**UPDATED EFFECTIVE TEACHING AND LEADING ACT/TEACHER AND LEADER ELEVATION ACT**

**TITLE II –** Developing and Supporting Effective Educators for Disadvantaged Students

**PART A –** Educator Equity, Professional Development, and Recruitment Fund

**PURPOSE –** The purpose of this title is to elevate the teaching profession, support educators and improve student achievement in the nation’s schools by—

1. Increasing the capacity of local educational agencies, schools, teachers, principals, and other educators to set highexpectations and provide a well-rounded, engaging and rigorous education for all students;
2. Improving the quality and effectiveness of teachers, principals, and other educators;
3. Increasing the number of teachers, principals, and other educators who are effective in improving academic achievement in schools; and
4. Ensuring that all students, including low-income students, students of color, students with disabilities, and English language learners have equitable access to effective teachers, principals, and other educators;
5. Increasing the capacity of states and local educational agencies to develop and sustain a coherent, comprehensive and aligned professional continuum for teachers, principals, and other educators that leads to accomplished practice, leadership opportunities, and increased student learning.

**DEFINITIONS**

Professional Development (amending 9101 of ESEA) - The term `professional development' means creating a professional learning environment throughout the school that provides job-embedded comprehensive, sustained, targeted, and intensive support and capacity-building for teachers, principals, and other educators that—

1. fosters collective responsibility for improved student learning and sets high expectations;
2. is designed and implemented in a manner that increases leadership opportunities for teachers and other educators, and increases the effectiveness of teachers, principals, and other educators in improving student learning and strengthening classroom practice, including by expanding opportunities for teachers to participate in professional enhancement activities through a nationally-recognized standards-based certificate or advanced credential;
3. analyzes and uses—
   * + 1. real-time data and information collected from—
          1. evidence of student learning;
          2. evidence of effective classroom and instructional practice; and
          3. the State's longitudinal data system; and
       2. other relevant data collected by the school or local educational agency;
4. is aligned with—
   * + 1. rigorous State student academic achievement standards developed under section 1111(b)(1);
       2. related academic and school improvement goals of the school, local educational agency, and statewide curriculum;
       3. statewide and local curricula; and
       4. rigorous standards of accomplished professional practice and development;
5. includes frequently scheduled, significant blocks of time during the regular school day, which may include expanding the school day, among established collaborative teams, such as professional learning communities, of teachers, principals, and other educators in which teams engage in a continuous cycle of professional learning and improvement that—
   * + 1. identifies, reviews, and analyzes—
          1. evidence of student learning, including gaps in performance; and
          2. evidence of effective classroom practice and instructional strategies;
       2. defines a clear set of educator learning goals to improve student learning and strengthen classroom practice based on the rigorous analysis of evidence of student learning and evidence of effective classroom practice and the implementation of effective instructional strategies;
       3. develops and implements coherent, sustained, targeted, and evidenced-based professional development strategies to meet such goals (including through instructional coaching, lesson study, and study groups organized at the school, team, or individual levels);
       4. provides learning opportunities for teachers to collectively develop and refine student learning goals and develop instructional strategies to support students in meeting those goals;
       5. provides opportunities for teachers to develop, implement, and utilize the data from formative assessments to inform instructional practice;
       6. provides an effective mechanism to support the transfer of new knowledge and skills to the classroom (including utilizing teacher leaders, instructional coaches, school librarians, and content experts to support such transfer);
       7. creates structures of career continuums or advancement, allowing for the acquisition of knowledge, skills, and performance that result in teachers advancing into leadership roles throughout their careers;
       8. provides opportunities for follow-up, observation, and formative feedback and assessment of the teacher's classroom and instructional practice, on a regular basis and in a manner that allows each such teacher to identify areas of classroom practice that need to be strengthened, refined, and improved;
       9. regularly assesses the effectiveness of the support, and uses such assessments to inform ongoing improvements, in—
          1. improving student learning; and
          2. strengthening classroom and instructional practice;
       10. supports the recruiting, hiring, retaining, and training of profession-ready teachers, including teachers who become highly qualified and effective through State and local alternative routes to certification or licensure;
       11. Leverages resources such as research-based teaching standards and teacher portfolio processes to guide educator learning.
       12. Expands opportunities for teachers to participate in professional enhancement activities through a nationally-recognized standards-based certificate or advanced credential.

Evidence of Classroom Practice (added to 9101) - The term `evidence of classroom practice' means evidence of practice gathered from a classroom through multiple formats and sources, including some or all of the following:

1. Demonstration of effective teaching skills, including overall student performance and performance by subgroup as defined in section XXX of Title I of ESEA.
2. Classroom observations based on rigorous teacher performance standards or rubrics.
3. Student work, including performance tasks, portfolios, and project-based demonstrations.
4. Student data including attendance and rates of discipline.
5. Advanced certification by the National Board for Professional Teaching Standards
6. Teacher portfolios.
7. Videos of teacher practice.
8. Lesson plans.
9. Information on the extent to which the teacher collaborates and shares best practices with other teachers and instructional staff.
10. Information on the teacher's successful use of research and data.
11. Indicators of professional growth across a career continuum
12. Parent, student, and peer feedback.

Evidence of Student Learning(added to 9101) - The term `evidence of student learning' means multiple measures of student learning that shall include the following:

1. Valid and reliable student assessment data, which may include data—
   1. based on—
      1. student learning gains on State student academic assessments under section 1111(b)(3);
      2. student academic achievement assessments used at the national, state, or district levels, where available and appropriate for the curriculum and students taught;
   2. from classroom-based formative assessments;
   3. from classroom-based summative assessments;
   4. and from objective performance-based assessments.
2. At least one of the following additional measures:
   1. Student work, including measures of performance criteria and evidence of student growth.
   2. Teacher-generated information about student goals and growth.
   3. Parental feedback about student goals and growth.
   4. Student feedback about learning and teaching supports.
   5. Student data including attendance and rates of discipline.
   6. Assessments of affective engagement and self-efficacy.
   7. Other appropriate measures, as determined by the State.

Educator – the term “educator” means a teacher, principal, specialized instructional support personnel, or other staff member who provides or directly supports instruction, such as a school librarian, counselor, or highly qualified paraprofessional.

Induction Program – The term `induction program' means a formalized program for new teachers and principals during not less than the first two years of teaching or leading a school that is designed to provide support for, improve the professional performance of, and advance the retention of beginning teachers and principals. Such program shall promote effective teaching and leadership skills and shall include the following components:

1. High-quality mentoring.
2. Regular, structured time for collaboration and classroom observation opportunities with teachers in the same department or field, including mentor teachers, as well as time for information-sharing among teachers, principals, administrators, other appropriate educators, and participating faculty in the partner institution.
3. The application of empirically based practice and evidence-based research on instructional practices.
4. Opportunities for new teachers and principals to draw directly on the expertise of mentors, faculty, local educational agency personnel, and researchers to support the integration of empirically based practice and evidence-based research with practice.
5. The development of skills in instructional and behavioral interventions derived from empirically based practice, and where applicable, evidence-based research.
6. Faculty who—
   1. model the integration of research and practice in the classroom;
   2. assist new teachers and principals with the effective use and integration of technology in instruction; and
   3. demonstrate the content knowledge and pedagogical skills necessary to be effective in advancing student achievement.
7. Interdisciplinary collaboration among exemplary teachers, principals, faculty, researchers, other educators, and other staff who prepare new teachers and principals with respect to the learning process and the assessment of learning.
8. Assistance with the understanding of data, particularly student achievement data, and the application of such data in classroom instruction.
9. The development of professional growth and improvement systems for new teachers, using valid and reliable measures of teaching and leadership skills;
10. The development of culturally responsive pedagogy.
11. The development of inclusive and effective discipline practices.
12. Improving the school culture and climate related to school leadership and the role of the principal, including to:
    1. Nurture teacher and staff development to strengthen classroom instruction;
    2. Build and sustain a culture of learning among adults and children;
    3. Strengthen communications and relationships with parents, caregivers, and community stake-holders;
    4. Facilitate the sharing of knowledge, insight, and best practices in the school community; and
    5. Build relationships and communicating effectively with state and district officials.

Residency Program – The term `residency program' means a school-based program in which a prospective or beginning teacher, principal, or other educator--

1. for one academic year, works full time alongside an accomplished mentor teacher, principal, or other educator who is the educator of record;
2. receives concurrent instruction during the year in—
   1. the teaching of the content area in which the teacher will become certified or licensed;
   2. pedagogical practices; and
   3. leadership, management, organizational, and instructional skills necessary to serve as a principal; or
   4. acquires effective teaching or leadership skills; and
3. prior to completion of the program, attains full State teacher or leader certification or licensure, and becomes profession-ready).

Teacher Performance Assessment – The term `teacher performance assessment' means an assessment used to measure teacher performance that is approved by the State and is--

1. based on professional teaching standards;
2. used to measure the effectiveness of a teacher's—
   1. curriculum planning;
   2. instruction of students, including appropriate plans and modifications for students who are limited English proficient and students who have disabilities;
   3. assessment of students, including analysis of evidence of student learning;
   4. ability to advance student learning;
   5. reframing of teaching based on assessment of student learning, when appropriate
   6. ability to work impactfully with other adults; and
   7. sensitivity to the culture and community they are teaching in
3. validated based on professional assessment standards;
4. reliably scored by trained evaluators, who are or who have been educators, with appropriate oversight of the process to ensure consistency; and
5. used to support continuous improvement of educator practice.
6. administered over a developmentally appropriate span of time
7. providing formative information to candidates and faculty
8. informing program development or improvements of teacher prep programs

Profession Ready Teacher – The term ‘profession ready teacher’ means a teacher who has –

1. completed a teacher preparation or residency program and is fully certified and licensed to teach by the State in which he or she teaches; and
2. demonstrated content knowledge in the subject or subjects he or she teaches;
3. demonstrated teaching skills through a teacher performance assessment;

Profession-Ready Principal – The term ‘profession ready principal’ means a principal who has –

1. has an advanced degree and has completed a principal preparation process and is fully certified and licensed by the state in which they are employed;
2. demonstrated instructional leadership, including the ability to collect, analyze, and utilize data on evidence of student learning and evidence of classroom practice; and
3. demonstrated proficiency in professionally recognized leadership standards such as through a performance assessment or completion of a residency program.
4. Demonstrated effectiveness as classroom teacher and in leading adults

Effective Educator – The term ‘effective educator’ means an educator who is rated as effective, as determined by a state or locally approved professional growth and improvement system.

Professional Growth and Improvement System – The term ‘professional growth and improvement system’ includes formative and summative feedback on educator performance based on evidence of student learning, evidence of classroom practice or leadership skills as applicable.

**AUTHORIZATION OF APPROPRIATIONS**

1. Grants to SEAs, LEAs, and IHEs: There are authorized to be appropriated to carry out this part $3.3 billion for FY ’16 and such sums as may be necessary for each of the 5 succeeding fiscal years.
2. National Programs: No more than 2 percent of funds, except when appropriations exceed $3.3 billion; in which case, the secretary may set aside up to 2.3 percent. The remaining amount shall be allotted to the states.

**SUBPART A: GRANTS TO STATES**

**ALLOTMENTS**

**STATE APPLICATIONS –** each application submitted under this section shall include the follow following –

1. A description of how the activities to be carried out by the SEA under this subpart will be based on a review of evidence based research and an explanation of how the activities provide a comprehensive strategy for addressing teacher development and support that will improve student achievement.
2. State Educator Equity Analysis – a SEA receiving a grant under this subpart must conduct an analysis of gaps in—
   1. Students’ access to profession-ready educators;
   2. Students’ access to experienced educators
   3. Access to effective educators, as measured by a state or locally approved professional growth and improvement system, including access to each category of teachers within a system that provides multiple rating levels or categories;
   4. Rates of educator absenteeism, including individual chronic absenteeism (Such absenteeism shall be reported by category as recorded by each LEA ie – sick leave, professional leave, personal leave, etc.);
   5. Average teacher salaries;
   6. Student-teacher ratios;
   7. Access to teachers that have achieved advanced certification through the National Board for Professional Teaching Standards.
3. State Educator Equity Plan – a description of how the SEA will use funds under this part to improve educator equity, as measured by the State Educator Equity Analysis in (2) and how the SEA will hold LEAS accountable for meeting such requirements, including charter schools.
4. A description of how the SEA will ensure that a LEA receiving a subgrant to carry out subpart 2, and the State Agency for Higher Education receiving a subgrant under subpart 3, will comply with the requirements of such subpart.
5. A description of how the SEA will ensure activities assisted under this subpart are aligned with student academic achievement standards that lead to college and career readiness by high school graduation.
6. A description of a state’s system of certification, licensing, educator support and development, including support for new educators, professional development, and professional growth and leadership opportunities for teachers, principals, and other educators.
7. A description of how the SEA will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs.
8. A description of how the SEA will encourage the development of evidence-based and innovative strategies to deliver high quality professional development and induction programs that are both cost-effective and easily accessible, including ensuring that teachers and principals are trained in the effective use of technology to support student learning.
9. A description of how the SEA will ensure compliance with the requirements of professional development activities described in Section 9101 and how the activities to be carried out under the grant will be developed collaboratively and based on the input of teachers, principals, and other educators.
10. A description of how the SEA will increase the diversity of the teaching and leadership pipeline and develop culturally responsive pedagogy and the ability of teachers to address the individual learning needs and backgrounds of all students.
11. An assurance that the SEA will comply with section 9501 (regarding participation by private school children and teachers).

**STATE USE OF FUNDS –** The SEA that for a State that receives a grant under this part shall use the funds to carry out one or more of the following activities, which may be carried out through a grant or contract with a for-profit or nonprofit entity:

**Required**

* 1. Fulfilling the SEA’s responsibilities concerning proper and efficient administration of the programs carried out under this part, including the provision of technical assistance to LEAs.
  2. Implementing the State Educator Equity plan as described in the State Application (10)**;**
  3. Strengthening teacher and principal certification (including recertification) or licensing requirements to ensure that all new teachers, principals, and other educators are profession-ready prior to becoming the teacher, principal, or educator of record.
  4. Developing or strengthening teacher preparation programs to ensure that this preparation includes clinical experiences consistent with 202(d)(2) of the HEA; models of accomplished practice; and clinical educators with exemplary teaching skills.
  5. Building the capacity of local educational agencies to implement a comprehensive strategy for addressing teacher development and support under subpart 2 (Local Use of Funds).

**Permissible**

* 1. Implementing evidence-based activities that provide support to teachers, principals, and other educators that are new to the profession, such as programs that provide comprehensive, multi-year induction or residency programs for beginning teachers, principals, and other educators;
  2. Implementing programs that establish, expand, or improve alternative routes for State certification of teachers and principals for highly qualified individuals with demonstrated potential to become effective teachers, including efforts to diversify the profession, particularly underrepresented minorities and gender;
  3. Developing, improving, and implementing mechanisms to assist LEAS and schools in effectively recruiting and retaining effective teachers, especially in shortage areas of the profession which may include increased pay for teachers in high-poverty schools and districts in exchange for serving a minimum number of years;
  4. Developing or assisting LEAs in developing systems that increase teacher leadership opportunities and career pathways, including compensation above base salaries for effective educators who take on new roles in providing school-based professional development, mentoring, instructional coaching, peer assessment, peer review (evaluation) and shared decision making, including hiring and curriculum development;
  5. Providing systematic, sustained, targeted, and coherent professional development for all teachers, principals, and other educators that is collaborative and job-embedded;
  6. Creating career advancement structures;
  7. Developing teacher leaders;
  8. Encouraging distributed leadership models;
  9. Encouraging the reciprocity of teacher and principal certification or licensing between or among states, except in cases where it would lead to the weakening of any State teaching or licensing requirement.
  10. Implementing or improving a professional growth and improvement system that factors in evidence of student learning and evidence of effective classroom practice;
  11. Encouraging and supporting local educational agencies in the training of teachers, principals, and other educators in ways to reduce the use of suspensions and expulsions, as described in Section 9101 (43) and (44). This could include developing tools such as developmentally, culturally, and linguistically appropriate positive behavioral intervention systems, tiered disciplinary systems, conflict resolution and restorative justice, as well as other evidence based approaches, and the use of student data to determine the effectiveness of those efforts.
  12. Providing or assisting local educational agencies in providing expanded opportunities for teachers to participate in professional enhancement activities through a nationally-recognized standards-based advanced certificate or advanced credential.

**SUBPART 2: SUBGRANTS TO LOCAL EDUCATION AGENCIES**

**ALLOCATIONS**

**LOCAL APPLICATION AND NEEDS ASSESSMENT –** each application to an SEA shall include the following –

1. Data Analysis – a local educational agency desiring a subgrant under this part shall, prior to applying for the subgrant, conduct a data analysis of each school served by the LEA, based on data and information collected from evidence of student learning, evidence of classroom practice, and the State’s longitudinal data system, in order to—
   * 1. determine gaps in educator equity, such as—
        1. Access to profession-ready educators;
        2. Access to experienced educators
        3. Access to effective educators, as measured by a state or locally approved professional growth and improvement system, including access to each category of teachers within a system that provides multiple rating levels or categories;
        4. Access to teachers assigned within their license area;
        5. Rates of educator absenteeism, including chronic absenteeism;
        6. Average teacher salaries;
        7. Student-teacher ratios;
        8. Access to teachers that achieve advanced certification through the National Board for Professional Teaching Standards.
     2. determine which schools have the most critical teacher, principal, and other educator quality, effectiveness, and professional development needs; and
     3. allow the local educational agency to identify the specific needs regarding the quality, effectiveness, and professional development needs of the school's teachers, principals, and other educators, including with respect to instruction provided for individual student subgroups (including children with disabilities and English language learners) and specific grade levels and content areas.
2. a description of how the local educational agency will improve educator equity and assist schools identified with the greatest need, and pursuant to section (1);
3. a description of how the local educational agency will ensure that such programs are integrated and aligned pursuant to section (b) to provide a comprehensive strategy for teacher development and support.
4. a description of how the local educational agency will use subgrant funds to target and support the schools identified with the greatest need, pursuant to section (1), before using funds for other schools;
5. a description of how the local educational agency will enable effective inclusion of children with disabilities and English language learners, including through utilization by the teachers, principals, and other educators of the local educational agency of—
   1. multi-tier system of supports;
   2. positive behavioral supports;
   3. differentiated instruction;
   4. universal design for learning;
   5. appropriate accommodations for instruction and assessments;
   6. social and emotional learning competencies;
   7. collaboration skills;
   8. skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act; and
   9. evidence-based strategies to meet the linguistic and academic needs of English language learners;
6. a description of how the local educational agency will assist schools in utilizing real-time student learning data, based on evidence of student learning and evidence of classroom practice, to inform instruction and use of academic or behavior intervention and target professional development for teachers, principals, and other educators;
7. a description of how the local educational agency will work with institutions of higher education and local teacher and principal preparation programs to improve the performance of beginning teachers and principals, improve residency and induction programs, and strengthen professional development.
8. a description of how the local educational agency will train teachers, principals , and other educators in ways to reduce the use of suspensions and expulsions, as described in Section 9101 (43) and (44). This could include developing tools such as developmentally, culturally, and linguistically appropriate positive behavioral intervention systems, tiered disciplinary systems, conflict resolution and restorative justice, as well as other evidence-based approaches, and the use of student data to determine the effectiveness of those efforts.
9. A description of how the LEA will encourage teacher leader roles and structures;
10. A description of how the LEA will train teachers as teacher leaders;
11. A description of how the LEA will train principals to institute distributed leadership models that create roles for teacher leaders

**Joint Development and Submission** – except in the case of subparagraph (3) a local educational agency shall—

1. jointly develop the application and data analysis framework under this subsection with local organizations representing the teachers, principals, and other educators in the local educational agency; and
2. submit the application and data analysis in partnership with such local teacher, principal, and school leader organizations.
3. A State may, after consultation with the Secretary, consider an application from a local educational agency that is not jointly developed and submitted in accordance with subparagraph (A) if the application includes documentation of the local educational agency's extensive attempt to work jointly with local teacher, principal, and school leader organizations.

**LOCAL USE OF FUNDS**

**A local educational agency that receives a grant under this part shall use the funds to improve and address gaps in educator equity and target assistance to schools identified with the greatest need, as identified by the data analysis in the local application, by implementing a comprehensive strategy for educator development and support through the following activities:**

**Required:**

1. Improving and addressing gaps in educator equity, as identified by the data analysis in the local application;
2. Targeting assistance to schools identified with the greatest need, as identified by the data analysis in the local application;
3. Carrying out evidence-based activities that provide support to teachers, principals, and educators that are new to the profession, such as programs that provide comprehensive, multi-year induction or residency programs for beginning teachers, principals, and other educators;
4. Providing systematic, sustained, targeted and coherent professional development for all teachers, principals, and other educators that is collaborative, job-embedded, and differentiated according to specific job responsibilities in the school building;
5. Providing feedback on the performance of beginning teachers, principals and other educators to local educator preparation programs and recommendations for improving such programs;
6. Developing or assisting LEAs in developing systems that increase teacher leadership opportunities and career pathways, including compensation above base salaries for effective educators who take on new roles in providing school-based professional development, mentoring, instructional coaching, and shared decision making, including hiring and curriculum development;
7. Developing or strengthening partnerships with local teacher and principal preparation programs that ensure that this preparation includes clinical experiences consistent with 202(d)(2) of the Higher Education Act; models of accomplished practice; and clinical instructors with exemplary teaching skills.
8. Expanding opportunities for teachers to participate in professional enhancement activities through a nationally-recognized standards-based advanced certificate or advanced credential.
9. Survey – conduct a valid and reliable full population survey of teaching and learning, at the school and local educational agency level, and include, as topics in the survey, not less than the following elements essential to improving student learning and retaining effective teachers:
10. Instructional planning time.
11. School leadership.
12. Decision-making processes.
13. Professional development.
14. Beginning teacher induction.
15. Working conditions.

**Permissible:**

1. Recruitment of highly qualified individuals, particularly underrepresented individuals, who demonstrate strong potential to become effective educators;
2. Reducing class size by an amount and to a level consistent with what evidence-based research has found to improve student learning;
3. Implementing or improving a professional growth and improvement system that factors in multiple measures (as previously defined) as evidence of student learning and evidence of effective classroom practice;
4. Rigorous entrance exams that are fully aligned with challenging state standards that evaluate content knowledge and other competencies that lead to increased student learning;
5. Encouraging and supporting local educational agencies in the training of teachers, principals, and other educators in ways to reduce the use of suspensions and expulsions, as described in Section 9101 (43) and (44). This could include developing tools such as developmentally, culturally, and linguistically appropriate positive behavioral intervention systems, tiered disciplinary systems, conflict resolution and restorative justice, as well as other evidence based approaches, and the use of student data to determine the effectiveness of those efforts.

**Integration and Alignment-** The system described in subsection (a) shall—

1. integrate and align all of the activities described in such subsection;
2. be informed by, and integrated with, the results of the survey described in subsection (b);
3. be aligned with the State's school improvement efforts under sections 1116 and 1117; and
4. be aligned with the programs funded under title II of the Higher Education Act of 1965 and other professional development programs authorized under this Act.

**Eligible Entities** - The assistance required to be provided under this section may be provided—

1. by the local educational agency; or
2. by the local educational agency, in collaboration with—
   1. the State educational agency;
   2. an institution of higher education;
   3. a nonprofit organization;
   4. a teacher organization;
   5. a principal or school leader organization;
   6. an educational service agency;
   7. a teaching residency program; or
   8. another nonprofit entity with experience in helping schools improve student achievement.

**SUBPART 3: STATE EDUCATIONAL AGENCY or STATE AGENCY FOR HIGHER EDUCATION GRANTS**

Section 2113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613) is amended—

1. in subsection (a)(2) by striking `to make subgrants' and all that follows and inserting `for activities consistent with subpart 3; and
2. by adding at the end the following:
   1. Additional Activities- The State educational agency for a State that receives a grant under section 2111 shall assist the State higher education agency (if the State higher education agency is not the State educational agency) in conducting the activities described under subpart 3.
   2. Activities Related to the Higher Education Act- A State that receives a grant under section 2111 shall—
      1. apply the requirements of section 207 of the Higher Education Act of 1965 to all teacher preparation programs in the State, including programs operated by institutions of higher education (whether such institutions are public, private, or for-profit), and any other program in the State which provides teacher preparation; and
      2. develop and solicit public comment on criteria used to assess or identify low-performing teacher preparation programs under section 207 of the Higher Education Act of 1965 (and make any such criteria publicly available.
3. Criteria- The criteria described under subsection (h)(2) shall consider information reported by teacher preparation entities under section 205 of the Higher Education Act of 1965.
4. Withholding of State Administrative Funds- The Secretary may withhold administrative funds provided to States under this Act if a State fails to develop, implement, and publicly disclose its criteria for low-performing and at-risk teacher preparation programs.

**GRANTS**

(a) In General- The State agency for higher education for a State that receives a grant under section 2111, working in conjunction with the State educational agency (if such agencies are separate), shall use the funds reserved under section 2113(a)(2) to carry out the activities described in section 2133, either directly or through subgrants to eligible entities, as described in this subpart.

(b) Distribution- In making subgrants to eligible entities under this subpart, the State agency for higher education shall ensure that such subgrants are equitably distributed by geographic area within the State.

**APPLICATIONS** - If the State agency for higher education makes subgrants under this subpart to carry out the activities described in section 2133, to be eligible to receive a subgrant, an eligible entity shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may require.

**USE OF FUNDS AND WITHHOLDING**

**REQUIRED USES OF FUNDS**- In using the funds reserved under section 2113(a)(2), the State agency for higher education shall, directly or through subgrants to eligible entities, use such funds for the following activities:

(A) Providing technical assistance to and closing low-performing teacher preparation programs, as identified under section 207 of the Higher Education Act of 1965, under which the State agency for higher education shall—

(i) assist teacher preparation programs that are at risk of being identified as low performing, or have been identified as low performing, under such section, through--

(I) technical assistance designed to identify the reasons such programs are at risk of being identified, or have been identified, as low performing;

(II) the development of an improvement plan to address the reasons identified under subclause (I);

(III) technical assistance to implement the plan described under subclause (II); and

(IV) other such assistance that responds to the reasons for such identification; and

(ii) if such a program described under clause (i) is identified as low performing after such technical assistance and a period of time for program improvement (as determined by the State), terminate the eligibility of such a program as described in section 207 of the Higher Education Act of 1965 or if the State agency for higher education does not oversee such program, assisting such other State agency in terminating such eligibility.

(B) Developing a system for assessing the quality and effectiveness of professional development offered throughout the State (in conjunction with the appropriate State agency, if an agency other than the State agency for higher education is responsible for professional development of teachers in such State).

**ALLOWABLE USES OF FUNDS**— In using the funds reserved under section 2113(a)(2), the State agency for higher education may, directly or through subgrants to eligible entities, use such funds for the following activities:

(A) Developing and implementing a valid, reliable, and rigorous teacher performance assessment;

(B) Developing and implementing a valid and reliable principal performance assessment based on the following factors;

1. Student growth and achievement
2. School planning and progress
3. School culture
4. Stakeholder support and engagement
5. Professional qualities and practices
6. Professional growth and learning

(C) Providing systematic, sustained, targeted and coherent professional development for all teachers, principals, librarians, and early childhood educators, and other educators that is collaborative and job-embedded;

(D) Developing and providing assistance to local educational agencies and individuals who are teachers, principals and other educators for sustained, high-quality evidence-based professional development activities.

(E) Developing and providing assistance to local educational agencies and individuals who are teachers and other educators to grow and develop as teacher leaders.

(F) Developing and providing assistance to local educational agencies and individuals who are principals to grow and develop as leaders who work in distributed leadership models that encourage teacher leadership.

(G) Carrying out evidence-based activities that provide support to teachers, principals, and educators that are new to the profession, such as programs that provide comprehensive, multi-year induction or residency programs for beginning teachers, principals, and other educators;

(H) May include partnerships between one or more LEAs , one or more schools served by such LEAs, and one more institutions of higher education for the purpose of improving teaching and learning at low-achieving schools;

**WITHOLDING** – In any fiscal year, if a State does not meet the requirements of section 207 of the Higher Education Act of 1965, including any requirements described under this part related to such section 207, the Secretary shall withhold a portion of the administrative funds that would be allocated to such State under this Act.

**RULE OF CONSTRUCTION** – Nothing in this subpart shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

**DEFINITION OF ELIGIBLE ENTITY**

In this subpart, the term `eligible entity' means—

1. an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965;
2. a local educational agency;
3. a school or college of education;
4. a nonprofit organization; or
5. a partnership of any of the entities described in paragraphs (1) through (4).

**ACCOUNTABILITY AND REPORTING**

**STATE REPORT**—Each State that receives a grant under subpart 1 shall annually submit to the Secretary, in a manner prescribed by the Secretary, and make public, a State Report on program performance and results under such grant. Such State Report shall provide the following information—

1. A report on how funds were used to elevate the profession, support teachers, and improve student achievement.
2. Teacher Equity Report – demonstrated progress toward greater educator equity, as measured by—
   1. Access to profession-ready educators;
   2. Access to experienced educators
   3. Access to effective educators, as measured by a state or locally approved professional growth and improvement system, including access to each category of teachers within a system that provides multiple rating levels or categories;
   4. Rates of educator absenteeism, including chronic absenteeism;
   5. Average teacher salaries;
   6. Student-teacher ratios;
3. A report on the demographic makeup of teachers, principals, and other educators within a state;
4. Survey – Every three years, the state shall submit the results of the survey described in section xx, essential to improving student learning and retaining effective teachers:
   1. Instructional planning time.
   2. School leadership.
   3. Decision-making processes.
   4. Professional development.
   5. Beginning teacher induction.
   6. Working conditions.

**WITHOLDING -** For three consecutive years, if a State does not demonstrate progress on its “Teacher Equity Report,” as described in subsection xx, the Secretary shall reserve the right to withhold a portion of the administrative funds that would be allocated to such State under this Act.

**LOCAL EDUCATIONAL AGENCY REPORT**—Each local educational agency that receives a subgrant under subpart 2 shall annually submit to the State, in a manner prescribed by the State, and make public, a Local Educational Agency Report on program performance and results under such subgrant. Such Local Educational Agency Report shall provide the following information—

1. A report on how funds were used to elevate the profession, support teachers and principals, and improve student achievement.
2. Teacher Equity Report – demonstrated progress toward greater educator equity, as measured by—
   1. Access to profession-ready educators;
   2. Access to experienced educators;
   3. Access to effective educators, as measured by a state or locally approved professional growth and improvement system, including access to each category of teachers within a system that provides multiple rating levels or categories;
   4. Rates of educator absenteeism, including chronic absenteeism;
   5. Average teacher salaries;
   6. Student-teacher ratios;
3. A report on the demographic makeup of teachers, principals, and other educators within a LEA;
4. A report on evidence of increased student learning for the schools with the greatest need targeted for assistance within a LEA;
5. A report on evidence of increased student learning for all schools within a LEA;
6. Survey – Every three years, the state shall submit the results of the survey described in section xx, essential to improving student learning and retaining effective teachers:
   1. Instructional planning time.
   2. School leadership.
   3. Decision-making processes.
   4. Professional development.
   5. Beginning teacher induction.
   6. Working conditions.

**FERPA COMPLIANCE—**Each State and local educational agency that submits a report in compliance with this subsection shall collect, report, and disseminate information contained in such report in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the ‘Family Educational Rights and Privacy Act of 1974’).

**TEACHER AND PRINCIPAL PRIVACY**—No State or local educational agency shall publicly report information in compliance with this subsection in a case in which the results would reveal personally identifiable information about an individual teacher or principal.

**NATIONAL ACTIVITIES**

1. Competitive awards for teacher or principal training or professional enhancement activities to national not-for-profit organizations; (SEED Approps Language)
2. School Leadership (current law)
3. Advanced Certification (current law)
4. Early Childhood Educator Professional Development (current law)