

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

SUBCHAPTER II—TEACHER QUALITY
ENHANCEMENT

CODIFICATION

Pub. L. 107-110, title X, §1051(1), Jan. 8, 2002, 115 Stat. 2080, added heading and struck out former heading which read as follows: “TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS”.

PRIOR PROVISIONS

A prior title II of the Higher Education Act of 1965, comprising this subchapter, was originally enacted by Pub. L. 89-329, title II, Nov. 8, 1965, 79 Stat. 1224, and amended by Pub. L. 89-752, Nov. 3, 1966, 80 Stat. 1240; Pub. L. 90-575, Oct. 16, 1968, 82 Stat. 1014; Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 121; Pub. L. 92-318, June 23, 1972, 86 Stat. 235; Pub. L. 94-482, Oct. 12, 1976, 90 Stat. 2081; Pub. L. 96-49; Aug. 13, 1979, 93 Stat. 351. Title II was extensively revised by Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1383, and was set out in this subchapter as having been added by Pub. L. 96-374, and amended, prior to repeal by Pub. L. 104-208, div. A, title I, §101(e) [title VII, §708(b)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312.

§ 1021. Definitions

In this subchapter:

(1) Arts and sciences

The term “arts and sciences” means—

(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

(2) Children from low-income families

The term “children from low-income families” means children described in section 6333(c)(1)(A) of this title.

(3) Core academic subjects

The term “core academic subjects” means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

(4) Early childhood educator

The term “early childhood educator” means an individual with primary responsibility for the education of children in an early childhood education program.

(5) Educational service agency

The term “educational service agency” has the meaning given the term in section 7801 of this title.

(6) Eligible partnership

Except as otherwise provided in section 1034 of this title, the term “eligible partnership” means an entity that—

(A) shall include—

(i) a high-need local educational agency;

(ii)(I) a high-need school or a consortium of high-need schools served by the high-need local educational agency; or

(II) as applicable, a high-need early childhood education program;

(iii) a partner institution;

(iv) a school, department, or program of education within such partner institution, which may include an existing teacher professional development program with proven outcomes within a four-year institution of higher education that provides intensive and sustained collaboration between faculty and local educational agencies consistent with the requirements of this subchapter; and

(v) a school or department of arts and sciences within such partner institution; and

(B) may include any of the following:

(i) The Governor of the State.

(ii) The State educational agency.

(iii) The State board of education.

(iv) The State agency for higher education.

(v) A business.

(vi) A public or private nonprofit educational organization.

(vii) An educational service agency.

(viii) A teacher organization.

(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

(x) A charter school (as defined in section 7221i of this title).

(xi) A school or department within the partner institution that focuses on psychology and human development.

(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

(xiii) An entity operating a program that provides alternative routes to State certification of teachers.

(7) Essential components of reading instruction

The term “essential components of reading instruction” has the meaning given the term in section 6368 of this title as such section was in effect on the day before December 10, 2015.

(8) Exemplary teacher

The term “exemplary teacher” has the meaning given the term in section 7801 of this title as such section was in effect on the day before December 10, 2015.

(9) High-need early childhood education program

The term “high-need early childhood education program” means an early childhood education program serving children from low-income families that is located within the geographic area served by a high-need local educational agency.

(10) High-need local educational agency

The term “high-need local educational agency” means a local educational agency—

(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

(ii) that serves not fewer than 10,000 children from low-income families;

(iii) that meets the eligibility requirements for funding under the Small, Rural School Achievement Program under section 7345(b) of this title; or

(iv) that meets the eligibility requirements for funding under the Rural and Low-Income School Program under section 7351(b) of this title; and

(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

(11) High-need school

(A) In general

The term “high-need school” means a school that, based on the most recent data available, meets one or both of the following:

(i) The school is in the highest quartile of schools in a ranking of all schools served by a local educational agency, ranked in descending order by percentage of students from low-income families enrolled in such schools, as determined by the local educational agency based on one of the following measures of poverty:

(I) The percentage of students aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary.

(II) The percentage of students eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.].

(III) The percentage of students in families receiving assistance under the State program funded under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.].

(IV) The percentage of students eligible to receive medical assistance under the Medicaid program.

(V) A composite of two or more of the measures described in subclauses (I) through (IV).

(ii) In the case of—

(I) an elementary school, the school serves students not less than 60 percent of whom are eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act; or

(II) any other school that is not an elementary school, the other school serves students not less than 45 percent of whom are eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act.

(B) Special rule

(i) Designation by the Secretary

The Secretary may, upon approval of an application submitted by an eligible part-

nership seeking a grant under this subchapter, designate a school that does not qualify as a high-need school under subparagraph (A) as a high-need school for the purpose of this subchapter. The Secretary shall base the approval of an application for designation of a school under this clause on a consideration of the information required under clause (ii), and may also take into account other information submitted by the eligible partnership.

(ii) Application requirements

An application for designation of a school under clause (i) shall include—

(I) the number and percentage of students attending such school who are—

(aa) aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary;

(bb) eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act;

(cc) in families receiving assistance under the State program funded under part A of title IV of the Social Security Act; or

(dd) eligible to receive medical assistance under the Medicaid program;

(II) information about the student academic achievement of students at such school; and

(III) for a secondary school, the graduation rate for such school.

(12) Highly competent

The term “highly competent”, when used with respect to an early childhood educator, means an educator—

(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

(B) with—

(i) a baccalaureate degree in an academic major in the arts and sciences; or

(ii) an associate’s degree in a related educational area; and

(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

(13) Repealed. Pub. L. 114-95, title IX, § 9214(c)(1)(A), Dec. 10, 2015, 129 Stat. 2161

(14) Induction program

The term “induction program” means a formalized program for new teachers during not less than the teachers’ first two years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, beginning teachers. Such program shall promote effective teaching skills and shall include the following components:

(A) High-quality teacher mentoring.

(B) Periodic, structured time for collaboration with teachers in the same department or field, including mentor teachers, as well as time for information-sharing among

teachers, principals, administrators, other appropriate instructional staff, and participating faculty in the partner institution.

(C) The application of empirically-based practice and scientifically valid research on instructional practices.

(D) Opportunities for new teachers to draw directly on the expertise of teacher mentors, faculty, and researchers to support the integration of empirically-based practice and scientifically valid research with practice.

(E) The development of skills in instructional and behavioral interventions derived from empirically-based practice and, where applicable, scientifically valid research.

(F) Faculty who—

(i) model the integration of research and practice in the classroom; and

(ii) assist new teachers with the effective use and integration of technology in the classroom.

(G) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers with respect to the learning process and the assessment of learning.

(H) Assistance with the understanding of data, particularly student achievement data, and the applicability of such data in classroom instruction.

(I) Regular and structured observation and evaluation of new teachers by multiple evaluators, using valid and reliable measures of teaching skills.

(15) Limited English proficient

The term “limited English proficient” has the meaning given the term “English learner” in section 7801 of this title.

(16) Parent

The term “parent” has the meaning given the term in section 7801 of this title.

(17) Partner institution

The term “partner institution” means an institution of higher education, which may include a two-year institution of higher education offering a dual program with a four-year institution of higher education, participating in an eligible partnership that has a teacher preparation program—

(A) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher’s subject matter knowledge in the content area in which the teacher intends to teach; or

(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

(I) using criteria consistent with the requirements for the State report card under section 1022d(b) of this title before the first publication of such report card; and

(II) using the State report card on teacher preparation required under section 1022d(b) of this title, after the first publication of such report card and for every year thereafter; and

(B) that requires—

(i) each student in the program to meet high academic standards or demonstrate a record of success, as determined by the institution (including prior to entering and being accepted into a program), and participate in intensive clinical experience;

(ii) each student in the program preparing to become a teacher who meets the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 1412(a)(14)(C) of this title; and

(iii) each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent.

(18) Principles of scientific research

The term “principles of scientific research” means principles of research that—

(A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

(B) present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and

(C) include, appropriate to the research being conducted—

(i) use of systematic, empirical methods that draw on observation or experiment;

(ii) use of data analyses that are adequate to support the general findings;

(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

(iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;

(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

(19) Professional development

The term “professional development” has the meaning given the term in section 7801 of this title.

(20) Scientifically valid research

The term “scientifically valid research” includes applied research, basic research, and

field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

(21) Teacher mentoring

The term “teacher mentoring” means the mentoring of new or prospective teachers through a program that—

(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;

(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction and classroom management (including approaches that improve the schoolwide climate for learning, which may include positive behavioral interventions and supports);

(C) provides regular and ongoing opportunities for mentors and mentees to observe each other’s teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

(D) provides paid release time for mentors, as applicable;

(E) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;

(F) promotes empirically-based practice of, and scientifically valid research on, where applicable—

- (i) teaching and learning;
- (ii) assessment of student learning;
- (iii) the development of teaching skills through the use of instructional and behavioral interventions; and
- (iv) the improvement of the mentees’ capacity to measurably advance student learning; and

(G) includes—

- (i) common planning time or regularly scheduled collaboration for the mentor and mentee; and
- (ii) joint professional development opportunities.

(22) Teaching residency program

The term “teaching residency program” means a school-based teacher preparation program in which a prospective teacher—

(A) for one academic year, teaches alongside a mentor teacher, who is the teacher of record;

(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution, which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed;

(C) acquires effective teaching skills; and

(D) prior to completion of the program—

- (i) attains full State certification or licensure and, with respect to special education teachers, meets the qualifications described in section 1412(a)(14)(C) of this title; and

- (ii) acquires a master’s degree not later than 18 months after beginning the program.

(23) Teaching skills

The term “teaching skills” means skills that enable a teacher to—

(A) increase student learning, achievement, and the ability to apply knowledge;

(B) effectively convey and explain academic subject matter;

(C) effectively teach higher-order analytical, evaluation, problem-solving, and communication skills;

(D) employ strategies grounded in the disciplines of teaching and learning that—

- (i) are based on empirically-based practice and scientifically valid research, where applicable, related to teaching and learning;

(ii) are specific to academic subject matter; and

(iii) focus on the identification of students’ specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

(E) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measures higher-order thinking skills (including application, analysis, synthesis, and evaluation);

(F) effectively manage a classroom, including the ability to implement positive behavioral interventions and support strategies;

(G) communicate and work with parents, and involve parents in their children’s education; and

(H) use, in the case of an early childhood educator, age-appropriate and developmentally appropriate strategies and practices for children in early childhood education programs.

(Pub. L. 89-329, title II, §200 as added Pub. L. 110-315, title II, §201(1), Aug. 14, 2008, 122 Stat. 3126; amended Pub. L. 111-39, title II, §201(1), July 1, 2009, 123 Stat. 1936; Pub. L. 114-95, title IX, §§9214(c)(1), 9215(oo)(2), Dec. 10, 2015, 129 Stat. 2161, 2178.)

REFERENCES IN TEXT

Section 6368 of this title as such section was in effect on the day before December 10, 2015, referred to in par. (7), means section 6368 of this title prior to being omitted in the general amendment of part B of subchapter I of chapter 70 of this title by Pub. L. 114-95, title I, §1201, Dec. 10, 2015, 129 Stat. 1879.

Section 7801 of this title as such section was in effect on the day before December 10, 2015, referred to in par. (8), means section 7801 of this title prior to amendment by Pub. L. 114-95, title VIII, §§8001(a)(1), (b)(2), (3), 8002, Dec. 10, 2015, 129 Stat. 2088, 2089.

The Richard B. Russell National School Lunch Act, referred to in par. (11)(A)(i)(II), (ii), (B)(ii)(I)(bb), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of

this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

The Social Security Act, referred to in par. (11)(A)(i)(III), (B)(ii)(D)(cc), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 1021, Pub. L. 89-329, title II, §201, as added Pub. L. 105-244, title II, §201, Oct. 7, 1998, 112 Stat. 1623; amended Pub. L. 107-110, title X, §1051(2), Jan. 8, 2002, 115 Stat. 2080, related to purposes and definitions, prior to repeal by Pub. L. 110-315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3133.

Another prior section 1021, Pub. L. 89-329, title II, §201, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1383; amended Pub. L. 99-498, title II, §201(b), (c), Oct. 17, 1986, 100 Stat. 1287; Pub. L. 100-418, title VI, §6241, Aug. 23, 1988, 102 Stat. 1520; Pub. L. 102-325, title II, §201, July 23, 1992, 106 Stat. 467, related to congressional statement of purpose and authorization of appropriations, prior to repeal by Pub. L. 104-208, div. A, title I, §101(e) [title VII, §708(b)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312.

Another prior section 1021, Pub. L. 89-329, title II, §201, as added Pub. L. 92-318, title I, §111(b)(1), June 23, 1972, 86 Stat. 238; amended Pub. L. 94-482, title I, §106, Oct. 12, 1976, 90 Stat. 2089; Pub. L. 96-49, §3(a), Aug. 13, 1979, 93 Stat. 351, provided for college library programs, prior to the general amendment of this subchapter by Pub. L. 96-374.

Another prior section 1021, Pub. L. 89-329, title II, §201, Nov. 8, 1965, 79 Stat. 1224; Pub. L. 90-575, title II, §211, Oct. 16, 1968, 82 Stat. 1036; Pub. L. 92-318, title I, §111(a)(1), June 23, 1972, 86 Stat. 238, authorized appropriations of \$50,000,000 for each fiscal year ending June 30, 1966, 1967, and 1968, and \$25,000,000; \$75,000,000; \$90,000,000; and \$18,000,000 for fiscal years ending June 30, 1969, 1970, 1971, and 1972, for library resources grants, prior to repeal by Pub. L. 92-318, title I, §111(b)(1), June 23, 1972, 86 Stat. 238.

AMENDMENTS

2015—Par. (3). Pub. L. 114-95, §9215(oo)(2)(A), substituted “The term ‘core academic subjects’ means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography” for “The term ‘core academic subjects’ has the meaning given the term in section 7801 of this title”.

Par. (5). Pub. L. 114-95, §9215(oo)(2)(B), made technical amendment to reference in original act which appears in text as reference to section 7801 of this title.

Par. (6)(B)(x). Pub. L. 114-95, §9215(oo)(2)(C), made technical amendment to reference in original act which appears in text as reference to section 7221i of this title.

Par. (7). Pub. L. 114-95, §9215(oo)(2)(D), added par. (7) and struck out former par. (7). Prior to amendment, text read as follows: “The term ‘essential components of reading instruction’ has the meaning given the term in section 6368 of this title.”

Par. (8). Pub. L. 114-95, §9215(oo)(2)(E), added par. (8) and struck out former par. (8). Prior to amendment, text read as follows: “The term ‘exemplary teacher’ has the meaning given the term in section 7801 of this title.”

Par. (10)(A)(iii). Pub. L. 114-95, §9215(oo)(2)(F)(i), made technical amendment to reference in original act which appears in text as reference to section 7345(b) of this title.

Par. (10)(A)(iv). Pub. L. 114-95, §9215(oo)(2)(F)(ii), made technical amendment to reference in original act which appears in text as reference to section 7351(b) of this title.

Par. (13). Pub. L. 114-95, §9214(c)(1)(A), struck out par. (13). Text read as follows: “The term ‘highly qualified’

has the meaning given such term in section 7801 of this title and, with respect to special education teachers, in section 1401 of this title.”

Par. (15). Pub. L. 114-95, §9215(oo)(2)(G), substituted “The term ‘limited English proficient’ has the meaning given the term ‘English learner’ in section 7801 of this title.” for “The term ‘limited English proficient’ has the meaning given the term in section 7801 of this title.”

Par. (16). Pub. L. 114-95, §9215(oo)(2)(H), made technical amendment to reference in original act which appears in text as reference to section 7801 of this title.

Par. (17)(B)(ii). Pub. L. 114-95, §9214(c)(1)(B), substituted “who meets the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 1412(a)(14)(C) of this title” for “to become highly qualified”.

Par. (19). Pub. L. 114-95, §9215(oo)(2)(I), made technical amendment to reference in original act which appears in text as reference to section 7801 of this title.

Par. (22)(D)(i). Pub. L. 114-95, §9214(c)(1)(C), substituted “, with respect to special education teachers, meets the qualifications described in section 1412(a)(14)(C) of this title” for “becomes highly qualified”.

2009—Par. (22)(D). Pub. L. 111-39 added subpar. (D) and struck out former subpar. (D) which read as follows: “prior to completion of the program, earns a master’s degree, attains full State teacher certification or licensure, and becomes highly qualified.”

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

PART A—TEACHER QUALITY PARTNERSHIP GRANTS

PRIOR PROVISIONS

A prior part A, consisted of sections 1021 to 1030, related to teacher quality enhancement grants for States and partnerships, prior to repeal by Pub. L. 110-315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3133.

§ 1022. Purposes

The purposes of this part are to—

- (1) improve student achievement;
- (2) improve the quality of prospective and new teachers by improving the preparation of prospective teachers and enhancing professional development activities for new teachers;
- (3) hold teacher preparation programs at institutions of higher education accountable for preparing teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 1412(a)(14)(C) of this title; and
- (4) recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.