

107TH CONGRESS
1ST SESSION

S. 495

To amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for certain professional development expenses and classroom supplies of elementary and secondary school teachers.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2001

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for certain professional development expenses and classroom supplies of elementary and secondary school teachers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tax Equity for School
5 Teachers Act of 2001”.

1 **SEC. 2. DEDUCTION FOR CERTAIN PROFESSIONAL DEVELOP-**
 2 **MENT EXPENSES AND CLASSROOM SUP-**
 3 **PLIES OF ELEMENTARY AND SECONDARY**
 4 **SCHOOL TEACHERS.**

5 (a) DEDUCTION ALLOWED WHETHER OR NOT TAX-
 6 PAYER ITEMIZES OTHER DEDUCTIONS.—Subsection
 7 (a)(2) of section 62 of the Internal Revenue Code of 1986
 8 (defining adjusted gross income) is amended by adding at
 9 the end the following new subparagraph:

10 “(D) CERTAIN PROFESSIONAL DEVELOP-
 11 MENT EXPENSES AND CLASSROOM SUPPLIES
 12 FOR TEACHERS.—The deductions allowed by
 13 section 162 which consist of qualified profes-
 14 sional development expenses and qualified ele-
 15 mentary and secondary education expenses paid
 16 or incurred by an eligible teacher.”.

17 (b) DEFINITIONS.—Section 62 of the Internal Rev-
 18 enue Code of 1986 is amended by adding at the end the
 19 following new subsection:

20 “(d) QUALIFIED EXPENSES OF ELIGIBLE TEACH-
 21 ERS.—For purposes of subsection (a)(2)(D)—

22 “(1) QUALIFIED PROFESSIONAL DEVELOPMENT
 23 EXPENSES.—

24 “(A) IN GENERAL.—The term ‘qualified
 25 professional development expenses’ means ex-
 26 penses for tuition, fees, books, supplies, equip-

ment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction.

“(B) QUALIFIED COURSE OF INSTRUCTION.—The term ‘qualified course of instruction’ means a course of instruction which—

“(i) is—

“(I) directly related to the curriculum and academic subjects in which an eligible teacher provides instruction, or

“(II) designed to enhance the ability of an eligible teacher to understand and use State standards for the academic subjects in which such teacher provides instruction,

“(ii) may—

“(I) provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

“(II) provide instruction in how best to discipline children in the class-

1 room and identify early and appro-
 2 priate interventions to help children
 3 described in subclause (I) to learn,

4 “(iii) is tied to challenging State or
 5 local content standards and student per-
 6 formance standards,

7 “(iv) is tied to strategies and pro-
 8 grams that demonstrate effectiveness in in-
 9 creasing student academic achievement
 10 and student performance, or substantially
 11 increasing the knowledge and teaching
 12 skills of an eligible teacher, and

13 “(v) is part of a program of profes-
 14 sional development which is approved and
 15 certified by the appropriate local edu-
 16 cational agency as furthering the goals of
 17 the preceding clauses.

18 “(C) LOCAL EDUCATIONAL AGENCY.—The
 19 term ‘local educational agency’ has the meaning
 20 given such term by section 14101 of the Ele-
 21 mentary and Secondary Education Act of 1965,
 22 as in effect on the date of the enactment of this
 23 subsection.

24 “(2) QUALIFIED ELEMENTARY AND SECONDARY
 25 EDUCATION EXPENSES.—The term ‘qualified ele-

mentary and secondary education expenses' means expenses for any taxable year for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

“(3) ELIGIBLE TEACHER.—

“(A) IN GENERAL.—The term ‘eligible teacher’ means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in an elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

“(B) ELEMENTARY OR SECONDARY SCHOOL.—The term ‘elementary or secondary school’ means any school which provides elementary education or secondary education (through grade 12), as determined under State law.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

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