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Elementary and Secondary School Teachers: Policy Context, Federal Programs, and ESEA Reauthorization Issues

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Summary

The Elementary and Secondary Education Act of 1965 (ESEA) is the primary legislative vehicle for federal policymaking regarding teachers and instructional quality in the nation's elementary and secondary schools. Authorization for ESEA programs and policies, enacted through the No Child Left Behind Act of 2001 (NCLB), expired at the end of FY2008 and the 113th Congress is likely to consider whether to amend and extend the ESEA. Notable ESEA provisions concerning K-12 teaching include requirements for minimum teacher qualifications and authority for a teacher training and class size reduction program funded at roughly $3 billion.

The size of the teaching workforce and diversity of the teaching workplace present many challenges to federal policy makers. The workforce of roughly 4 million teachers in the United States is both aging and "greening"—with well over one-third (37%) on the job for over 15 years and an equal share (36%) having taught less than four years in their current school. The teaching workplace of about 14,000 school districts nationwide is a highly dynamic one—with certain schools experiencing high rates of staff turnover each year and many schools instituting major reforms of teacher evaluation procedures.

The federal role in K-12 teacher policy has evolved rapidly since passage of NCLB. Federal policy has historically focused mainly on in-service training (or professional development). This focus began to change as the 105th Congress tripled funding for federal teacher programs by enacting a hiring program known as Class Size Reduction. With NCLB, the focus of federal policy moved squarely to the issue of teacher quality. The law mandated that all "core" subject-matter teachers possess minimum qualifications including a bachelor's degree, full state certification, and subject-matter knowledge. More recently, the focus of federal policy in this area has shifted to teacher effectiveness, particularly with passage of the American Recovery and Reinvestment Act of 2009 (ARRA), which authorized the Race to the Top program. Legislative action in the 112th Congress, including bills passed by authorizing committees in both chambers, also contained provisions that would continue federal involvement in state and local efforts to evaluate teacher effectiveness.

At the present time, the Department of Education (ED) administers a dozen programs that support elementary and secondary school teachers and instructional quality. By far the largest of these, both in terms of appropriations and number of teachers served, is authorized in Part A of Title II of the ESEA—the Teacher and Principal Training and Recruiting Fund. In FY2013, this program provided roughly $3 billion primarily for teacher professional development to support meeting the NCLB highly qualified-teacher requirement. The second- and third-largest federal teacher programs are Race to the Top ($550 million in FY2013, though not all funds are used to improve teaching) and the Teacher Incentive Fund ($300 million in FY2013). Both of these programs support improved teacher effectiveness, the former through teacher evaluation reform and the latter by providing pay compensation to high-performing teachers.

If the 113th Congress considers reauthorizing the ESEA, teacher effectiveness will likely continue to be central to this discussion. Other issues of importance include compensation and high-stakes school staffing decision-making, distributional equity across schools and districts, teacher preparation programs—both traditional and alternative—and professional development.

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Introduction

Policymaking at the federal level reflects a growing awareness that improving educational outcomes depends greatly upon increasing the quality of classroom instruction. In establishing the student performance standards and accountability provisions in the No Child Left Behind Act of 2001 (NCLB, P.L. 107-110), legislators recognized that the success of these reforms rests largely on improving teachers' knowledge and skills. Thus, in enacting NCLB, Congress amended the Elementary and Secondary Education Act (ESEA) to establish a requirement that all teachers be *highly qualified* and authorized the Title II, Teacher and Principal Training and Recruiting Fund to assist schools' efforts to meet this new requirement.[1] More recently, Congress enacted additional programs to improve the teacher workforce including the Teacher Incentive Fund (TIF), Teacher Education Assistance for College and Higher Education (TEACH) Grants, and amendments to the Higher Education Act (HEA).

The NCLB highly qualified teacher requirement has now been the cornerstone of federal teacher policy for nearly a decade. In that time, the requirement has come to be seen by many as a minimum standard for entry into the profession (rather than a goal to which teachers might aspire) and a growing body of research has revealed its underlying credentials to be weakly correlated with student achievement. Meanwhile, congressional interest has begun to shift from a focus on teacher input (i.e., quality) to teacher output (i.e., effectiveness). Congress passed provisions in the American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5) which required states applying for State Fiscal Stabilization Funds to provide assurances that they will take actions to improve teacher effectiveness. The Secretary of Education used ARRA authority to encourage states to better link student achievement and teacher effectiveness.[2] The Secretary also promoted teacher effectiveness with an ESEA flexibility package that makes available waivers exempting states from certain NCLB accountability provisions, but requires the adoption of teacher evaluation policies. Congress is currently considering ESEA reauthorization proposals.[3] Further, policy makers at all levels are considering how such issues as teacher compensation, licensure or certification, and tenure may relate to teacher performance in the classroom.[4]

Organization of this Report

The authorization for ESEA programs expired at the end of FY2008; however, these programs continue to operate as long as appropriations are provided. The 113th Congress is likely to consider whether to amend and extend the ESEA. This report provides background information for the legislative debates likely to occur if Congress considers these programs and issues. The first part of this report gives a brief overview of the context in which federal teacher policy is situated, including such issues as the demographics of the teaching workforce, supply and

[1] For more information on this requirement, see CRS Report R42127, *Teacher Quality Issues in the Elementary and Secondary Education Act* .

[2] For more information on this topic, see CRS Report R41051, *Value-Added Modeling for Teacher Effectiveness* .

[3] For details of pending legislation, see CRS Report R43146, *ESEA Reauthorization Proposals in the 113th Congress: Comparison of Major Features* et al.

[4] For more information on teacher compensation, see CRS Report R40576, *Compensation Reform and the Federal Teacher Incentive Fund* .

demand, attrition and retention, compensation systems, certification/licensure policies, tenure rules, and unionization. The second part of this report describes the evolving federal role in teacher policy. Part three describes the major federal programs designed to support the quality and effectiveness of teachers, including Title II of the ESEA, TIF, TEACH Grants, and Title II of the HEA. The final part of this report discusses policy changes and ESEA reauthorization issues that might be considered by Congress.

Teacher Policy Context

The organization and size of the public K-12 educational enterprise pose a significant challenge to formulating federal teacher policy. Nationwide, nearly 4 million teachers are employed in almost 100,000 public schools located in about 14,000 school districts.[5] This is a decentralized system; states and localities have legal and administrative responsibility for K-12 education. School districts control most of the major aspects of this system, including the recruitment, hiring, evaluation, professional development, compensation, and retention of teachers. Some aspects of the system—like certification procedures and tenure rules—are dictated at the state level. Pre-service teacher preparation and in-service training often take place at higher education institutions. Teacher assignments and evaluations are often the domain of schools. This section discusses how these factors shape the teacher policy context.

Characteristics of the Teaching Workforce

Demographics

The elementary and secondary teaching force is large.[6] There are just under 3.9 million public school teachers in the United States. Of these teachers, 2.4 million are elementary school teachers, 1.2 million are secondary school teachers, and the remaining teachers (slightly more than 358,000) teach in settings that are a combination of the two. The teaching workforce is split about evenly between urban schools (1.1 million teachers), suburban schools (1.4 million), and rural or small town schools (1.4 million).

Over three-fourths (76%) of K-12 teachers are female.[7] For teachers whose main field of assignment is in kindergarten or general elementary education, nearly 9 out of 10 are female; compared to 6 out of 10 in secondary schools. The large majority (84%) of the teaching force is white, while 7% of teachers are black, 7% are Hispanic, slightly more than 1% are Asian or

[5] Thomas D. Snyder, Sally A. Dillow, and Charlene M. Hoffman, *Digest of Education Statistics 2011 (NCES 2012-001)*, U.S. Department of Education, National Center for Education Statistics, Washington, DC, May 2012, http://nces.ed.gov/programs/digest/. Hereinafter cited as *Digest of Education Statistics.*

[6] Unless otherwise noted, the data in this section are from Jared Coopersmith and Kerry Gruber, *Characteristics of Public, Private, and Bureau of Indian Education Elementary and Secondary School Teachers in the United States: Results From the 2007-08 Schools and Staffing Survey (NCES 2009-324)*, U.S. Department of Education, National Center for Education Statistics, Washington, DC, June 2009, http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2009324. Hereinafter this publication is cited as *Characteristics of School Teachers*. Data from the subsequent 2011-2012 administration of the Schools and Staffing Survey have not been published at the time of this writing, thus the 2007-2008 data are the most recent available.

[7] *Characteristics of School Teachers*, Table 3.

Pacific Islander, and less than 1% are American Indian, Alaskan Native, Native Hawaiian, or other Pacific Islander.[8]

The teaching workforce is aging. The average age of school teachers is 43; an increase of three years over the last two decades. One-third (33%) of teachers are age 50 or older; compared to 25% in 1993-1994 and 18% in 1987-1988. On average, school teachers have 13 years of teaching experience; over a third (37%) have 15 or more years of experience and 20% have taught 15 or more years in their *current school*.[9] Nearly two-fifths (19%) have less than four years of teaching experience and over a third (36%) have been in their current school less than four years. The impending retirement of Baby Boom generation teachers who made lifelong commitments to education may pose both challenges and opportunities for teacher policy.[10]

Supply and Demand

There are those who warn of a potential shortage of teachers in the coming years, precipitated by projected increases in student enrollment and an anticipated rise in teacher retirements. Public school enrollment increased 12% between 1993 and 2006 and is expected to continue to grow, at a slightly lower rate, to be about 8% larger by 2018.[11] Further, the average age of public school teachers has risen and, as more teachers are eligible to retire, it is anticipated that the attrition rate will increase over time. Between 1998 and 2008, "annual attrition from the teaching force rose by 41 percent, from 6.4 percent to 9 percent."[12] Some estimate that the nation may lose as much as half of its teachers to retirement over the next decade.[13]

Others question the possibility or existence of an overall teacher shortage. One of the primary reasons is that the supply side of the equation is particularly difficult to quantify. More than half of all newly hired teachers are former teachers returning to the classroom after taking some time away from the profession and about a quarter are delayed entrants who had prepared to teach at some earlier point but did not enter teaching directly. It is very difficult to estimate the size of this latter group, the so-called *reserve pool* of teachers who either delay entry or return after a time away. Roughly two-out-of-five (41%) teachers are delayed entrants (i.e., they started teaching between one and four years after receiving their bachelor's degree).[14] About 100,000 bachelor's

[8] *Characteristics of School Teachers*, Table 2.

[9] *Characteristics of School Teachers*, Table 4.

[10] Thomas G. Carroll and Elizabeth Foster, *Who Will Teach? Experience Matters*, National Commission on Teaching and America's Future, Washington, DC, January 2010, http://www.nctaf.org/NCTAFWhoWillTeach.pdf.pdf.

[11] William J. Hussar and Tabitha M. Bailey, *Projections of Education Statistics to 2018*, U.S. Department of Education, National Center for Education Statistics, Washington, DC, September 2009, http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2009062.

[12] Richard Ingersoll and Lisa Merrill, *Seven Trends: The Transformation of the Teaching Force*, Consortium for Policy Research in Education, Philadelphia, PA, November 2012, p. 18, http://cpre.org/sites/default/files/other/1365_7trendsgse.pdf.

[13] According to a national survey of teachers and principals conducted by the National Center on Teaching and America's Future. For a discussion of the survey results, see Tom Carroll and Elizabeth Foster, *Learning Teams: Creating What's Next*, National Commission on Teaching and America's Future, Washington, DC, April 2009, http://www.nctaf.org/documents/NCTAFLearningTeams408REG2.pdf.

[14] Sharon E. Anderson and C. Dennis Carroll, *Teacher Career Choices*, U.S. Department of Education, Timing of Teacher Careers Among 1992–93 Bachelor's Degree Recipients, Washington, DC, March 2008, p. NCES 2008-153, http://nces.ed.gov/pubs2008/2008153.pdf.

degrees in education are awarded each year.[15] Research suggests that as many as one-half of these graduates do not teach their first year out of school and the oversupply of teachers at the elementary level may be even greater.[16]

Another reason why the notion of a systemic teacher shortage may be misguided is that much of the demand for teachers results from teacher turnover; especially at so-called *hard-to-staff* schools and subjects. This turnover has more to do with failure to retain newly hired teachers as opposed to retirements. Some schools have such low teacher retention that most of the demand and hiring is simply to replace teachers recently departed from their positions. While it is true that teacher retirements are increasing, the overall volume of turnover due to retirement is relatively minor when compared with that resulting from other causes, such as teacher job dissatisfaction and teachers seeking to pursue better jobs or other careers. At the end of the 2008-2009 school year, roughly 526,000 (roughly 16% of all) public school teachers left the school where they had been teaching; about 256,000 transferred to a different school and about 270,000 left teaching.[17]

Features of the Teaching Workplace

Certification and Licensure

Teacher certification or licensure is a state function.[18] A license to teach typically means that the holder has met at least minimal standards set by the state and is, thereby, permitted to teach. The educational, experiential, testing, and other requirements for licensure vary from state to state. Often, the licensing process in a state includes a provisional license good for a limited number of years and granted to an individual who has completed an approved teacher education program and attained passing scores on an examination given to teacher candidates. This license is usually succeeded by a longer term license awarded, perhaps, for successful completion of the initial entry period of teaching and attainment of additional education. In addition to regular licenses, many states grant "intern" and "limited" licenses in order to fill vacancies quickly.[19] These temporary licenses may be granted with an expectation that the holder will make progress to full certification through so-called *alternative routes*. Initiatives such as Teach for America, Inc. and IBM's Transition to Teaching program[20] provide an additional means for bringing non-traditional teaching candidates (e.g., recently graduated, non-education majors and individuals seeking to

[15] *Digest of Education Statistics.*

[16] Stephen Sawchuck, "Colleges Overproducing Elementary-Level Teachers," *Education Week*, January 23, 2013.

[17] Susan Aud et al., *Condition of Education 2012*, U.S. Department of Education, Washington, DC, May 2012, Table 32-1, http://nces.ed.gov/programs/coe/index.asp.

[18] In general, the terms *licensure* and *certification* are used interchangeably in this report to describe the state-administered process of granting a teacher the authority to teach. State-by-state information on certification and licensure is compiled by the National Association of State Directors of Teacher Education and Certification and made available in a knowledgebase at http://www.nasdtec.org/.

[19] These are terms given to such temporary licenses by the states of California and Minnesota, respectively; similar terms exist in most other states.

[20] Information on these programs is available at http://www.teachforamerica.org/ and http://www.ibm.com/ibm/ibmgives/news/transition_to_teaching.shtml.

change careers) into teaching in a structured fashion.[21] One analysis estimates that as many as 40% of current teachers entered the profession through a nontraditional or alternative route.[22]

Hiring and School Assignment

The hiring process for teachers is usually handled by districts' human resources departments, although some districts give schools a greater role in the process than others. Most districts conduct the entire hiring and placement process. Less often, but perhaps increasingly, human resource departments may simply review applicants' background and credentials and leave the rest up to schools. That is, once applicants clear the initial district screening process, a school-based hiring committee may conduct interviews and choose candidates to offer employment.[23] In general, research has shown that, "most new teachers actually have limited interactions with school-based personnel during the hiring process."[24]

School assignment is typically subject to district staffing rules concerning teacher seniority, often instituted through collective bargaining.[25] Under these rules, tenured teachers with the most seniority are typically given priority in staffing decisions. Research has shown that teachers use "their seniority to move to schools with higher test scores, lower poverty rates, and fewer black and Hispanic students. As a result, high-poverty, low-performing schools had the highest rates of turnover, and inexperienced teachers who [lack] the seniority to request transfers, or teachers who [lack] full certification, were typically assigned to fill vacancies in them."[26] Research suggests that this uneven distribution of teachers by experience also leads to "hidden" funding inequities across schools in a district.[27] Teacher seniority systems "can sharply curtail school principals' control over staff hiring, transfer, and firing decisions"[28] and even prompt some principals to hide their vacancies until late summer to avoid the possibility of being forced to accept unwanted transfers.[29]

[21] Further information is available at the National Center for Alternative Certification, http://www.teach-now.org/.

[22] Richard Ingersoll, Lisa Merrill, and Henry May, "Retaining Teachers: How Preparation Matters," *Educational Leadership*, May 2012, p. 30.

[23] Ellen Behrstock and Jane G. Coggshall, *Teacher Hiring, Placement, and Assignment Practices*, National Comprehensive Center for Teacher Quality, Washington, DC, December 2009, http://www.tqsource.org/publications/KeyIssue_HiringPlacementAssignment.pdf.

[24] Edward Liu and Susan Moore Johnson, "New Teachers' Experiences of Hiring: Late, Rushed, and Information-Poor," *Educational Administration Quarterly*, vol. 42, no. 3 (2006), pp. 324-360.

[25] Lora Cohen-Vogel and La'Tara Osborne-Lampkin, "Allocating Quality: Collective Bargaining Agreements and Administrative Discretion over Teacher Assignment," *Educational Administration Quarterly*, vol. 43, no. 4 (October 2007), pp. 433-461.

[26] Cynthia D. Prince, *Changing Policies to Close the Achievement Gap: A Guide for School System Leaders* (Blue Ridge Summit, PA: Rowman & Littlefield Education, 2004), p. 14.

[27] Marguerite Roza and Paul Hill, "How Within-District Spending Inequities Help Some Schools to Fail," in *Brookings Papers on Education Policy*, ed. Diane Ravitch (Washington, DC: Brookings Institution Press, 2004).

[28] Richard M. Ingersoll, *Who Controls teachers' Work? Power and Accountability in America's Schools* (Cambridge, MA: Harvard University Press, 2006), p. 121.

[29] Cynthia D. Prince, *Changing Policies to Close the Achievement Gap: A Guide for School System Leaders* (Blue Ridge Summit, PA: Rowman & Littlefield Education, 2004).

Evaluation and Effectiveness

Responsibility for teacher evaluation is generally given to school administration.[30] The process of evaluation is often laid out in collective bargaining agreements in states that have teacher unions or associations; however, these policies often lack detail on local approaches to evaluation. For example, a study of evaluation policies in Midwestern states found that "policy documents were more apt to specify the processes involved in teacher evaluation (who conducts the evaluation, when, and how often) than they were to provide guidance for the content of the evaluation, the standards by which the evaluation would be conducted, or the use of the evaluation results."[31] Typically, provisional, nontenured teachers are evaluated at least once each year, while tenured teachers are evaluated less often. In general, principals and vice-principals perform these evaluations using personnel files and conducting classroom observations (either announced or unannounced), sometimes with pre- or post-observation conferences. Most teachers are simply asked to sign off on a summative evaluation form and many see the process as "a bureaucratic necessity of little use to improving" their instructional capabilities.[32]

Though they may be intended to gauge teachers' job performance, evaluations typically reveal little about their effectiveness in the classroom. A recent study by the New Teacher Project concluded that evaluation systems fail to distinguish between various degrees of effectiveness.[33] Nearly half of the districts in the study used a binary rating for performance (e.g., either "satisfactory" or "unsatisfactory") and virtually all teachers (99%) in these districts receive a satisfactory rating. Differentiation improves when multiple ratings are available; however, often fewer than 10% of teachers receive a rating less than satisfactory. Some argue that evaluation policies must be reformed to require that evaluations use objective measures of classroom effectiveness, such as student achievement. In 2011, 22 states required that student learning be factored into teacher evaluations and 12 required that it be the preponderant criterion;[34] these figures are up from 16 and 4, respectively, just two years earlier.[35] Others point out limitations in using student assessments to estimate teacher performance; for example, only about half of the nation's teachers teach subjects that are tested.[36] In a limited number of settings, so-called *value-*

[30] A review of teacher evaluation policies can be found in, Carrie Mathers, Michelle Oliva, and Sabrina W. M. Laine, *Improving Instruction Through Effective Teacher Evaluation*, National Comprehensive Center for Teacher Quality, Washington, DC, February 2008, http://www.tqsource.org/publications/February2008Brief.pdf. In addition, the Center maintains a database of teacher contracts in the nation's 50 largest districts, which includes some information on teacher evaluation at http://www2.tqsource.org/resources/policy.asp.

[31] Chris Brandt et al., *Examining district guidance to schools on teacher evaluation policies in the Midwest Region*, U.S. Department of Education, Washington, DC, November 2007, http://ies.ed.gov/ncee/edlabs/regions/midwest/pdf/REL_2007030_sum.pdf.

[32] Morgaen L. Donaldson and Heather G. Peske, *Supporting Effective Teaching Through Teacher Evaluation*, Center for American Progress, Washington, DC, March 10, 2010, p. 10, http://www.americanprogress.org/issues/2010/03/teacher_evaluation.html.

[33] Daniel Weisberg et al., *The Widget Effect: Our National Failure to Acknowledge and Act on Differences in Teacher Effectiveness*, The New Teacher Project, New York, NY, June 1, 2009, http://www.widgeteffect.org.

[34] Kate Walsh, *2011 State Teacher Policy Yearbook*, National Council on Teacher Quality, Washington, DC, January 25, 2012, http://www.nctq.org/stpy11/reports/stpy11_national_report.pdfhttp://www.nctq.org/stpy09/.

[35] Kate Walsh, *2009 State Teacher Policy Yearbook*, National Council on Teacher Quality, Washington, DC, January 28, 2010, http://www.nctq.org/stpy09/.

[36] Thomas Toch and Robert Rothman, *Rush to Judgement: Teacher Evaluation in Public Education*, Education Sector, Washington, DC, January 2008, http://www.educationsector.org/usr_doc/RushToJudgment_ES_Jan08.pdf.

added models have been used to estimate teachers' effectiveness using student assessment results.[37]

Tenure and Dismissal

State law typically provides teachers job protection in the form of tenure.[38] These state statutes specify how teachers gain tenure and how they can be dismissed. These laws outline the due process that must be provided teachers facing dismissal. Every state has a law addressing these issues that is specifically targeted to elementary and secondary school teachers. Often a tenure law will identify a period of time during which a new teacher is under probation and being considered for tenure. In nearly every state, that probationary period is specified—the range is between two years and five years, the most common period is three years. Typically, during this probationary period, a teacher is employed under a yearly contract and can be dismissed by the district's board of education for any reason as long as that reason is not constitutionally impermissible. Generally, the law provides for a specified date by which the probationary teacher must be notified that the contract will not be renewed. Once awarded tenure, teachers are assured they will continue to be employed unless dismissed for cause and only under the procedures specified in the law. The grounds for dismissal most frequently cited are incompetency, neglect of duty, insubordination, and immorality. The procedure always includes the opportunity for a hearing, which is typically conducted by the school board. Tenure laws may also specify an appeals process.

Unions and Collective Bargaining Agreements

Nearly two-thirds (64.4%) of all school districts have specific agreements with a teachers' association or unions.[39] Teachers' unions have been criticized as barriers to educational improvement and reform. Critics have argued that the major teachers' unions—National Education Association and American Federation of Teachers—have historically been more interested in job protection and higher salaries than in improving the instruction of students. Others argue that, in recent years, union leaders have been rethinking the role of unions in the current reform environment where traditional relationships among all parties in the educational process are being reconsidered and refashioned.

Two recent studies of provisions in teacher collective bargaining agreements (CBAs) concluded that the most salient feature of CBAs with regard to their impact on school reform is their ambiguity. However, the researchers disagree about whether this impact is positive or negative. On the positive side, this ambiguity could "allow for greater latitude for an aggressive principal who is looking for more flexibility and willing to push the envelope, while serving to limit a more cautious or timid principal who looks to the CBA for explicit authority or permission first before acting."[40] On the negative side, "while leaders in some industries would interpret these

[37] For more information on these models, see CRS Report R41051, *Value-Added Modeling for Teacher Effectiveness*.

[38] Union contracts may incorporate aspects of state tenure laws. For state-by-state information on teacher tenure and contract laws, see Michael Colasanti, *Teacher Tenure/Continuing Contract Laws: Updated for 2007*, Education Commission of the States, Denver, CO, August 2007, http://www.ecs.org/html/Document.asp?chouseid=7564.

[39] *Characteristics of School Teachers,* Table 7.

[40] Mitch Price, *Teacher Union Contracts and High School Reform*, Center on Reinventing Public Education, Bothell, WA, January 2009, p. 27, http://www.crpe.org/cs/crpe/download/csr_files/pub_crpe_unioncont_jan09.pdf.

ambiguities as green lights, in the bureaucratic halls of public education—where risk-averse principals, central office administrators, school boards, and superintendents are rewarded for loyalty and encouraged by the community to avoid unseemly conflict—regulatory obscurity usually equals inaction."[41]

Compensation Systems

Teacher pay levels are typically set by local school districts, usually within a schedule established statewide that permits local districts to exceed the schedule's salary levels. Most teachers are currently paid under a single salary schedule which provides increases in pay for completion of additional college credits or degrees, as well as for completion of additional years of service. According to the Department of Education, "The average salary for public school teachers in 2006–2007 was $50,816, about 3% higher than in 1996–97, after adjustment for inflation. The salaries of public school teachers have generally maintained pace with inflation since 1990–91."[42]

There is much debate over whether teachers are adequately compensated. Complicating this debate are complex methodological issues concerning how to calculate the number of days per year or hours per week teachers actually work as well as how to factor non-monetary benefits like sick leave, health care, and pensions into total compensation. Research comparing teachers' salaries to those earned by individuals with similar skill sets or similar jobs produce a range of estimates. On the low end of this range is research by the Economic Policy Institute[43] which shows that teachers earned 12% less per week in 2002 compared to accountants, reporters, registered nurses, computer programmers, clergy, personnel officers, and vocational counselors and inspectors. On the other end, according to a Manhattan Institute study of 2005 teacher salaries,[44] public school teachers at that time were paid 11% more than the average professional worker in a similar list of occupations.

Recent efforts to reform teacher compensation attempt to differentiate pay according to how difficult certain positions are to fill, such as schools with low retention rates and subjects in which the supply of teachers is limited. Another focus of teacher compensation reform has been the introduction of performance measures into this equation.[45]

[41] Frederick M. Hess and Coby Loup, *The Leadership Limbo: Teacher Labor Agreements in America's Fifty Largest School Districts*, Thomas B. Fordham Institute, Washington, DC, February 2008, p. 29, http://www.aei.org/paper/27672.

[42] Thomas D. Snyder, Sally A. Dillow, and Charlene M. Hoffman, *Digest of Education Statistics 2008 (NCES 2009-020)*, U.S. Department of Education, National Center for Education Statistics, Washington, DC, March 2009, http://nces.ed.gov/programs/digest/.

[43] Sylvia A. Allegretto, Sean P. Corcoran, and Lawrence Mishel, *How Does Teacher Pay Compare?*, Economic Policy Institute, August 2004.

[44] Jay P. Greene and Marcus A. Winters, *How Much Are Public School Teachers Paid?*, Manhattan Institute for Policy Research, Civic Report, No. 50, January 2007.

[45] For more on teacher compensation reforms, see CRS Report R40576, *Compensation Reform and the Federal Teacher Incentive Fund* .

The Evolving Federal Role in K-12 Teaching

The previous section explained that much of the teacher policy context is dictated at the local level. The systems for preparing, recruiting, certifying, compensating, granting tenure, and structuring the working conditions of elementary and secondary school teachers is primarily the responsibility of states and school districts. These areas have historically been viewed as largely outside the reach of the federal government. However, beginning with the 105th Congress, the federal role in K-12 teaching has greatly expanded. In FY1998, the total amount appropriated for all teacher programs under the U.S. Department of Education (ED) was $498 million.[46] Since that time, funding for this purpose has increased roughly fivefold.[47] Along with this growth, Congress has redefined the nature of the federal role in this area. This section briefly discusses how this role has evolved and expanded in the last decade.

In-service Training and Professional Development

Federal support for K-12 teaching prior to the 105th Congress largely focused on in-service training and professional development. In FY1998, the largest federal teacher program was the Eisenhower Professional Development program (authorized under Title II of the ESEA, as amended by Improving America's Schools Act of 1994, P.L. 103-382). The Eisenhower program (appropriated $335 million for FY1998) allocated funds to state educational agencies (SEAs), local educational agencies (LEAs), and institutions of higher education (IHEs) to improve the quality of classroom teaching through professional development in core academic subjects.

Five other programs accounted for the remainder ($163 million) of ED's FY1998 funding to support K-12 teaching. Virtually all of these funds were appropriated for programs to support in-service training. Most of this funding ($117 million) supported training for teachers of students with disabilities under the Individuals with Disabilities Education Act (IDEA). Much of the rest ($25 million) supported training of teachers working with limited English proficient students under the ESEA. A smaller amount ($19 million) was appropriated to support advanced certification for current teachers through the National Board for Professional Teaching Standards. Finally, a small portion ($2 million) of federal funding to improve K-12 teaching was appropriated to hire teachers through the Minority Teacher Recruitment program under Title V of the HEA.[48]

Pre-service Training and Class Size Reduction

The 105th Congress began a change in the focus of federal teacher policy through two measures: (1) amending the HEA to include a new Teacher Quality Enhancement program, and (2)

[46] Although federal aid to improve K-12 teaching has historically come from multiple federal agencies, ED has always been the primary source.

[47] In FY2013, the total amount appropriated for all teacher programs under ED was $3.2 billion. The FY1998 amount of $498 million is equivalent to $684 million in constant FY2013 dollars; adjusted using the GDP (chained) price index published by the Office of Management and Budget, *Historical Tables, Budget of the United States Government, Fiscal Year 2014*, Washington, DC, April 2010, Table 10.1, http://www.whitehouse.gov/sites/default/files/omb/budget/fy2014/assets/hist.pdf.

[48] At that time, the HEA provided teachers an additional recruitment incentive by offering borrowers of certain student loans debt forgiveness in return for teaching at high poverty schools.

appropriating funds for a new Class Size Reduction program under broad authority provided in Title VI of the ESEA. Title II, Part A of the HEA (as amended by the Higher Education Amendments of 1998, P.L. 105-244) authorized three types of competitively awarded grants—state grants, partnership grants, and recruitment grants—with the annual appropriation allocated 45%, 45%, and 10% respectively. State and partnership grant funds were to be used for activities including teacher preparation and holding preparation programs accountable for the quality of their graduates, reforming teacher certification requirements, and professional development. Recruitment grant funds were to be used for the recruitment of highly qualified teachers. In its first year of funding, FY1999, this program was appropriated $77 million.

Significantly, these amendments also had broad-based accountability requirements for teacher education programs. Funded states and their IHEs were required to report publicly on teacher preparation, including the pass rates of graduates on certification assessments. States also had to identify low-performing teacher preparation programs. If low-performing programs lost state approval or financing, their institutions could not receive professional development funding from ED and could not accept or enroll any HEA-aided student in the teacher education program.

The 105th Congress also established the Class Size Reduction program through the FY1999 omnibus appropriations legislation (P.L. 105-277) and appropriated $1.2 billion for the program. Funds were awarded through formula grants distributed among the states according to either (1) the state's share of ESEA, Title I-A funding (based primarily on numbers of children 5-17 years old living in poverty and levels of state per pupil expenditure), or (2) the state's share of ESEA Title II funding (based on school aged population and the distribution of Title I-A funding, with an overall state minimum of 0.5% of total state grants), whichever share would provide the state with a larger amount. States then awarded subgrants by formula to LEAs—80% on the basis of the distribution of children aged 5-17 living in poverty and 20% on the basis of total enrollment of children aged 5-17. Funds were appropriated for ESEA Title VI but were to be spent in accordance with provisions included in the appropriations statute which specified their use for the general hiring of new teachers to reduce class size. The program broke new ground with its explicit and primary focus on federal support for the hiring of teachers.

Teacher Quality

The 106th Congress continued the redefinition of the federal role in K-12 teaching. For FY2001, Congress specified that appropriated amounts for the Eisenhower program above the FY2000 level ($335 million) were to be spent on such activities as reducing the percentage of teachers without certification or with emergency or provisional certification, the percentage teaching out of field, or the percentage lacking requisite content knowledge. These excess funds could also be directed to such other activities as mentoring for new teachers, multi-week institutes providing professional development, and retention efforts for teachers with a record of increasing low-income students' academic achievement. Among other new money for teachers approved in the FY2001 appropriations for ED was $3 million for the Troops-to-Teachers program (supporting entry of former military personnel into teaching) and $31 million for the Transition to Teaching program (targeting recruitment of mid-career professionals in other occupations and highly qualified recent college graduates with BAs in fields other than education).

Requirement That All Teachers Be Highly Qualified

The 107th Congress further expanded the federal role concerning issues of teacher quality. On January 8, 2002, the No Child Left Behind Act (NCLB) was signed into law (P.L. 107-110). This legislation continued to authorize federal support for activities to improve K-12 teaching through class size reduction, in-service training, and recruitment. It also more firmly focused federal interest on teacher quality by requiring virtually all teachers to be "highly qualified." Under NCLB, each SEA receiving ESEA Title I-A funding had to have a plan to ensure that, by no later than the end of the 2005-2006 school year, all teachers teaching in core academic subjects[49] within the state be designated a *highly qualified teacher*.

NCLB specified a lengthy definition of the requirements a teacher must fulfill to achieve highly qualified status and subsequent regulations specified the complex procedures that states and LEAs must undertake to demonstrate compliance with the new requirements.[50] As part of its plan, each Title I-funded state had to establish annual measurable objectives for each LEA and school that included, at a minimum, annual increases in the percentage of highly qualified teachers at each LEA and school to ensure that the 2005-2006 deadline was met. States and LEAs were also required to publicly issue annual reports describing progress on the state-set objectives. To assist states and localities in meeting these new requirements, NCLB increased federal teacher program funding and replaced the Eisenhower Professional Development and Class Size Reduction programs with a new formula grant program (discussed further in the next section of this report).

NCLB added to the ESEA the first federal definition of "professional development" to include activities that, among other things, improve teachers' knowledge of the academic subjects and enable teachers to become highly qualified; improve classroom management skills; are sustained, intensive, and classroom-focused instead of one-day, off-site workshops; advance understanding of effective instructional strategies; provide training in the use of technology; are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement; provide instruction in methods of teaching children with special needs and English language learners; include instruction in the use of data and assessments; and include instruction in ways to work more effectively with parents.[51]

Compensation, Recruitment, and School Leadership

In recent years, Congress has broken new ground in the area of teacher compensation, expanded federal support for teacher recruitment, and modified the federal role in the preparation of teachers and school leadership. The results of these actions are briefly mentioned here; the programs created are discussed in detail in the next section, which describes all current federal teacher programs.

The 109th Congress established the Teacher Incentive Fund through the FY2006 appropriations legislation (P.L. 109-149) which provided $100 million for competitive grants to support teacher

[49] According to ESEA Section 9101(11), "The term 'core academic subjects' means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography."

[50] For more information on this issue, see CRS Report RL33333, *A Highly Qualified Teacher in Every Classroom: Implementation of the No Child Left Behind Act and Reauthorization Issues for the 112th Congress* (available on request).

[51] ESEA, Section 9101(34).

compensation reform. The 110th Congress passed the America COMPETES Act of 2007 (P.L. 110-69) which authorized two new programs that encourage science, technology, engineering, and mathematics (STEM) majors to concurrently obtain teaching certification, support current teachers' pursuit of STEM master's degrees, and bring STEM professionals into teaching. The 110th Congress further enhanced teacher recruitment by amending the HEA through the College Cost Reduction and Access Act of 2007 (P.L. 110-84). The amendments authorized a new TEACH grant program that provides scholarships worth $4,000 a year for prospective teachers who agree to serve in hard-to-staff schools and expanded the existing loan forgiveness opportunities for certain teachers. The HEA was amended again, in the second session of the 110th Congress, through the Higher Education Opportunity Act of 2008 (P.L. 110-315). This legislation amended the Title II, Part A program by targeting grant activities on pre-baccalaureate teacher preparation, teacher residencies, and school leadership development.

Effectiveness

Recently, Congress has signaled that, as opposed to continuing to emphasize teacher quality, increasingly federal policy may focus on teacher effectiveness. The 111th Congress enacted the American Recovery and Reinvestment Act (ARRA; P.L. 111-5), which was signed by the President on February 17, 2009. The ARRA authorized and appropriated $4 billion for the Race to the Top competitive grant program which is intended to initiate reforms around four areas: (1) adopting standards and assessments that prepare students to succeed in college and the workplace and to compete in the global economy; (2) building data systems that measure student growth and success, and inform teachers and principals about how they can improve instruction; (3) *recruiting, developing, rewarding, and retaining effective teachers and principals, especially where they are needed most*; and (4) turning around the lowest-achieving schools.

In November 2009, the Department of Education published a notice of final priorities for the Race to the Top program. Included in the notice was the first federal definition of an "effective teacher," which

> means a teacher whose students achieve acceptable rates (e.g., at least one grade level in an academic year) of student growth (as defined in this notice). States, LEAs, or schools must include multiple measures, provided that teacher effectiveness is evaluated, in significant part, by student growth (as defined in this notice). Supplemental measures may include, for example, multiple observation-based assessments of teacher performance.[52]

In addition, the RTT regulations require grantees to develop statewide systems that annually rate teachers' effectiveness based on classroom observations and student growth and use these ratings to inform critical human resource decisions. Through these regulations, ED established the following five requirements of all teacher evaluation systems.

1. Teachers must be evaluated at least annually,
2. Evaluation procedures must include several classroom observations,
3. Teacher performance must be measured in significant part on growth in student achievement,

[52] U.S. Department of Education, "Race to the Top Fund; Final Rule," 74 *Federal Register* 59804, November 18, 2009, http://edocket.access.gpo.gov/2009/pdf/E9-27426.pdf.

4. Systems of evaluation must differentiate teachers among multiple categories of effectiveness (as opposed to a binary satisfactory/unsatisfactory rating), and
5. The results of teacher evaluations must inform important school staffing decisions (e.g., promotion and dismissal).[53]

NCLB Waivers

On September 23, 2011, ED announced the availability of an ESEA flexibility package for states and described the principles that states must meet to obtain waivers that in effect exempt states and school districts from various NCLB accountability requirements, including those regarding teacher qualifications.[54] Under this flexibility, a school district that does not meet targets for implementing the NCLB highly qualified-teacher requirement would no longer have to develop an improvement plan and would retain flexibility in how it uses its ESEA funds. Further, the state education agency in which that school district is located would be exempt from requirements regarding its role in the implementation of improvement plans, use of ESEA funds, and provision of technical assistance.

In return for this flexibility, states and school districts must engage in education reforms for "improving student academic achievement and increasing the quality of instruction." These reforms must encompass the following four principles: (1) college- and career-ready expectations for all students; (2) state-developed differentiated recognition, accountability, and support; (3) *supporting effective instruction and leadership*; and (4) reducing duplication and unnecessary burden. As articulated by ED, the third of these principles requires that states and school districts must commit to develop, adopt, pilot, and implement teacher and principal evaluation and support systems that

1. will be used for continual improvement of instruction;
2. meaningfully differentiate performance using at least three performance levels;
3. use multiple valid measures in determining performance levels, including as a significant factor data on student growth for all students (including English Learners and students with disabilities), and other measures of professional practice (which may be gathered through multiple formats and sources, such as observations based on rigorous teacher performance standards, teacher portfolios, and student and parent surveys);
4. evaluate teachers and principals on a regular basis;
5. provide clear, timely, and useful feedback, including feedback that identifies needs and guides professional development; and
6. will be used to inform personnel decisions.[55]

[53] U.S. Department of Education, "Race to the Top Fund; Notice of Proposed Priorities," 74 *Federal Register* 37809, July 29, 2009, http://www.gpo.gov/fdsys/pkg/FR-2009-07-29/pdf/E9-17909.pdf.

[54] As of April 2013, ED had approved ESEA flexibility package applications for 34 states and the District of Columbia and was reviewing applications from several other states. Approved state applications and pending applications are available at http://www.ed.gov/esea/flexibility/requests.

[55] See ED's ESEA Flexibility Policy Document at http://www.ed.gov/esea/flexibility/documents/esea-flexibility-acc.doc.

Current Federal Teacher Programs

This section provides descriptions of the major federal programs currently authorized to address K-12 teaching. The primary focus of this discussion is on the programs in the ESEA as amended by NCLB. Select federal teacher programs authorized in the HEA and elsewhere are also described.

Elementary and Secondary Education Act

Teacher and Principal Training and Recruiting Fund

In amending and reauthorizing the ESEA, NCLB continued Title II as the primary title for teacher programs.[56] As amended, ESEA, Title II-A replaced the Eisenhower Professional Development and Class Size Reduction programs (hereinafter referred to as Eisenhower and CSR, respectively) with a new state formula grant program authorized at $3.175 billion for FY2002 and such sums as may be necessary for the five succeeding fiscal years.[57] The fund awards formula grants to SEAs which then award formula subgrants to LEAs.

State Allocation Formula

The allocation formula for Title II-A provides each state with a base guarantee of funding equal to the amount it received for FY2001 under the Eisenhower and CSR programs. Any excess funding is allocated by formula among the states based 35% on school-aged population (5-17) and 65% on school-aged population in poverty. Each state is assured 0.5% of this excess. At the state level, 95% of the state grant is to be distributed as subgrants to LEAs, 2.5% for local partnerships (the Secretary calculates an alternative percentage if 2.5% of the state grant would generate a total for all states in excess of $125 million), and the remainder for state activities.

LEA Subgrants

LEA subgrant funding is distributed first as a base guarantee of the FY2001 Eisenhower and CSR grants to individual districts, with the remainder distributed by formula based 20% on school-aged population and 80% on school-aged population in poverty.

LEAs are authorized to use their funding for one or more of various specified activities. Among the authorized activities are the following:

- assistance to schools in the recruitment and retention of highly qualified teachers (see definition above), principals, and, under certain conditions, pupil services personnel;

[56] The No Child Left Behind Act included the Paul D. Coverdell Teacher Protection Act of 2001, which provides liability protection to school employees (including teachers, administrators, and school board members) acting to control, discipline, expel, or suspend a student or to maintain order in the classroom or school.

[57] This authority was automatically extended through FY2008 under the General Education Provisions Act (20 USC 1226a). Although the ESEA has not been reauthorized, unless otherwise noted, funds continue to be appropriated for the ESEA programs described in this report.

- assistance in recruiting and hiring highly qualified teachers through such means as scholarships and signing bonuses;
- use of these teachers to reduce class sizes;
- initiatives to increase retention of highly qualified teachers and principals, particularly in schools with high percentages of low-achieving students, through mentoring, induction services during the initial three years of service, and financial incentives for those effectively serving all students;
- professional development, including professional development that involves technology in teaching and curriculum and professional development delivered through technology;
- improvement of the quality of the teaching force through such activities as tenure reform, merit pay, and teacher testing in their subject areas; and
- professional development for principals and superintendents.

The majority of Title II-A funds are used for class size reduction and professional development. In recent years, professional development has replaced class size reduction as the single largest area of spending. The percentage of funds used for reducing class size decreased from 57% in 2002-2003 to 39% in 2011-2012, and the percentage of funds used for professional development increased from 27% in 2002-2003 to 44% in 2011-2012.[58]

Partnership Subgrants

Funds are awarded competitively to partnerships that must include an IHE and its division preparing teachers and principals; an IHE school of arts and sciences; and a high-need LEA (defined as one with at least 10,000 poor children or a child poverty rate of at least 20% that, in addition, has either a high percentage of out-of-field teachers or a high percentage of teachers with emergency, provisional, or temporary certificates). Other entities, such as charter schools or another LEA, may be part of these partnerships. Partnerships must use their funds for professional development in the core academic subjects for teachers, highly qualified paraprofessionals, and principals.

State Activities

States must use their funding for one or more of several specified activities. Among these activities are the following: teacher and principal certification reform; mentoring and intensive professional development for teachers and principals, including those new to their careers; assistance to LEAs and schools in the recruitment and retention of highly qualified teachers, principals, and, under certain conditions, pupil services personnel; tenure reform; subject matter testing for teachers; projects to promote teacher and principal certification reciprocity across states; training to help teachers integrate technology into the curriculum and instruction; assistance to help teachers become highly qualified by the end of the fourth year of state funding; and a clearinghouse for teacher recruitment and placement.

[58] U.S. Department of Education, *Findings from the 2011-2012 Survey on the Use of Funds Under Title II, Part A*, Washington, DC, March 2012, http://www2.ed.gov/programs/teacherqual/finalfindings32312.pdf. Findings from prior years' surveys may be found at http://www2.ed.gov/programs/teacherqual/resources.html.

Accountability

If, after the second year of the plan to ensure that all teachers are highly qualified (see previous section), an LEA has failed to make progress toward the annual objectives in such plan, it must develop an improvement plan. Failure after the third year coupled with failure to make *adequate yearly progress*[59] for three consecutive years requires the SEA to identify the professional development the LEA will use and, generally, precludes use of Title I-A funds for the hiring of paraprofessionals. In addition, the SEA provides funding directly to schools in the LEA to enable their teachers to choose their own professional development activities.

National Activities

The Secretary of Education is authorized to use national activities funding for several specific activities. These funds support an Advanced Credentialing program to encourage teachers to pursue advanced certification by the National Board for Professional Teaching Standards or the National Council on Teacher Quality. In FY2010, $10.6 million is appropriated for Advanced Credentialing. National activities also support a School Leadership program for the recruitment of principals to high-need LEAs.

Mathematics and Science Partnerships

Title II-B authorizes funding for partnerships to improve math and science instruction. An eligible partnership must include an SEA, the engineering, mathematics, or science department of an IHE, and a high-need LEA. Other entities such as LEAs and charter schools may be included as well. The annual authorization of appropriations is $450 million for FY2002 and such sums as may be necessary for the next five fiscal years. When the annual appropriation is less than $100 million, the program's three-year grants are awarded competitively; otherwise, funds are awarded to SEAs based on school-aged population in poverty with a 0.5% small state minimum.

Partnerships must use their grants for one or more of several specific activities. Among them are the following: professional development to improve math and science teachers' subject knowledge; activities to promote strong teaching skills among these teachers and teacher educators; math and science summer workshops or institutes with academic year followup; recruitment of math, science, or engineering majors to teaching through signing and performance incentives, stipends for alternative certification, and scholarships for advanced course work; development or redesign of more rigorous, standards-aligned math and science curricula; distance learning programs for math and science teachers; and opportunities for math and science teachers to have contact with working mathematicians, scientists, and engineers.

The Secretary is to consult and coordinate activities with the Director of the National Science Foundation, particularly regarding the appropriate roles of the two entities in workshops, institutes, and partnerships.

[59] Adequate yearly progress refers to progress made toward proficiency benchmarks under the reauthorized ESEA. For more information on this topic, see CRS Report R41533, *Accountability Issues and Reauthorization of the Elementary and Secondary Education Act* .

Each partnership must have an evaluation and accountability plan that includes objectives measuring the impact of the funded activities. Among these objectives must be improvement of student achievement on state math and science assessments.

NSF's Mathematics and Science Partnership Program

The NSF has been implementing a Mathematics and Science Partnership program as well, authorized by the National Science Foundation Authorization Act of 2002. This is a competitive grant program designed to improve the content knowledge of teachers and the performance of students in the areas of mathematics and science. Grantees are to engage in three kinds of activities: partnerships between IHEs and local school districts, projects focusing on research and evaluation of these efforts and technical assistance, and partnerships supporting teacher institutes.

Innovation for Teacher Quality

Troops-to-Teachers

Title II Part C, Subpart 1, Chapter A authorizes funding and administration of the Troops-to-Teachers program, an effort to facilitate the movement of members of the armed forces into K-12 teaching. This legislation authorizes the Secretary of Education to enter into a memorandum of agreement with the Department of Defense for the actual administration of the program, which was first enacted in the FY1993 Defense Authorization Act. The program assists eligible members of the armed forces to become certified as elementary or secondary school teachers or vocational technical teachers. A single authorization of appropriations of $150 million for FY2002 and such sums as may be necessary for the next five fiscal years was provided for the Troops-to-Teachers program and the Transition to Teaching program, of which the Secretary was to reserve not more than $30 million in FY2002 for the Troops-to-Teachers program.

Transition to Teaching

This is a continuation of a program to recruit mid-career professionals and others to teaching that was first initiated through the Consolidated Appropriations Act of 2001. Title II Part C, Subpart 1, Chapter B authorizes the Secretary to competitively award five-year partnership grants to SEAs, high need LEAs, and higher education institutions for the establishment of state and local "teacher corps" projects. These projects are to recruit highly qualified mid-career professionals, highly qualified paraprofessionals, and recent college graduates to teach in high need schools. Among the activities these programs can support are financial incentives effective for retaining teachers in high need schools in high need LEAs; pre- and post-placement support such as mentoring; payments for the costs of hiring these teachers or subsidies to participants; and state or regional clearinghouses for recruitment and placement. Participating teachers are to be placed in high need schools within high-need LEAs with a priority on schools in areas with the highest percentages of low-income students. Participants have a three-year service commitment. Projects failing to make substantial progress by the end of their third year toward goals and objectives established in their applications have their grants revoked.

Teacher Incentive Fund

The Teacher Incentive Fund (TIF) was first authorized and funded through the FY2006 Labor-HHS-Education Appropriations Act (P.L. 109-149) which provided $261 million for activities authorized under Title V, Part D of the ESEA. A portion of these funds ($100 million) was reserved for activities under Subpart 1 which gives the Secretary general authority to award discretionary grants, "to support nationally significant programs to improve the quality of elementary and secondary education."

The act stipulates that these $100 million are to be used for five-year grants competitively awarded to local education agencies (including charter schools) or states individually or in partnership with each other or with a non-profit organization. According to the act, the goal of these projects is to "develop and implement performance-based teacher and principal compensation systems in high-need schools."

The act further requires that TIF project compensation reforms "must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year" among other factors and provide educators with incentives to take on additional responsibilities and leadership roles. The Secretary is given a 5% set-aside to support the Center for Educator Compensation Reform[60] which raises national awareness about alternative and effective strategies for educator compensation reform and provides technical assistance to TIF grantees.

Beginning in 2007, the FY2006 appropriation was used to fund 34 TIF projects; no funds were appropriated for TIF in FY2007. Program funds may be used to pay the costs of developing and implementing performance-based compensation systems for the benefit of teachers and principals in high-need schools. For example, in addition to costs associated with the incentives given to teachers and principals, other project costs could include professional development activities for those teachers in high-need schools, evaluation and analysis tools, project staff salaries at the applicant level, and reasonable travel necessary for project development and implementation.

Ready to Teach

ESEA, Title V, Part D also authorizes the Ready to Teach program which supports two types of competitive grants to nonprofit telecommunications entities: (1) grants to carry out a national telecommunications-based program to improve teaching in core curriculum areas, and (2) digital educational programming grants that enable eligible entities to develop, produce, and distribute educational and instructional video programming. National telecommunications-based program grants are generally five-year awards. Digital educational programming grants must last three years, be matched by applicants, and must be based on challenging state academic content and student academic achievement standards in reading or mathematics.

Higher Education Act

The HEA, as amended by the Higher Education Opportunity Act (HEOA, P.L. 110-315), addresses K-12 teacher issues through programs supporting the improvement of teacher

[60] For more information about the Center for Educator Compensation Reform, see http://cecr.ed.gov/.

preparation and recruitment. Title II of the HEA authorizes grants for improving teacher education programs, strengthening teacher recruitment efforts, and providing training for prospective teachers. This title also includes the reporting requirements for states and higher education institutions regarding the quality of teacher education programs. Title IV of the HEA authorizes TEACH Grants to encourage more students to prepare for a career in teaching and student loan forgiveness for individuals teaching in certain high-need subjects. Title VIII of the HEA authorizes support for Teach for America which recruits recent college graduates into teaching.

Teacher Quality Partnership Grants

Title II, Part A of the HEA authorizes Teacher Quality Partnership grants to improve the quality of teachers working in high-need schools and early childhood education programs by improving the preparation of teachers and enhancing professional development activities for teachers; holding teacher preparation programs accountable for preparing effective teachers; and recruiting highly qualified individuals into the teaching force.

Eligible Partnerships

To be eligible, partnerships must include a high-need LEA; a high-need school or high-need early childhood education program (or a consortium of high-need schools or early childhood education programs served by the partner high-need LEA); a partner IHE; a school, department, or program of education within the partner IHE; and a school or department of arts and sciences within the partner IHE. A high-need LEA must serve either (1) not less than 20%, or (2) not fewer than 10,000 children who are from families below the poverty line.

Partnership Activities

Partnership grant funds are authorized to be used for either a Pre-Baccalaureate Preparation program, a Teacher Residency program, or both. Funds may also be used for a Leadership Development program, but only in addition to one of these other two uses. Activities authorized by the HEOA amendments are described below.

Pre-Baccalaureate Preparation Program. Grants are provided to implement a wide-range of reforms in teacher preparation programs and, as applicable, preparation programs for early childhood educators. These reforms may include, among other things, implementing curriculum changes that improve, evaluate, and assess how well prospective teachers develop teaching skills; using teaching and learning research so that teachers implement research-based instructional practices and use data to improve classroom instruction; developing a high-quality and sustained pre-service clinical education program that includes high-quality mentoring or coaching; creating a high-quality induction program for new teachers; implementing initiatives that increase compensation for qualified early childhood educators who attain two-year and four-year degrees; developing and implementing high-quality professional development for teachers in the partner high-need LEAs; developing effective mechanisms, which may include alternative routes to state certification, to recruit qualified individuals into the teaching profession; and strengthening literacy teaching skills of prospective and new elementary and secondary school teachers.

Teacher Residency Program. Grants are provided to develop and implement teacher residency programs that are based on models of successful teaching residencies and that serve as a

mechanism to prepare teachers for success in high-need schools and academic subjects. Grant funds must be used to support programs that provide, among other things, rigorous graduate-level course work to earn a master's degree while undertaking a guided teaching apprenticeship; learning opportunities alongside a trained and experienced mentor teacher; and clear criteria for selecting mentor teachers based on measures of teacher effectiveness. Programs must place graduates in targeted schools as a cohort in order to facilitate professional collaboration and provide a one-year living stipend or salary to members of the cohort, which must be repaid by any recipient who fails to teach full time at least three years in a high-need school or subject area.

Leadership Development Program. Grants are provided to develop and implement effective school leadership programs to prepare individuals for careers as superintendents, principals, early childhood education program directors, or other school leaders. Such programs must promote strong leadership skills and techniques so that school leaders are able to create a school climate conducive to professional development for teachers; understand the teaching and assessment skills needed to support successful classroom instruction; use data to evaluate teacher instruction and drive teacher and student learning; manage resources and time to improve academic achievement; engage and involve parents and other community stakeholders; and understand how students learn and develop in order to increase academic achievement. Grant funds must also be used to develop a yearlong clinical education program, a mentoring and induction program, and programs to recruit qualified individuals to become school leaders.

Enhancing Teacher Education

The HEOA amendments established five new programs in HEA, Title II, Part B, Enhancing Teacher Education including Subpart 1, Preparing Teachers for Digital Age Learners; Subpart 2, Hawkins Centers of Excellence; Subpart 3, Teach to Reach Grants; Subpart 4, Adjunct Teacher Corps; and Subpart 5, Graduate Fellowships to Prepare Faculty in High-Need Areas. None of these programs have received funding.

TEACH Grants

The College Cost Reduction and Access Act of 2007 (P.L. 110-84) authorized the TEACH Grant program, which provides scholarships worth $4,000 a year for prospective teachers. Eligible recipients must be high-achieving (at least a 3.25 GPA) undergraduate, post-baccalaureate, and graduate students who commit to teaching a high-need subject in a high-need elementary or secondary school for four years. High-need subjects include mathematics, science, foreign languages, bilingual education, special education, and reading. High-need schools are those located in an LEA that is eligible for ESEA, Title I funds.

TEACH Grant recipients agree to serve full-time in a high-need subject at a high-need school for not less than four years within eight years of graduation. For students who fail to fulfill this service requirement, grants are converted to Direct Unsubsidized Stafford Loans with interest accrued from the date the grants were awarded.

Debt Relief from Student Loans

Qualifying teachers may receive relief from HEA, Title VI Stafford Loan debt.[61] Loan debt can be forgiven for individuals teaching in low-income elementary or secondary schools who are new borrowers on or after October 1, 1998.[62] To be eligible for repayment, borrowers have to teach on a full-time basis for five consecutive years in a Title I school.[63] After completion of that service, up to $5,000 in loan debt can be forgiven. Math, science, and special education teachers in low-income schools are eligible for relief of up to $17,500 in loan debt.

Teach for America

HEA, Title VIII-F, authorizes the Secretary to award a five-year grant to Teach for America, Inc. (TFA), a nonprofit organization that recruits recent college graduates who commit to teach in high-need LEAs. Grant funds may be used for the following activities: (1) recruiting and selecting teachers through TFA's highly selective national process; (2) providing pre-service training to such teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education coursework and theory; (3) finding placements for these teachers in schools and positions designated by high-need local educational agencies as high-need placements serving underserved students; and (4) providing ongoing professional development activities for these teachers during their first two years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

Other Federal Programs

Teachers for a Competitive Tomorrow

The America COMPETES Act of 2007 (P.L. 110-69)[64] authorized two new programs to improve K-12 teaching: (1) a Baccalaureate Degree program that encourages STEM majors to concurrently obtain teaching certification and (2) a Master's Degree program to upgrade the skills of current teachers through two to three years of part-time study or to support one-year programs to bring STEM professionals into teaching. The program requires that grantees put particular emphasis on encouraging members of groups that are underrepresented in the teaching of STEM subjects or critical foreign languages to participate in the program. In addition, the program gives priority to grantees whose primary focus is on placing participants in high-need LEAs.

[61] For more information on student loans and options for forgiveness and repayment benefits, see CRS Report R40122, *Federal Student Loans Made Under the Federal Family Education Loan Program and the William D. Ford Federal Direct Loan Program: Terms and Conditions for Borrowers* .

[62] That is, an individual with an outstanding loan balance on a student loan before October 1, 1998, is ineligible for this program, unless the loan balance is paid in full before again borrowing under the program.

[63] At least one of these school years must be after the 1997-1998 school year. Borrowers whose five-year period of service began on or after October 30, 2004, must be highly qualified teachers, as defined in the Elementary and Secondary Education Act (ESEA), §9101.

[64] For more information on the America COMPETES Act, see CRS Report R42430, *America COMPETES 2010 and the FY2013 Budget*, by Heather B. Gonzalez.

Tax Provisions

Teachers may take an above-the-line deduction from their federal taxable income of up to $250 a year for classroom expenses (including those for books, supplies, computer equipment, other equipment, and supplementary materials used in the classroom) incurred by teachers and others in schools.[65]

Race to the Top

The ARRA authorized the Race to the Top (RTT) program and appropriated $4 billion which the Secretary may use to award discretionary RTT grants to states.[66] Section 14006(c) of the ARRA requires at least 50% of RTT funding to states to be sub-granted to participating LEAs according to their relative shares of funding under the ESEA, Title I-A. States have considerable flexibility in awarding or allocating the remaining 50% of their RTT awards, which are available for state-level activities, disbursements to LEAs, and other purposes as the state may propose in its application.

The purpose of the RTT program is to encourage the development and implementation of educational reforms in four areas: (1) adopting standards and assessments that prepare students to succeed in college and the workplace and to compete in the global economy; (2) building data systems that measure student growth and success, and inform teachers and principals about how they can improve instruction; (3) recruiting, developing, rewarding, and retaining effective teachers and principals, especially where they are needed most; and (4) turning around the lowest-achieving schools. The second and third of these reform areas have particular importance for federal teacher policy.

State Eligibility and Data Systems

To be eligible to compete for RTT funds, a state must have its application for funds under the State Fiscal Stabilization Fund[67] approved by the Secretary and, at the time the state submits its RTT application, "there must not be any legal, statutory, or regulatory barriers at the state level to linking data on student achievement (as defined in this notice) or student growth (as defined in this notice) to teachers and principals for the purpose of teacher and principal evaluation."[68] Moreover, priority in the grant competition is given to applications in which the state plans to expand statewide longitudinal data systems to include or integrate data on subgroups of students with human resources data on teachers, principals, and other staff.

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[65] CRS Report RS21682, *The Tax Deduction for Classroom Expenses of Elementary and Secondary School Teachers* (available upon request).

[66] An additional $350 million was appropriated for a separate Race to the Top Assessment Program, http://www2.ed.gov/programs/racetothetop-assessment/index.html.

[67] RTTT is part of the $53.6 billion ARRA appropriation of which $48.6 billion is to be awarded by formula. More information on this program can be found in CRS Report R40151, *Funding for Education in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5)* at http://www2.ed.gov/policy/gen/leg/recovery/factsheet/stabilization-fund.html.

[68] U.S. Department of Education, "Race to the Top Fund; Final Rule," 74 *Federal Register* 59692, November 18, 2009, http://edocket.access.gpo.gov/2009/pdf/E9-27426.pdf.

Applications must explain the extent to which the state's data system would (1) provide teachers, principals, and administrators with the information and resources they need to inform and improve their instructional practices, decision-making, and overall effectiveness; (2) support LEAs and schools in providing effective professional development to teachers, principals, and administrators; and (3) make data available and accessible to researchers so that they have detailed information with which to evaluate the effectiveness of instructional materials, strategies, and approaches for educating different types of students.

LEA Evaluation of Teacher Effectiveness

To be eligible for participation, LEAs must sign a memorandum of understanding with the state that demonstrates they are,"strongly committed to the state's plans and to effective implementation of reform in the four education areas," including reforms of their teacher evaluation systems.[69] In reforming these systems, participating LEAs must consider several factors when evaluating teachers' effectiveness. According to ED's guidance, "The Department believes that teacher and principal evaluations and related decisions should be based on multiple measures of teacher performance. The Department also believes that student growth should be one of those measures and should be weighted as a significant factor."[70]

ED's RTT regulations define an "effective teacher" as "a teacher whose students achieve acceptable rates (e.g., at least one grade level in an academic year) of student growth (as defined in this notice)."[71] That is, to be considered effective, teachers must raise their students' learning to a level at or above what is expected within a typical school year. The guidance additionally points out that the focus of evaluating an effective teacher should be student *growth*, not one-time measures of student achievement or proficiency.

These reforms must also produce evaluation results that have actionable consequences. First, they must differentiate teacher and leader effectiveness using multiple rating categories. Second, LEAs must use these evaluations to inform decisions regarding (1) coaching, induction support, and/or professional development; (2) compensating, promoting, and retaining teachers and principals; (3) granting tenure and/or full certification; and (4) removing ineffective tenured and untenured teachers and principals after they have had ample opportunities to improve. Third, states must ensure the equitable distribution of effective teachers based on definitions that are comparable across classrooms in each LEA and across classrooms statewide.

[69] U.S. Department of Education, *Race to the Top Program: Executive Summary*, Washington, DC, November 2009, p. 6, http://www2.ed.gov/programs/racetothetop/executive-summary.pdf.

[70] U.S. Department of Education, *Race to the Top Program: Guidance and Frequently Asked Questions*, May 2010, p. 19, http://www2.ed.gov/programs/racetothetop/faq.pdf.

[71] U.S. Department of Education, "Race to the Top Fund; Final Rule," 74 *Federal Register* 59804, November 18, 2009, http://edocket.access.gpo.gov/2009/pdf/E9-27426.pdf.

ESEA Reauthorization Issues

The authorization for ESEA programs expired at the end of FY2008, and the 113th Congress is considering whether to amend and extend the ESEA.[72] This section discusses teacher policy issues that may arise if Congress proceeds with reauthorization.

Teacher and Principal Effectiveness

Federal policy has, until very recently, been silent on what constitutes effective teaching. The definition of an effective teacher and the evaluation of teachers' performance have largely remained the responsibility of school leadership within broad parameters outlined at the district level; indeed, few states have intervened in this process. Still, Congress has shown increasing interest in growing federal involvement in this area, most recently through passage of RTT and several hearings on the topic. Among other questions that may arise during ESEA reauthorization, Congress may consider

- whether definitions of teacher effectiveness and principal effectiveness should be written into federal law;
- whether HOUSSE[73] procedures currently laid out in NCLB to identify highly-qualified teachers can be adapted to reform teacher evaluation;
- whether federal accountability requirements for student achievement can be amended to facilitate their use in teacher evaluation;
- whether the federal investment in teacher and principal training should be targeted at improving evaluation systems;
- whether the best policy levers for reforming teacher evaluation systems to emphasize effectiveness occur at the state, district, or school level; and
- whether value-added methods for determining the effectiveness of individual teachers, principals, schools, or districts is currently feasible across grades and subject areas and should be required by federal policy.

Compensation and High-Stakes Decision-Making

Along with increasing the federal role in the evaluation of teacher and principal effectiveness, Congress has shown interest in influencing the use of these evaluations. The TIF requires that grantees reform compensation systems to reward teacher performance with bonuses and other financial incentives. RTT requires that grantees go further and use evaluations to inform high-stakes decisions such as the granting of tenure, awarding full certification, and removing

[72] This authority was automatically extended through FY2008 under the General Education Provisions Act (20 USC 1226a). Although the ESEA has not been reauthorized, funds continue to be appropriated.

[73] According to NCLB, a teacher who is not new to the teaching profession may demonstrate subject matter knowledge through a state-defined *High Objective Uniform State Standard of Evaluation* (HOUSSE) process. In defining its HOUSSE, the state must set standards for both grade appropriate academic subject knowledge and teaching skills that are aligned with challenging state academic and student achievement standards.

ineffective teachers. With the knowledge that these decisions are often made at the local level of our educational system, Congress may consider

- whether the federal government will have a sustained role in teacher and principal compensation and whether this role will focus on seeding efforts to develop the capacity to link compensation to performance;
- whether performance-based teacher compensation efforts have triggered reforms in other areas such as evaluation procedures, leadership development, and data systems;
- whether successful reforms in a limited set of school districts can be replicated by scaling up the federal investment; and
- whether federal policy should address other barriers (i.e., beyond failure to identify poor teacher performance) that limit the role of teacher evaluations in high-stakes decision-making.

Equitable Distribution of Teachers

NCLB requires that *highly-qualified teachers* be equitably distributed among classrooms and schools.[74] Although some claim that high-poverty schools are less likely to have highly qualified teachers,[75] given that nearly all teachers are considered highly qualified,[76] it is not clear whether this requirement has proven useful. Congress included similar provisions concerning the equitable distribution of teacher effectiveness in RTT. However, instead of binary categories—highly qualified or not highly qualified—the new program requires states to define and identify "effective" and "highly effective" teachers. If distribution issues arise during ESEA reauthorization, Congress may consider

- whether federal policy should require states, districts, and/or schools to distinguish multiple levels of teacher quality and/or effectiveness in order to better examine questions of equity;
- whether requirements for distribution of teacher quality and/or effectiveness should be integrated with requirements for "comparability of services" under Title I-A;[77]
- whether current seniority rules for teacher-to-school assignment, often written into collective bargaining agreements, that contribute to the uneven distribution of teachers, should be addressed by the federal government; and
- whether other policy levers, such as pay incentives, are effective at improving equity and should be expanded.

[74] ESEA, Section 1111(b)(8)(C).

[75] Stephen Sawchuk, "The Latest on States' 'Highly Qualified' Teacher Counts," *Education Week*, August 13, 2009.

[76] According to the most recent figures, from the 2007-2008 school year, 95% of all core academic classes are taught by highly qualified teachers; the figure is 99% in more than a dozen states. U.S. Department of Education, *A Summary of Highly Qualified Teacher Data*, Washington, DC, May 2009, http://www2.ed.gov/programs/teacherqual/data2009.doc.

[77] ESEA, Section 1120A(c) requires LEAs to ensure, among other things, "equivalence among schools in teachers" in order to receive Title I-A funds.

Preparation and Certification

The federal government currently plays a somewhat limited role with regard to support for pre-service teacher preparation. Fewer than 1 in 20 teacher preparation programs receive funding through HEA, Title II-A.[78] All such programs at institutions receiving assistance through the HEA must adhere to the accountability provisions in Title II-A, including reporting requirements regarding pass rates on teacher certification exams. When Congress reauthorized the HEA through the HEOA, Title II-A was authorized through FY2011 (rather than the FY2014 authorization provided most of the rest of the HEA). This early expiration provides Congress with an opportunity to simultaneously reauthorize two of the major federal teacher programs (ESEA, Title II-A and HEA, Title II-A). In taking this opportunity, Congress may consider

- whether a portion of the comparatively large federal investment supporting in-service teacher training (under ESEA, Title II-A) should be reallocated to pre-service preparation;
- whether current support for traditional teacher preparation programs under HEA, Title II-A needs to be reworked in light of the growth of alternative routes to certification;
- whether accountability for teacher preparation programs under HEA, Title II-A should be designed to promote the most effective training practices[79] rather than identify so-called "failing" programs; and
- whether certification reform efforts supported by the initial round of HEA, Title II-A State Grants should be renewed in light of recent congressional interest in incorporating teacher effectiveness into the awarding of full certification to teachers.

Professional Development

ESEA, Title II-A funds are increasingly being used by school districts to support additional in-service professional development.[80] However, this training is often delivered in a sporadic and uncoordinated fashion and teachers often find it of little use in the classroom.[81] As federal mandates expand the collection of student achievement data, teachers have little access to the training needed to use this data effectively.[82] Should improving teacher training become an issue during ESEA reauthorization, Congress may consider

[78] In FY2009, ED supported 48 teacher preparation programs through Teacher Quality Partnership grants. According to American Association of Colleges for Teacher Education, there are over 800 teacher preparation programs at colleges and universities and nearly 200 alternative certification programs nationwide. Additional federal support is provided to alternative routes to certification though the appropriation for Teach for America.

[79] National Research Council, *Preparing Teachers: Building Evidence for Sound Policy*, Washington, DC, April 9, 2010, http://www.nap.edu/nap-cgi/report.cgi?record_id=12882&type=pdfxsum.

[80] U.S. Department of Education, *Findings from the 2008-2009 Survey on the Use of Funds Under Title II, Part A*, Washington, DC, July 2009, http://www2.ed.gov/programs/teacherqual/data2009.doc.

[81] Linda Darling-Hammond et al., *Professional Learning in the Learning Profession: A Status Report on Teacher Development in the United States and Abroad*, National Staff Development Council, Dallas, TX, February 2009, http://www.nsdc.org/news/NSDCstudy2009.pdf.

[82] Alliance for Excellent Education, *Achieving a Wealth of Riches: Delivering on the Promise of Data to Transform Teaching and Learning*, Policy Brief, Washington, DC, August 2009, http://www.all4ed.org/files/
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- whether to amend the current, lengthy definition of "professional development"[83] and/or create mechanisms to enforce the practices described in the definition;
- whether to hold schools and/or professional development providers accountable for improving teachers' effectiveness; and
- whether strengthening incentives to improve student achievement is a better way to improve teacher training than to define what that training should entail.

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[83] ESEA, Section 9101(34).