ylonen, *supra* note 17, at 27 (“The basic education system in the early 20th Century in Finland can be characterised as being patchy, diverse, complex as well as inequitable. . . . [The] great number of different avenues for education . . . led to an ‘educational cul-de-sac’ by making it difficult, or impossible, to progress to secondary education after the age of 13.”).

²⁵ See Risku, *supra* note 15, at 41 (“By 1940, there were altogether 222 grammar schools. Of these 138 were located in the 38 towns, 21 in the 27 market towns and 63 in the 537 rural municipalities.”).

²⁶ *Id.*

²⁷ See EUGENE EIDENBERG & ROY D. MOREY, AN ACT OF CONGRESS: THE LEGISLATIVE PROCESS AND THE MAKING OF EDUCATION POLICY, 18 (Cambridge Univ. Press 1st ed. 1969) (“Thousands of teachers entered the armed forces or left their profession to take higher paying jobs in defense plants.”).

equipment purchases and classroom remodeling for instruction in math, science, and foreign language, the federal government largely maintained a hands-off approach to elementary and secondary public education, marred and largely defined by racial tensions in a patchwork of locally-run, racially segregated neighborhood schools.²⁸

B. Educational Reforms of the 1960s: Finland's Comprehensive School System Act of 1968 and the U.S. Elementary and Secondary Education Act of 1965

During the 1960s, Finland entered a period of rapid economic and social change. Looking back, Finnish professor of political science Olavi Rihinen noted in 1990:

The 1960s can be seen as a decade in which the society gave up its old values and its traditional institutions began to change. Finland conserved its old established structures and opinions for a long time, and when the time for the decisive change came, its speed confused and surprised the people. Already the 1950s were a time of a rapid change in the economic structure, but especially the 1960s have been characterized as record-breaking by international comparisons.²⁹

Having recently joined the United Nations and the Nordic Council, declaring economic growth a stated goal, Finland's government embraced the theories of social science professor and politician Pekka Kuusi.³⁰ Kuusi purported that social expenditures, traditionally thought to reduce productivity and economic growth, instead actually increased growth through "increased consumption, and . . . demand for goods, services, and social activity."³¹ In an effort to reduce its dependence on trade with the Soviet Union, Finland sought economic relationships with the West and joined the European Free Trade Association in 1961.³² Forging this relationship cemented

²⁸ See *id.* at 17; see also *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).

²⁹ AHO ET AL., *supra* note 15, at 30.

³⁰ *Id.* at 31.

³¹ *Id.*

³² *Id.* at 33.

the country's realization that it needed to become competitive, which meant significantly investing in education.³³

The ongoing political debate over educational reform had been defined by right-wing support for expanding a state-supported middle school into the established, two-track, multi-tiered, largely private grammar school model versus left-wing support for a “uniform, comprehensive” school that would merge the state-run elementary schools into their corresponding state-run civic and private grammar schools.³⁴ While the rural population, who thought a comprehensive school system would inevitably amount to a tax increase on farmers, had long resisted the idea, increasing industrialization was further shifting the population away from rural areas into the cities.³⁵ As a result of this demographic shift, the idea that a state-supported comprehensive school would more likely guarantee rural children the same educational opportunities as their urban counterparts began to take root, and by 1960, Finland was politically ready for educational change.³⁶ The country's rural-based Agrarian Party, whose students less frequently earned placements in the country's mostly urban grammar schools, demanded education reform as a means of regional equality while the majority party, the Social Democrats, demanded education reform as a means of social and economic equality.³⁷

With the goal that “all children should benefit from highly uniform and inclusive basic education regardless of their social and economic background and their place of residence,” Finland's Comprehensive School System Act of 1968 replaced the previous dual track, multi-tiered, semi-private school structure with a uniform, nine-year comprehensive school system for students ages seven through sixteen, divided into a primary school and secondary school at age thirteen.³⁸ The act restricted the ability of private schools to charge fees,³⁹ and existing private grammar schools were given the option to

³³ *Id.*

³⁴ Ylonen, *supra* note 17, at 30.

³⁵ *Id.*

³⁶ *Id.*

³⁷ AHO ET AL., *supra* note 15, at 32.

³⁸ Ylonen, *supra* note 17, at 31–32.

³⁹ AHO ET AL., *supra* note 15, at 75.

remain as a private “replacement school” with additional government oversight or become a comprehensive school and transfer to local government control.⁴⁰ In addition to remaking and standardizing the structure of elementary and secondary schools into the comprehensive school, the act also called for a national curriculum.⁴¹

Most importantly, however, the act substantially reformed teacher training.⁴² Although in-service programs were still utilized to prepare teachers to educate the newly formed age groups, in accordance with the new legislation, teachers were now required to earn a Master’s Degree to obtain their teaching credentials.⁴³ Further, teacher education was elevated to the university level from mere “teacher colleges and seminars.”⁴⁴ Writing for the Education Unit at the World Bank, Aho, Pitkanen, and Sahlberg commented on the change to teacher training:

It would have been easy to tinker at the margins, crafting new in-service education and training for teachers. But Finland’s policymakers understood that for comprehensive school reform to work, the entire teacher-education system had to change. It was to be a time-consuming process that would require cooperation with universities. The goal: transform teaching by raising the educational bar and requiring university-level training and a degree in the subject to be taught. The massive undertaking was seen as a valid investment in Finland’s future, and indeed it helped secure the continuous improvement of education that continues to this day.⁴⁵

Across the Atlantic Ocean, the United States was embroiled in its own educational reform efforts. In stark contrast to the educational policies of a country that had actually experienced the firsthand effects

⁴⁰ *Id.* at 32.

⁴¹ Risku, *supra* note 15, at 47.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ AHO ET AL., *supra* note 15, at 36.

of communism within its own borders—and had actually ceded land to the Soviet Union, no less—the prevailing sentiment in the United States regarding an expanded federal role for education was strongly rooted in deep suspicion and fear:

The opponents of federal aid have viewed the issue as a matter of basic political philosophy. They argue that assistance to local schools inevitably will lead to national control. They feel that the federal grant is merely a “foot in the door” which will end in national control of administrative decisions, teacher certification, and curriculum. The more adamant spokesmen for this view describes federal aid as a sinister plot hatched by the half-baked mind of the power-hungry Washington bureaucrats to “bribe” local officials into transferring their authority to the national Office of Education. This view was expressed several years ago by Senator Barry Goldwater in a debate with Interior Secretary (then Congressman) Stewart Udall when he said that in the struggle to control our educational system, “I fear Washington as much as Moscow.”⁴⁶

However, U.S. leaders were increasingly aware that the country had become—and was further cementing its position as—a leader in the world community. This growing perception of the United States as a global leader began to counter the argument that education was a purely local interest, and the persistent illiteracy rates among Selective Service candidates illuminated a concrete symptom of U.S. educational deficits that presented a viable threat to national security.⁴⁷ There was growing concern that, despite their efforts, some states simply lacked

⁴⁶ EIDENBERG & MOREY, *supra* note 27, at 11.

⁴⁷ *See id.* at 12 (“The large number of draftees annually rejected by Selective Service for illiteracy indicates that even the most rudimentary standards have not been met. Even in recent years the rate of illiteracy rejection for ten states has ranged between 25 and 48 per cent.”).

the funding to provide an adequate education.⁴⁸ In the face of these pressures, sentiment towards expanded federal aid began to warm so that every child in America could have an equal opportunity to gain an education.⁴⁹ Advocates of federal educational aid argued that only the federal government could guarantee such equality nationally.⁵⁰

As debates between expanded federal funding roiled and segregationists dug in their heels following the *Brown v. Board of Education* ruling,⁵¹ the country moved ahead. With the election of John F. Kennedy in 1960, the United States entered its own climate of political readiness for educational reform.⁵² Following the Civil Rights Act of 1964, which allowed the Commissioner of Education to withhold what meager federal funds were available from schools that continued to racially segregate students, the United States issued its own groundbreaking educational reform: The Elementary and Secondary Education Act of 1965. The Act significantly expanded federal spending for schools, and, for the first time, created the beginnings of federal educational oversight.⁵³

⁴⁸ *See id.* at 13 (“Mississippi, for example, expends a larger percentage of per capita income on education than most states in the union, yet it has one of the highest records of Selective Service illiteracy rejections.”).

⁴⁹ *Id.*

⁵⁰ *See id.* (As far back in 1946, even the Republican Senator from Ohio, Robert A. Taft, had stated, “Education is primarily a state function—but in the field of education, as in the fields of health, relief, and medical care, the federal government has a secondary obligation to see that there is a basic floor under those essential services for all adults and children in the United States.”).

⁵¹ *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).

⁵² *See* EIDENBERG & MOREY, *supra* note 27, at 24–25 (“It is ironic that John F. Kennedy’s election to the White House in 1950 was both a help and a hindrance in the struggle for federal aid to education. Being a Roman Catholic, Kennedy was forced by his critics to assume a hard-line position on the issue of public aid to private schools. This stand was enunciated in his celebrated speech before the Greater Houston Ministerial Association when he stated, ‘I believe in an America where the separation of church and state is absolute . . . where no church or church school is granted any public funds or political preference.’”).

⁵³ *See* Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, 79 Stat. 27, § 205(a)(5) (“effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational

In contrast to the Finnish reforms, which sought to completely restructure the country's educational system in an effort to create tangible student outcomes, the U.S. Elementary and Secondary Education Act funneled an unprecedented amount of federal funds into its local schools with relatively few guidelines. The U.S. Elementary and Secondary Education Act made little mention of teachers, let alone the specifics of their training, save for Sec. 503(a)(6), which allowed the federal government to grant funds, if requested, for teacher preparation, "including student-teaching arrangements, in cooperation with institutions of higher education and local education agencies."⁵⁴

C. Turn of the Century Reforms: Finland's Basic Education Act
1998 Amendments and No Child Left Behind of 2001

Throughout the 1980s and onward, Finland's centralized model of school structure gradually began to unravel. Legislation in 1983 abolished textbook pre-inspection by the National Board of Education, prohibited "ability setting" in foreign languages and math, and introduced a "time resource quota system" to calculate teaching hours in each school, allowing "schools themselves, through teachers [to] decide how and in what ways teaching groups could be formed."⁵⁵ Legislation in 1985 and 1988 fully rescinded the school inspection system, and since then, the Finnish government has declined to

needs of educationally deprived children"); *see also* Elementary and Secondary Act of 1965, Pub. L. No. 89-10, 79 Stat. 27 § 205(a)(6) ("the local educational agency will make an annual report and other such reports to the State educational agency . . . including information relating to the educational achievement of students participating in programs carried out under this title"); Elementary and Secondary Act of 1965, Pub. L. No. 89-10, 79 Stat. 27 § 206(a)(3) ("the State educational agency will make the commissioner (A) periodic reports (including the results of objective measurements required by section 205(a)(5)) evaluating the effectiveness of payments under this title and of particular programs assisted under it in improving the educational attainment of educationally deprived children").

⁵⁴ Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, 79 Stat. 27 § 503(a)(6).

⁵⁵ Risku, *supra* note 15, at 36, 49–50; Ylonen, *supra* note 17, at 32.

regulate class sizes or the number of classes, with the exception of special education.⁵⁶

During the 1990s, Finland experienced a severe economic recession, and in 1995, joined the European Union.⁵⁷ As a result of the economic downturn, the country not only had less money to devote to its education system, but the economic reality forced it to re-evaluate its policies.⁵⁸ The belt-tightening at the federal level, combined with the previous decentralization processes paved the way for further local autonomy. The 1995 Municipal Act instructed municipalities to “carry out the tasks assigned to them by law” but accorded them constitutional independence to determine how to organize their administrations and how to most effectively execute their assigned tasks.⁵⁹

Finland’s 1998 educational legislation—the Basic Education Act 628/1998 and Basic Education Decree 852/1998—fully granted local authorities the jurisdiction to arrange and carry out education services.⁶⁰ However, in the wake of the country’s fluctuations from a patchwork educational system to a centralized model and then back to a more locally-controlled model, Finland retained, arguably, its two most important features: (1) a nationalized set of curriculum standards and (2) a rigorous, streamlined model for teacher training.⁶¹

Finland’s highly-sought teacher training program attracts nearly eight times as many applicants as it has spaces to fill, and as a

⁵⁶ *Id.* at 36, 50.

⁵⁷ *See* AHO ET AL., *supra* note 15, at 88–89 (“Finland’s GDP shrank by 12 percent from 1991 to 1993. Unemployment rates soared. In 1990, just 3 percent of the country’s 2.5 million workers lacked jobs. By 1994, some 456,000 Finns—18 percent of the labor force—were unemployed. . . . [T]he national debt surged sevenfold from 1989, reaching 67 percent of GDP in 1995.”); *id.* at 62.

⁵⁸ *See id.* at 89 (“Finland’s shifting fiscal situation forced education policymakers to adjust their focus. Instead of figuring out how to increase participation and ensure quality, they now had to concentrate on improving the school system’s efficiency and prepare students for a harsher job market.”).

⁵⁹ Risku, *supra* note 15, at 36, 52.

⁶⁰ *See generally* Basic Education Act 628/1998 (Fin.), amendments up to 1136/1021; Basic Education Decree 852/1998 (Fin.).

⁶¹ Risku, *supra* note 15, at 54; AHO ET AL., *supra* note 15, at 50.

result, the country enjoys a high rate of fully qualified teachers.⁶² Applicants for teacher education programs must undergo a two-phase selection process.⁶³ The first part, called VAKAVA, consists of a 180-page, multiple-choice literacy test on academic articles that aims to test memorization, understanding, application of knowledge, somewhat comparable to the U.S.-based Law School Admissions Test (LSAT).⁶⁴ The second part is an aptitude test consisting of an interview and group discussion, designed to assess “applicants’ suitability, motivation, and commitment to teacher education and the teacher’s work.”⁶⁵ Once applicants are admitted to the research-based program, it typically takes five years to finish the 300-credit Master’s program.⁶⁶

While Finland was solidifying and strengthening its criteria for its teachers, the U.S. finally began to address teacher quality in federal legislation with the introduction of the No Child Left Behind Act of 2001 (NCLB).⁶⁷ The legislation drastically expanded federal oversight of public schools in an exchange of increased federal resources for extraneous student testing and school accountability measures in an effort to gauge each school’s “adequate yearly progress.”⁶⁸ The act also, for the first time, addressed the quality of U.S. teachers and sought to stock the nation’s schools with “highly qualified” teachers, a term left searching for definition.⁶⁹ The act prohibited the immediate hiring of

⁶² See Olli-Pekka et al., *supra* note 3, at 571 (“In recent years, the nationwide number of applicants for class-teacher education programmes has been approximately 7000, when the yearly intake is about 900 students.”); *id.* at 570 (“In 2010, 95.2% of elementary class teachers were qualified for their position.”).

⁶³ *Id.* at 571.

⁶⁴ See *id.* at 571–72 (“A side-effect of the new national VAKAVA exam has been the rise of market-priced preparation courses that some private cram school firms have started to offer for the teacher education applicants.”).

⁶⁵ *Id.*

⁶⁶ *Id.* at 573.

⁶⁷ See generally No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425 § 2101–2151 (2001) (allotting funding and establishing accountability measures for “preparing, training, and recruiting high quality teachers and principals”).

⁶⁸ See Derek Black, *Abandoning the Federal Role in Education: The Every Student Succeeds Act*, 105 CALIF. L. REV. 1309, 1324 (2017).

⁶⁹ See No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425 § 1111(b)(8)(C) (2001) (“ensure that . . . schoolwide programs and targeted assistance schools provide instruction by highly qualified instructional staff. . . .”); Renee v.

new teachers who failed to meet the “highly qualified” standard and required that, within four years of the act’s passage, states show that all its teachers were highly qualified.⁷⁰ However, for the resources the law provided, few were dedicated to help states achieve a “highly qualified” teaching workforce, and many states “quickly and clearly failed” to implement the measure.⁷¹ Among NCLB’s many rigorous timelines for educational improvement, Congress diminished the act’s objective of widespread “highly qualified” teachers far ahead of its designated schedule.⁷²

While NCLB finally addressed the most important element of quality education—teacher quality—left untouched by the Elementary and Secondary Education Act of 1965, it did little more than acknowledge that the quality of teachers does in fact matter.⁷³ In practice, however, it undermined teacher quality in the United States. Unlike Finland’s model of a rigorous training model with high barriers to entry, NCLB provided that “highly qualified” teachers included not only those who had obtained full State teaching certification but also teachers who obtained certification “through alternative routes,”

Duncan, 623 F.3d 787, 800 (9th Cir. 2010) (reversing lower court’s judgment that teachers participating in alternative certification while employed are “highly qualified” for the purpose of NCLB).

⁷⁰ See No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425 § 1119(a)(1) (2001) (“Beginning with the first day of the first school year after the date of enactment of the No Child Left Behind Act of 2001, each local educational agency receiving assistance under this part shall ensure that all teachers hired after such day and teaching in a program supported with funds under this part are highly qualified.”); No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425 § 1119(a)(2) (2001) (“[E]ach State educational agency receiving assistance under this part shall develop a plan to ensure that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005-2006 school year.”).

⁷¹ Black, *supra* note 68, at 1328.

⁷² *Id.*

⁷³ See Vasquez Heilig et al., *supra* note 6, at 394 (“Teacher quality has been identified as the most important indicator of school quality. The effectiveness of the teacher is the major determining factor of long-term student academic progress. Teacher quality has a cumulative effect on student achievement. As a result, when students are assigned several under-qualified teachers consecutively, those students are less likely to demonstrate grade-level proficiency than students who had three highly effective teachers in a row.”).

allowing states a great deal of deference and flexibility to decide whether teachers met the appropriate qualifications and allowing further inconsistency in the teacher certification structure.⁷⁴ In the collective seventeen years prior to NCLB, 133,000 teachers taught under an alternative certification designation.⁷⁵ Within seven years of the legislation's passage, 359,000 teachers were teaching under alternative certification.⁷⁶

D. The Every Student Succeeds Act and the Teaching Landscape Today in the U.S.

As more schools each year failed to meet the ever-expanding benchmarks of “adequate yearly progress,” the eventual implosion of NCLB became evident to educators, policy makers, and legislators, and in December 2015, Congress passed the Every Student Succeeds Act (ESSA).⁷⁷ While the Every Student Succeeds Act removed the emphasis on “adequate yearly progress” testing standards, instead placing test results among several factors on which a state can assess its progress, it also extracted much oversight in general from public schools and conveniently omitted NCLB’s “highly qualified” language.⁷⁸ Instead, the act only requires that teachers be “certified,”

⁷⁴ See No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425 § 9101(23)(A) (2001) (“The term ‘highly qualified’—(A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that—(i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State’s public charter school law; and (ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis. . .”).

⁷⁵ See Vasquez Heilig et al., *supra* note 6, at 390.

⁷⁶ *Id.*

⁷⁷ See Black, *supra* note 68, at 1329 (In 2011, “the Secretary of Education announced that 80 percent of the nation’s schools would fail to meet [the] requirements [of NCLB] in the coming months, triggering NCLB’s sanctions.”); Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802 (2015).

⁷⁸ See *id.* at 1336 (“[T]he ESSA now prohibits the Department from ‘mandating, directing, or controlling’ any state’s teacher ‘evaluation system,’ ‘definition’ of teacher ‘effectiveness,’ and ‘professional standards, certification, or licensing.’”).

leaving the process and specifications by which certification is obtained squarely to the discretion of the states. Further, ESSA removes teacher evaluations from federal oversight and omits the need for student test scores in teacher evaluations.⁷⁹ Unlike NCLB, ESSA does not require states to disclose teacher quality data to parents.”⁸⁰

University of South Carolina School of Law Professor Derek Black calls ESSA’s certification requirements “the equivalent of the bare minimum to enter a classroom, not an aspirational quality standard” and argues that the legislation “sanction[s] ‘alternative certification’ and fast-track ‘educator preparation programs,’ . . . authoriz[ing] and encourage[ing] states to dip below traditional certification and qualification processes.”⁸¹ “In short,” he contends, “under the ESSA, a certified teacher is anyone the state certifies to teach.”⁸²

III. STUDY HALL: THE EFFECTS OF ALTERNATIVE CERTIFICATION

While the effects of non-traditional certification pathways on student outcomes are somewhat mixed, much of the research shows that traditionally-certified teachers produce better student results.⁸³ More importantly, the link between alternative teacher preparation programs leading to higher teacher turnover and reduced teacher retention remains well-documented and largely undisputed.⁸⁴ While

⁷⁹ See Laura Adler-Greene, *Every Student Succeeds Act: Are Schools Making Sure Every Student Succeeds?*, 35 *TOURO L. REV.* 11, 17 (“Under ESSA, school districts no longer have to prove that teachers are highly qualified in order to receive Title I funds.”).

⁸⁰ *Id.*

⁸¹ Black, *supra* note 68, at 1336.

⁸² *Id.*

⁸³ See generally Denise Whitford et al., *Traditional vs. Alternative Teacher Preparation Programs: A Meta-Analysis*, 27 *J. OF CHILD AND FAM. STUD.* 671 (2018); but see Ildiko Laczko-Kerr & David C. Berliner, *The Effectiveness of “Teach For America” and Other Under-Certified Teachers on Student Academic Achievement: A Case of Harmful Public Policy*, 10 *EDUC. POL’Y ANALYSIS ARCHIVE*, 37 (2002).

⁸⁴ See James P. Van Overschelde & Afi Y. Wiggins, *Teacher Preparation Pathways: Differences in Program Selection and Teacher Retention*, 42 *ACTION IN TCHR. EDUC.* 311, 314 (2020) (“[I]t is a well-established finding that new teachers prepared through TPPs [traditional preparation programs] remain in the classroom at

teacher retention and turnover is generally problematic in the United States, it is even more so with alternatively certified teachers, which have become a large segment of the U.S. teaching population.⁸⁵ This institutional instability is most pronounced in low-income schools, whose classrooms are the most likely to be filled with alternatively-certified teachers and Teach for America recruits.⁸⁶ In particular, the mere two-year commitment established by Teach for America creates a revolving door of teaching staff, instilling even more havoc in the lives of low-income students, who are more likely to already be battling poverty-related instability.⁸⁷

Moreover, alternative certification and Teach for America-style paths to certification exude a very Wall-Street-like mentality: How do we get the most talented people? We poach them. The trouble with this kind of thinking is that it fundamentally hinges on the “smart kid”

significantly higher rates than teachers prepared through ACPs [alternative certification programs].”)

⁸⁵ See García & Weiss, *supra* note 7 (“13.8 percent [of public school teachers] are either leaving their school or leaving teaching altogether, according to most recent data.”); *id.* (In a “longitudinally tracked” study of traditionally prepared and alternatively certified teachers in New York City public schools, “[a]fter 5 years, 69% of the TPP teachers were still teaching in New York City schools whereas only 51% of the Teacher Fellows and 14% of the Teach for America completers were still teaching.”); see also Vasquez Heilig et al., *supra* note 6, at 389 (“In some states, [alternative certification] represents between thirty to fifty percent of new teacher recruits.”).

⁸⁶ See Vasquez Heilig et al., *supra* note 6, at 411 (“While it is essential that classrooms be led by well-educated, competent, and high-quality teachers, low-achieving students are often taught by teachers who are less qualified and less effective than are high-achieving students. Poor and minority students are also disproportionately assigned less qualified and less effective teachers. This inequitable distribution of effective teachers further compounds the disadvantage that high-poverty and high-minority students are faced with in school.”).

⁸⁷ See Vasquez Heilig et al., *supra* note 6, at 388 (“Schools with high-minority and low-socioeconomic populations have always experienced difficulty recruiting and retaining high-quality teachers. Since low-performing schools are often located in high-poverty neighborhoods, the working conditions and characteristics of those neighborhoods (population density, income level, violent crime rate) have impacted their potential teachers’ career decisions. As might be expected, research shows that teachers often avoid taking jobs in schools serving low-performing minority and poor students. In turn, low-income students have limited opportunities to learn from high-quality teachers.”).

trope—that some people are inherently smart and competent and will succeed in whatever endeavor into which they are haphazardly thrown.⁸⁸ Unfortunately when the “smart kids” are faced with difficulty, their instinct is to question their “smartness” and throw up their hands in favor of some activity that makes them feel smarter.⁸⁹ While it is undoubtedly probable that Teach for America only requires a two-year commitment because it expects that the college graduates it enlists are on their way elsewhere up the ladder, the program’s brief time commitment may reflect a deeper understanding of, and accounting for, the psyche of its young, ambitious recruits.

A more pervasive and less overtly noticeable effect of allowing multiple paths to the same occupation is the de-professionalization and demoralization of teachers, a field looked upon with disdain by high-achieving U.S. college students, or at the very most, as nothing more than a stepping stone—a way to fill the time before applying for graduate school, or a quick resume-builder before darting off to better ventures in business or finance.⁹⁰ It is precisely because policymakers

⁸⁸ See Gwen Dewar, *Praise and Intelligence: Why Telling Kids They are Smart Makes Them Act Dumb*, PARENTING SCI., <https://www.parentingscience.com/praise-and-intelligence.html> (last updated Feb. 2013).

⁸⁹ See *id.* (“Kids who were praised for their intelligence tended to avoid challenges. Instead, they preferred easy tasks. They were also more interested in their competitive standing—how they measured up relative to others—than they were in learning how to improve their future performance. By contrast, kids who were praised for their effort showed the opposite trend. They preferred tasks that were challenging—tasks they would learn from.”).

⁹⁰ See Madeline Will, ‘*Deprofessionalization Is Killing the Soul of Teaching*,’ *Union President Says*, EDUC. WEEK (Apr. 18, 2019), <https://www.edweek.org/teaching-learning/deprofessionalization-is-killing-the-soul-of-teaching-union-president-says/2019/04>; see also Steven C. Ward, *Crisis in American Education as Teacher Morale Hits an All-Time Low*, CONVERSATION (Apr. 7, 2015), <https://theconversation.com/crisis-in-american-education-as-teacher-morale-hits-an-all-time-low-39226> (“The 2012 MetLife Survey of Teachers found that teacher job satisfaction declined from 62% of teachers feeling “very satisfied” in 2008 to 39% by 2012. This was the lowest in the 25-year history of the survey. The survey also showed how stressed teachers in America were. It found that over “half (51%) of teachers report feeling under great stress several days a week,” an increase of 70% from teachers reporting stress in 1985.”). *But see* Vasquez Heilig et al., *supra* note 6, at 411 (“Men and women entering the profession via TFA should do so not as a short-term stepping stone to other vocations—but because they feel a long-term calling and a commitment to dedicate a career to teaching.”).

have lowered the bar to entry that teaching is perceived as a field that requires outside regulation, with never-ending student standards and teacher evaluations.⁹¹ If practically anyone can do it, we must put in sufficient rail guards, metrics, and monitors to figure out if they're doing it correctly, and, above all, make sure they're not shirking. This barrage of monitoring creates pressured environments that lead to decreased job satisfaction and burnout.⁹²

The de-professionalization of teachers feeds the rationalization for the other underlying problem plaguing education in the United States: low teacher pay.⁹³ While my primary argument favors better teacher recruitment and preparation, teacher salary cannot be dismissed because it represents the level of prestige, or lack thereof, of the profession. De-professionalization, caused by low entry standards, provides justification to policy makers for low teacher pay, which further lowers the image of teaching. Teacher pay has been linked to teacher aptitude, teacher turnover, and student performance.⁹⁴ A nationalized teacher recruitment strategy, combined with a more uniform preparation program, must inevitably be combined with

⁹¹ See Ward, *supra* note 90 (“[T]eachers no longer control the curriculum as they should. This vacuum has been filled by a host of commercial companies that have developed products to be used both inside and outside the classroom.”).

⁹² See Einar M. Skaalvik and Sidsel Skaalvik, *Teacher Self-Efficacy and Teacher Burnout: A Study of Relations*, 26(4) TEACHING AND TEACHER EDUCATION 1059 (2010).

⁹³ See Peter Dolton and Oscar D. Marcenaro-Gutierrez, *If You Pay Peanuts Do You Get Monkeys? A Cross-Country Analysis of Teacher Pay and Pupil Performance*, 26 ECON. POLICY 7 (2011) (stating that U.S. teachers are only paid at the 49th wage distribution percentile, as compared to teachers in Korea, who are paid at the 78th percentile).

⁹⁴ See Andrew Leigh, *Teacher Pay and Teacher Aptitude*, 31 ECON. OF EDUC. REV. 41 (2012) (stating that “[a] 1 percent rise in the salary of a starting teacher boosts the average aptitude of students entering teacher education courses by 0.6 percentile ranks”); see also Matthew D. Hendricks, *Does it Pay to Pay Teachers More? Evidence from Texas*, 109 J. OF PUB. ECON. 50 (2014) (finding “strong evidence of a negative causal relationship between teacher pay and turnover” and stating that “estimates suggest that a 1% increase in teacher pay reduces teacher turnover by 0.16 percentage points . . . [or] by 1.4%”); Dolton and Marcenaro-Gutierrez, *supra* note 93 (finding “a highly significant and positive effect of teacher wages on pupil test scores” and “suggest[ing] that a 10% increase in teacher pay would give rise to around a 5-10% increase in pupil performance . . . [and that] a 5% increase in the relative position of teachers in the salary distribution would increase pupil performance by about 5-10%.”).

higher pay to attract higher quality candidates, who have many other career options.⁹⁵ Teaching must pay at least similarly to other professions that require the same level of education, and on this measure, Finland does notably better than the United States.⁹⁶

All of these trends lead to perhaps the most pressing problem facing education in the United States: the dire need for teachers.⁹⁷ The United States faces an impending shortage of teachers at both the elementary and secondary levels combined with a reduction in teacher preparation program candidates.⁹⁸ The situation has become so dire that some schools in rural and difficult-to-staff areas have resorted to hiring foreign teachers, which was exacerbated by the immigration policies of the recent Trump administration.⁹⁹

⁹⁵ See Dick Startz, *Teacher Pay Around the World*, BROOKINGS (June 20, 2016), <https://www.brookings.edu/blog/brown-center-chalkboard/2016/06/20/teacher-pay-around-the-world/> (“[Y]ou want to pay enough to attract really good people to become teachers in the first place and to remain in teaching rather than bailing out for a more lucrative career.”).

⁹⁶ See *id.* (comparing Finnish and U.S. teacher pay to and noting that while “Finland is pretty much an average player when it comes to teacher pay” and that “both Finland and the United States pay teachers less than they pay other college graduates . . . Finland gets notably closer than we do.”); see also *Education at a Glance 2020*, OECD INDICATORS, at 385, 388 (2020), available at https://read.oecd-ilibrary.org/education/education-at-a-glance-2020_69096873-en#page386 (finding that while the United States pays teachers more than Finland in overall aggregate salary (figure D3.2), Finland pays its teachers more relative to the salaries of other similarly educated professionals (Figure D3.1)).

⁹⁷ See generally LEIB SUTCHER ET AL., A COMING CRISIS IN TEACHING? TEACHER SUPPLY, DEMAND, AND SHORTAGES IN THE U.S., (Learning Policy Inst. Sept. 2016), available at <https://learningpolicyinstitute.org/product/coming-crisis-teaching> (predicting a need of 316,000 new teachers annually by 2025).

⁹⁸ See García & Weiss, *supra* note 7 (“The share of schools that were trying to fill a vacancy but couldn’t tripled from the 2011–2012 to 2015–2016 school years (increasing from 3.1 to 9.4 percent), and in the same period the share of schools that found it very difficult to fill a vacancy nearly doubled (from 19.7 to 36.2 percent). . . . From the 2008–2009 to 2015–2016 school years, there was a 15.4 percent drop in the number of education degrees awarded and a 27.4 percent drop in the number of people who completed a teacher preparation program.”). See also SUTCHER ET AL., *supra* note 97 (estimating a shortage of 112,000 teachers in 2018).

⁹⁹ See Holly Yan et al., *Desperate to Fill Teacher Shortages, US Schools are Hiring Teachers from Overseas*, CNN (Oct. 6, 2019),

IV. CLASS PROJECT: A FINNISH EDUCATION MODEL FOR THE UNITED STATES

A. A National Campaign for Teacher Recruitment

The family of elephants¹⁰⁰ lurking amidst the advocacy for a Finnish-style nationalized model of teacher preparation in the United States shriek at the obvious differences between the two countries: the United States is a geographically large, diverse country of 330 million people with a federation-style government while Finland is a much smaller, homogenous state of only five and half million people with a more centralized government.¹⁰¹ How could the United States possibly replicate the teacher education model of such a vastly different country?

The short answer is that the United States most likely could never truly replicate such a model, but it certainly can learn some lessons, the first of which is, teaching is not a job—it's a profession. Professions are marked by prestige, which can be created in many ways, one of which is competition for entry into the field.¹⁰² While

<https://www.cnn.com/2019/10/06/us/international-teachers-us-shortage/index.html>; *see also* Dana Goldstein, *Teacher Pay Is So Low in Some U.S. School Districts That They're Recruiting Overseas*, N.Y. TIMES (May 2, 2018), <https://www.nytimes.com/2018/05/02/us/arizona-teachers-philippines.html>; Hannah Critchfield and Liz Donovan, *Trump's Ban on Foreign Workers Has Left Schools with Teacher Shortages*, INTERCEPT (Dec. 12, 2020), <https://theintercept.com/2020/12/12/j-1-visa-ban-teachers/>.

¹⁰⁰ *See An Elephant in the Room*, CAMBRIDGE DICTIONARY, <https://dictionary.cambridge.org/us/dictionary/english/an-elephant-in-the-room> (last visited Apr. 15, 2022) (describing “an elephant in the room” as “an obvious problem or difficult situation that people do not want to talk about”).

¹⁰¹ *See QuickFacts: United States*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/US/PST045221> (last visited Apr. 15, 2022) (estimating U.S. population at 331,893,745 as of July 1, 2021); *Finland: People and Society, Population*, CIA'S THE WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/finland/#people-and-society> (last visited Apr. 15, 2022) (listing Finland's 2022 estimated population at 5,601,547).

¹⁰² *See Are You Really a Teacher?*, EDUCATION ZONE, <https://ezone.ac/are-you-really-a-teacher/> (Dec. 22, 2019) (citing National Center on Education and the Economy) (“The attractiveness of teaching likely has much more to do with the selection process, the work itself, and the working conditions than teacher pay (which

Finland’s teacher education model is no doubt rigorous, the aspect of teacher education in Finland that most surpasses the United States is its competitiveness and selectivity. One way to increase teacher quality in the United States is to follow Finland’s lead and simply get more people knocking on the door.¹⁰³

While it would be nearly impossible for the U.S. Department of Education to coordinate a unified teacher education program at the university level, there really is no need for such activity. Many quality teacher education programs exist throughout the country that do a good job of educating the nation’s teachers, they just need more and better recruits.¹⁰⁴ Additionally, the United States has an existing path for National Board certification.¹⁰⁵ While the federal government cannot mandate, it certainly can incentivize teaching recruits and nudge them toward these programs.

NCLB attempted to increase the teaching field retroactively, by allowing those holding a bachelor’s degree to seek alternative certification and essentially learn the art of teaching on the job.¹⁰⁶

is similar to that in many other European countries) or simply respect for teachers. Because Finland has very high standards that must be met to enter teacher preparation programs, just getting in is a prestigious accomplishment.”). *See also* Sahlberg, *supra* note 4, at 2 (“Wages are not the main reason young people become teachers in Finland. Teachers earn very close to the national average salary level, typically equivalent to what mid-career middle-school teachers earn annually in the OECD nations—about \$38,500 in U.S. dollars (OECD, 2008). More important than salaries are such factors as high social prestige, professional autonomy in schools, and the ethos of teaching as a service to society and the public good. Thus, young Finns see teaching as a career on a par with other professions where people work independently and rely on scientific knowledge and skills that they gained through university studies.”).

¹⁰³ *See* Sahlberg, *supra* note 4, at 2 (“Among young Finns, teaching is consistently the most admired profession in regular opinion polls of high school graduates. . .”).

¹⁰⁴ *See generally* Overschelde & Wiggins, *supra* note 84, at 311.

¹⁰⁵ *See* NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS, <https://www.nbpts.org> (last visited Oct. 23, 2021).

¹⁰⁶ No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425 § 2311–14 (2001) (establishing the “transition to teaching program,” which allows professionals and graduates to obtain employment “as teachers . . . through alternative routes to certification”).

However, a more enduring increase in teacher applicants could be achieved with a national campaign encouraging young people to consider teaching as a career, similar to the type of promotion used by the military. The ideal campaign would be targeted at high-performing high school students and backed by generous federal funding for both tuition and a living stipend to help students complete both a bachelor's and master's degree in a public university in exchange for a commitment to teach for a minimum number of years—perhaps five, maybe even eight or ten. In lieu of the risk of paying tuition directly to a school, a loan payoff arrangement could be utilized where the federal government pays off the recipient's loans over a three-year period following graduation and obtaining a teaching position, also similar to existing military reserve officer training arrangements.¹⁰⁷

In fact, the United States already has a framework for such an incentivized program. The Higher Education Act, originally passed in 1965 and most recently amended in 2008, authorizes Teacher Education Assistance for College and Higher Education (TEACH) Grants alongside some student loan forgiveness.¹⁰⁸ The problem is that the grants are simply not large enough to meaningfully recruit top students. TEACH grants only provide up to \$4,000 each year, for a total of \$16,000.¹⁰⁹ With the average cost of undergraduate tuition, fees, room and board of \$17,797 for the 2017-2018 academic year,¹¹⁰ \$4,000 does little to interest potential students, especially when the relatively low earning potential of the teaching profession is taken into

¹⁰⁷ See generally, *Army ROTC Scholarships*, U.S. ARMY, <https://www.goarmy.com/rotc/scholarships.html> (last visited Mar. 4, 2022); *Undergraduate Degree Opportunities*, U.S. NAVY, <https://www.navy.com/what-to-expect/education-opportunities/undergraduate-degree-opportunities> (last visited Mar. 4, 2022); *College Student Scholarship Types*, U.S. AIR FORCE ROTC, <https://www.afrotc.com/scholarships/college/types/> (last visited Mar. 4, 2022).

¹⁰⁸ See generally, Rita R. Zota, *TEACH Grants: A Primer*, CONG. RSCH. SERV. (Dec. 12, 2019), <https://crsreports.congress.gov/product/pdf/R/R46117>; Jeffrey J. Keunzi, *K-12 Teacher Recruitment and Retention Policies in the Higher Education Act: In Brief*, CONG. RSCH. SERV. (Sept. 4, 2019), <https://crsreports.congress.gov/product/pdf/R/R45914>.

¹⁰⁹ See Rita R. Zota, *TEACH Grants: A Primer*, CONG. RSCH. SERV. (Dec. 12, 2019), <https://crsreports.congress.gov/product/pdf/R/R46117>.

¹¹⁰ See *Tuition Costs of Colleges and Universities*, NAT'L CENTER FOR EDUC. STAT., <https://nces.ed.gov/fastfacts/display.asp?id=76> (last visited Oct. 23, 2021).

account. A more exciting program would cover tuition costs completely and provide a living stipend. An addition stipend to a newly-certified teacher could further incentivize this type of federal teaching recruitment program. To encourage schools to hire such teachers, an additional stipend could also be provided to the school, although this measure is likely not needed as schools are in desperate need of qualified candidates.

The caveat to this kind of arrangement would be some type of nationally-imposed rigorous entrance exam, similar to what Finnish students endure before they are admitted into a teacher preparation program, and akin to the Law School Admission Test (LSAT), a notoriously difficult exam.¹¹¹ For example, Finnish elementary education majors take a two-part entrance exam, which includes a literature test.¹¹² In 2015, out of a pool of 1,807 applicants, 240 were advanced to the second part of the test and 120 were ultimately admitted into the program.¹¹³ These numbers stand in stark contrast to the candidate and teaching shortages facing the United States.¹¹⁴

However, an entrance exam need not be the only barrier to entry to render teaching a more competitive field, although research shows that setting higher admission standards leads to teachers who have better academic credentials and score higher on academic achievement measures.¹¹⁵ Some U.S. colleges already have rigorous application processes for teaching candidates. For example, Idaho State University has implemented a “standards-based admission process” that assesses potential teaching candidates’ “affective, moral,

¹¹¹ See Alexandra Beatty & Ana Ferreras, *Teacher Preparation in Finland*, in SUPPORTING MATHEMATICS TEACHERS IN THE UNITED STATES AND FINLAND: PROCEEDINGS OF A WORKSHOP, 16 (Nat’l Academies Press, 2018). See also Vasquez Heilig et al., *supra* note 6, at 411 (“No one would argue that doctors and lawyers should not be required to pass qualifying exams to ensure they have mastered the requisite skills to practice within their professions. Why is it that such threshold skills are not considered at least as important in the teaching profession?”).

¹¹² See Beatty & Ferreras, *supra* note 111, at 16.

¹¹³ *Id.*

¹¹⁴ See García & Weiss, *supra* note 7.

¹¹⁵ See Peter R. Denner et al., *Selecting the Qualified: A Standards-Based Teacher Education Admission Process*, 15 J. OF PERSONNEL EVALUATION IN EDUC., 165, 165-66 (2001).

[and] ethical dispositions” in addition to the traditional criteria, which includes “formal applications, grade point averages, written recommendations, grades in required classes, and standardized test scores. . . .”¹¹⁶ This type of selective admissions procedure better prepares its candidates to enter the profession.¹¹⁷ Most importantly, however is the public perception of the standards, which leads to “anticipatory socialization” and “negative self-screening,” which in turn results in higher quality candidates.¹¹⁸

A persuasive argument against this type of national emphasis on traditional teacher preparation and certification is that alternative certification has provided a route for the preparation of more male teachers and teachers of color, who, after resolving preparation differences, were found more likely to remain teaching.¹¹⁹ Heavily incentivizing traditional certification could potentially hamper the progress of attracting diverse candidates into the field. Additionally, an entry exam requirement could further discourage minority candidates from entering the field. However, one of the reasons these populations may be attracted to alternative certification is the opportunity to learn on the job and begin earning a salary in the process. Providing a living stipend and generous tuition support for qualified teacher candidates would address the potential downturn in diverse applicants and allow potential teacher candidates the means by which to obtain traditional certification. Further, any additional testing requirements need not be costly or overly-burdensome to be effective.¹²⁰ In fact, the Armed

¹¹⁶ *Id.*

¹¹⁷ *Id.* at 175.

¹¹⁸ *See id.* at 175-76 (“Public awareness of our standards for program admission and public understanding of the rigor with which those standards are assessed do much to enhance the status of teaching and, thus, the attractiveness of the profession to potential candidates.”); *see also id.* at 176 (“In other words, potential candidates begin developing those characteristics required for admission (and valued by the institution and faculty), while candidates who do not possess those characteristics self-select out of the admission process.”).

¹¹⁹ *See* Overschelde & Wiggins, *supra* note 84, at 312 (“Some research showed White and female teachers were significantly more likely to leave teaching than were teachers of color and male teachers, respectively.”).

¹²⁰ While earlier this note compared a potential testing requirement to the Law School Admission Test (LSAT), this is not necessarily the ideal model for such a requirement. Taking the LSAT, which is independently administered through the

Services Vocational Aptitude Battery (ASVAB) test is administered widely throughout U.S. high schools at no cost to the students who take it, and contains sections on “arithmetic reasoning, word knowledge, paragraph comprehension and mathematics knowledge,” not so unlike Finland’s teaching program entrance exams.¹²¹ While likely not a perfect tool, student scores from the ASVAB could be utilized to at least provide a starting point for establishing a teacher candidacy examination in the United States.

B. Put the Teachers in Charge

Ultimately, the reason the Finnish model works so well is because the teachers have a large degree of autonomy and voice in their profession. The next step for the teaching profession in the United States would be to remove teacher certification from the hands of politicians and place it in the hands of teachers, allowing teachers to model their profession after doctors and lawyers, and move it to the status of licensure.¹²²

Law School Admission Council (LSAC), is extremely cost-prohibitive. The 2021–2022 fee for taking the test is \$200. Students must then register with the LSAC Credential Assembly Service at a cost of \$195 to apply to law schools. These minimum fees are in addition to any study programs a student might pay for, and many students take the \$200 LSAT more than once. *See LSAT & CAS Fees and Refunds*, LSAC, <https://www.lsac.org/lSAT/lSAT-dates-deadlines-score-release-dates/lSAT-cas-fees-and-refunds> (last visited Mar. 8, 2022).

¹²¹ *See generally The ASVAB Test*, MILITARY.COM, <https://www.military.com/join-armed-forces/asvab> (last visited Oct. 23, 2021).

¹²² *See* Ildiko Laczko-Kerr & David C. Berliner, *The Effectiveness of “Teach For America” and Other Under-Certified Teachers on Student Academic Achievement: A Case of Harmful Public Policy*, 10 EDUC. POL’Y ANALYSIS ARCHIVE 5, 5 (2002) (“This battle over control of training is not new. For over 150 years who certifies teachers and how that certification is to be done has been a topic of intense debate. At all times, as might be expected, professional educators have fought to control the process, using medicine and law as their models.”); *id.* at 3 (“[T]here is a difference between certification and licensure. Lawyers, cosmetologists, and physicians represent a few of the many professions that Professions that require licensure make it illegal for someone without a license to practice that occupation. A person without a law or cosmetology license would be committing a crime if caught practicing law or working in a hair-dressing salon. No such legal protection is afforded the public when it comes to education. Teachers without certification are simply not allowed to use the title of ‘certified teacher’ but there are no legal impediments for teaching without

The fact that teaching has largely been dominated by women while the legal and medical fields have been dominated by men points to the inherent sexism underlying teachers' lack of control over their profession in the first place.¹²³ The U.S. Department of Education could work with teachers groups such as the National Education Association (NEA) or the American Federation of Teachers (AFT) to ensure a solidified system of certification and then grant funds to states that relinquish their teacher certification over to a state-level teacher-led group like the NEA or AFT, which would then oversee the implementation of their own standards, much like the American Bar Association.

Additionally, this increased teacher autonomy could lead to more unionization of teachers. More widespread unionization would allow teachers to better negotiate pay and working conditions, including more preparation and collaborative time during the school day, and reduced class sizes.¹²⁴ This decreased student face-time could reduce teaching loads and teacher stress and also foster student creativity and independence by allowing students more time for free play and unstructured activity.

C. Keep the Common Core Standards

Although this note does not address the Common Core Standards in depth, it would be an oversight not to mention that Finland maintains a national curriculum similar to the United States'

certification. This difference between certification and licensure allows states to issue emergency certificates but not emergency licenses.”)

¹²³ *Labor Force Statistics from the Current Population Survey: Employed Persons by Detailed Occupation, Sex, Race, and Hispanic or Latino Ethnicity*, U.S. BUREAU OF LABOR STATISTICS, <https://www.bls.gov/cps/cpsaat11.htm> (last visited Apr. 15, 2022) (showing that 73.7% of workers in the “Education, training, and library occupation” in 2021 were women—including 96.8% of preschool and kindergarten teachers, 79.2% of elementary and middle school teachers, and 59.5% of secondary school teachers—compared with 37.9% of lawyers, 27.7% of surgeons, and 39.7% of “other physicians”).

¹²⁴ Finland generally has smaller teacher-to-student ratios and class sizes than the United States. See *Education at a Glance 2020*, *supra* note 96, at 381.

Common Core, initiated in 2009.¹²⁵ Some type of national standards would serve as guide to America’s professional educators, not a benchmarked checklist by which to berate them and test students.¹²⁶ The standards identify the mere “what” of education, but the teachers, in their professional group, could best ascertain the “how” to effectively communicate with students.

D. Get Rid of Regular Standardized Testing

Omitting regular standardized testing would allow teaching professionals the autonomy to best evaluate their students.¹²⁷ Finland does not utilize standardized testing.¹²⁸ Currently, the Every Student

¹²⁵ See generally *Common Core State Standards Initiative*, <http://www.corestandards.org/> (last visited Nov. 21, 2021); see also OECD, FINLAND: SLOW AND STEADY REFORM FOR CONSISTENTLY HIGH RESULTS 123 (2011), available at <https://www.oecd.org/pisa/pisaproducts/46581035.pdf> (“While there is a national core curriculum in Finland, over the past 20 years it has become much less detailed and prescriptive. It functions more as a framework, leaving education providers and teachers latitude to decide what they will teach and how. Teachers select their own textbooks and other instructional materials, for example.”).

¹²⁶ See John A. Tures, *Schools Haunted by Ghost of No Child Left Behind Act*, OBSERVER (July 10, 2017) <https://observer.com/2017/07/effect-standardized-testing-public-schools/> (“Standardized tests existed before NCLB, but the big difference was that NCLB bureaucrats could base their decisions on them; Test scores were used not only to evaluate performance but also to decide whether a school would keep its doors open.”); but see Kirp, *supra* note 3 (“Many teachers like the standards, because they invite creativity in the classroom —instead of memorization, the Common Core emphasizes critical thinking and problem-solving.”).

¹²⁷ See Päivi Gynther, *Finland*, in BALANCING FREEDOM, AUTONOMY AND ACCOUNTABILITY IN EDUCATION: VOLUME 2, 14 (“There are no league tables and no school inspectorates in Finland. Instead, school management and teaching staff are expected to carry out evaluation. Self-evaluation is currently the most popular method in attempts to improve the reliability and responsibility of single schools. Teachers carry out assessment in their respective subjects on the basis of objectives and assessment criteria written into the curriculum. The national core curriculum also includes the descriptions of good performance in all common subjects. Competence-based qualifications have been part of vocational education and training since 1994.”); see also Kirp, *supra* note 3 (stating that many teachers “complain that test prep and test-taking eat away weeks of class time that would be better focused on learning.”).

¹²⁸ See FINLAND: SLOW AND STEADY REFORM FOR CONSISTENTLY HIGH RESULTS, *supra* note 125 (“[T]he only external testing in comprehensive schools is

Succeeds Act has diminished the role of federal oversight in standardized testing.¹²⁹ Completely eliminating standardized testing does not fall entirely within the domain of the federal government, however. States would have to agree to dispense with the practice. Again, this is another area where the Department of Education could incentivize the elimination of yearly standardized testing. Instead, the Department could focus resources on the Programme for International Student Assessment (PISA), an internationally-benchmarked assessment of the skills of fifteen-year-old students, which is only offered every three years.¹³⁰

V. HOMEWORK: LESSON REVIEW

Teachers in the United States gain certification and enter the classroom through multiple pathways, which leads to a patchwork of teacher qualifications with more-qualified teachers serving in high-paying districts and lower-qualified, alternatively-certified teachers serving in low-income and minority districts. Alternatively certified teachers are more likely to leave, creating high teacher turnover and diminishing student outcomes. These low standards to enter the teaching field, coupled with low teacher pay have led to the de-professionalization of the teaching profession. Additionally, the United States currently faces a dire shortage of teachers, regardless of qualification.¹³¹ While the United States has focused much of its educational policy on student standards, curriculum, and student

done on a sampling basis and is designed to provide information on the functioning of the system as a whole, assessment in Finnish schools is a classroom responsibility. teachers are expected to assess their own students on an ongoing basis, using the assessment guidelines in the national core curriculum and textbooks. however, a major focus in Finnish classrooms is also on helping students learn how to assess their own learning.”).

¹²⁹ See Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802 (2015) § 8529 (prohibiting federally sponsored testing).

¹³⁰ See *PISA-FAQ, What is PISA?*, OECD, <https://www.oecd.org/pisa/pisafaq/> (last visited Oct. 23, 2021) (“PISA also collects valuable information on student attitudes and motivations, and formally assesses skills such as collaborative problem solving and global competence.”).

¹³¹ García & Weiss, *supra* note 7.

outcomes through various forms of legislation, it has not seriously and meaningfully addressed the issue of teacher quality.

To address educational inequality in the United States, policy makers must enhance and elevate the profession of teaching to attract more and better candidates. One solution is look to Finland, which has focused on recruiting high-performing students into the teaching profession and preparing them to enter the classroom through rigorous programs, cementing teaching as a well-respected profession. While the United States cannot mandate that universities offer specific programs, high-quality teacher preparation programs with selective admissions criteria already exist. These programs can be incentivized, expanded, and replicated to prepare high-quality teachers.

Federal policy makers should seek to address the teacher shortage by incentivizing more students to enter these programs through generous tuition grants, stipends, and loan forgiveness. The influx of well-funded students into these types of programs will encourage more universities to offer such programs. Additionally, policy makers should address low teacher pay, which must be elevated to that of other similarly-educated professionals. Compared to other industrialized countries, U.S. teachers earn significantly less than their similarly-educated peers in other professions. Policy makers should incentivize schools to hire these qualified teachers through additional grants and stipends provided to both the individual teacher and the hiring school.

Finally, teachers must be granted greater professional autonomy to run their own credentialing programs, similar to legal and medical professionals. Teachers are best positioned to establish their own professional standards and navigate the entry of new professionals into the field. While the United States should retain curriculum standards, such as the Common Core Standards, yearly standardized testing should be eliminated to allow teachers and students the time and space to learn organically. The future of the United States rests on its students, and a country is only as strong as its least educated citizens. The United States must invest in its citizens and children by making the investment to create professional, autonomous, and truly “highly qualified” teachers.