

111TH CONGRESS
2D SESSION

H. R. 5336

To improve teacher quality, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2010

Mrs. MCCARTHY of New York (for herself and Ms. HIRONO) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To improve teacher quality, and for other purposes.

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 “Teacher and Principal
5 Improvement Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) Teacher quality is the single most important
9 in-school factor influencing student learning and
10 achievement.

11 (2) A report by William L. Sanders and June
12 C. Rivers showed that if 2 average 8-year-old stu-

1 dents were given different teachers, 1 of them a high
2 performer, the other a low performer, the students'
3 performance diverged by more than 50 percentile
4 points within 3 years.

5 (3) A similar study by Heather Jordan, Robert
6 Mendro, and Dash Weerasinghe showed that the
7 performance gap between students assigned 3 effec-
8 tive teachers in a row, and those assigned 3 ineffec-
9 tive teachers in a row, was 49 percentile points.

10 (4) In Boston, research has shown that stu-
11 dents placed with high-performing mathematics
12 teachers made substantial gains, while students
13 placed with the least effective teachers regressed and
14 their mathematics scores decreased.

15 (5) McKinsey & Company found that studies
16 that take into account all of the available evidence
17 on teacher effectiveness suggest that students placed
18 with high-performing teachers will progress 3 times
19 as fast as those placed with low-performing teachers.

20 (6) A 2003 study by Richard Ingersoll found
21 that new teachers, not just those in hard-to-staff
22 schools, face such challenging working conditions
23 that nearly one-half leave the profession within their
24 first 5 years, one-third leave within their first 3

1 years, and 14 percent leave by the end of their first
2 year.

3 (7) A report by the National Commission on
4 Teaching and America's Future estimated that the
5 nationwide cost of replacing public school teachers
6 who have dropped out of the profession is
7 \$7,300,000,000 annually.

8 (8) Research by Thomas Smith, Richard Inger-
9 soll, and Anthony Villar has shown that comprehen-
10 sive mentoring and induction reduces teacher attri-
11 tion by as much as one-half and strengthens new
12 teacher effectiveness.

13 (9) A recent School Redesign Network at Stan-
14 ford University and National Staff Development
15 Council report by Linda Darling-Hammond, Ruth
16 Chung Wei, Alethea Andree, Nikole Richardson, and
17 Stelios Orphanos found that—

18 (A) a set of programs that offered substan-
19 tial contact hours of professional development
20 (ranging from 30 to 100 hours in total) spread
21 over 6 to 12 months showed a positive and sig-
22 nificant effect on student achievement gains;
23 and

24 (B) intensive professional development, es-
25 pecially when it includes applications of knowl-

1 edge to teachers' planning and instruction, has
2 a greater chance of influencing teacher prac-
3 tices, and in turn, leading to gains in student
4 learning. Such intensive professional develop-
5 ment has shown a positive and significant effect
6 on student achievement gains, in some cases by
7 approximately 21 percentile points.

8 (10) Recent reports from the Center for Amer-
9 ican Progress, Education Sector, Hope Street
10 Group, and the New Teacher Project have collec-
11 tively demonstrated the significant flaws in current
12 teacher evaluation and implementation, and the ne-
13 cessity for redesigning these systems and linking
14 such evaluation to individualized feedback and sub-
15 stantive targeted support in order to ensure effective
16 teaching.

17 (11) Research by Kenneth Liethwood, Karen
18 Seashore Louis, Stephen Anderson, and Kyla
19 Wahlstrom found that—

20 (A) leadership is second only to classroom
21 instruction among school-related factors that
22 influence student outcomes; and

23 (B) direct and indirect leadership effects
24 account for about one-quarter of total school ef-
25 fects on student learning.

1 (12) Research by Charles Clotfelter, Helen
2 Ladd, Kenneth Leithwood, and Anthony Milanowski
3 has shown that the quality of working conditions,
4 particularly supportive school leadership, impacts
5 student academic achievement and teacher recruit-
6 ment, retention, and effectiveness.

7 (b) PURPOSES.—The purposes of this Act are to
8 build capacity for developing effective teachers and prin-
9 cipals in our Nation’s schools through—

10 (1) the redesign of teacher and principal eval-
11 uation and assessment systems;

12 (2) comprehensive, high-quality, rigorous multi-
13 year induction and mentoring programs for begin-
14 ning teachers, principals, and other school leaders;

15 (3) systematic, sustained, and coherent profes-
16 sional development for all teachers that is team-
17 based and job-embedded;

18 (4) systematic, sustained, and coherent profes-
19 sional development for school principals, other school
20 leaders, school librarians, paraprofessionals, and
21 other staff; and

22 (5) increased teacher leadership opportunities,
23 including compensation for teacher leaders who take
24 on new roles in providing school-based professional

1 development, mentoring, rigorous evaluation, and in-
2 structional coaching.

3 **SEC. 3. DEFINITIONS.**

4 Section 9101 of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 7801) is amended—

6 (1) by striking paragraph (34) and inserting
7 the following:

8 “(34) PROFESSIONAL DEVELOPMENT.—The
9 term ‘professional development’ means comprehen-
10 sive, sustained, and intensive support, provided for
11 teachers, principals, school librarians, other school
12 leaders, and other instructional staff, that—

13 “(A) fosters collective responsibility for im-
14 proved student learning;

15 “(B) is designed and implemented in a
16 manner that increases teacher, principal, school
17 librarian, other school leader, paraprofessional,
18 and other instructional staff effectiveness in im-
19 proving student learning and strengthening
20 classroom practice;

21 “(C) analyzes and uses real-time data and
22 information collected from—

23 “(i) evidence of student learning;

24 “(ii) evidence of classroom practice;

25 and

1 “(iii) the State’s longitudinal data
2 system;

3 “(D) is aligned with—

4 “(i) rigorous State student academic
5 achievement standards developed under
6 section 1111(b)(1);

7 “(ii) related academic and school im-
8 provement goals of the school, local edu-
9 cational agency, and statewide curriculum;

10 “(iii) statewide and local curricula;
11 and

12 “(iv) rigorous standards of profes-
13 sional practice and development;

14 “(E) primarily occurs multiple times per
15 week during the regular school day among es-
16 tablished collaborative teams of teachers, prin-
17 cipals, school librarians, other school leaders,
18 and other instructional staff, by grade level and
19 content area (to the extent applicable and prac-
20 ticable), which teams engage in a continuous
21 cycle of professional learning and improvement
22 that—

23 “(i) identifies, reviews, and analyzes—

24 “(I) evidence of student learning;

25 and

1 “(II) evidence of classroom prac-
2 tice;

3 “(ii) defines a clear set of educator
4 learning goals to improve student learning
5 and strengthen classroom practice based
6 on the rigorous analysis of evidence of stu-
7 dent learning and evidence of classroom
8 practice;

9 “(iii) develops and implements coher-
10 ent, sustained, and evidenced-based profes-
11 sional development strategies to meet such
12 goals (including through instructional
13 coaching, lesson study, and study groups
14 organized at the school, team, or individual
15 levels);

16 “(iv) provides learning opportunities
17 for teachers to collectively develop and re-
18 fine student learning goals and the teach-
19 ers’ instructional practices and the use of
20 formative assessment;

21 “(v) provides an effective mechanism
22 to support the transfer of new knowledge
23 and skills to the classroom (including uti-
24 lizing teacher leaders, instructional coach-

1 es, and content experts to support such
 2 transfer); and

3 “(vi) provides opportunities for follow-
 4 up, observation, and formative feedback
 5 and assessment of the teacher’s classroom
 6 practice, on a regular basis and in a man-
 7 ner that allows each such teacher to iden-
 8 tify areas of classroom practice that need
 9 to be strengthened, refined, and improved;

10 “(F) regularly assesses the effectiveness of
 11 the professional development, and uses such as-
 12 sessments to inform ongoing improvements,
 13 in—

14 “(i) improving student learning; and

15 “(ii) strengthening classroom practice;

16 and

17 “(G) supports the recruiting, hiring, and
 18 training of highly qualified teachers, including
 19 teachers who become highly qualified through
 20 State and local alternative routes to certifi-
 21 cation or licensure.”;

22 (2) by adding at the end the following:

23 “(44) EVIDENCE OF CLASSROOM PRACTICE.—

24 The term ‘evidence of classroom practice’ means evi-
 25 dence of classroom practice gathered through mul-

1 tiple formats and sources, including some or all of
2 the following:

3 “(A) Demonstration of effective teaching
4 skills.

5 “(B) Classroom observations based on rig-
6 orous teacher performance standards or rubrics.

7 “(C) Student work.

8 “(D) Teacher portfolios.

9 “(E) Videos of teacher practice.

10 “(F) Lesson plans.

11 “(G) Information on the extent to which
12 the teacher collaborates and shares best prac-
13 tices with other teachers and instructional staff.

14 “(H) Information on the teacher’s success-
15 ful use of research and data.

16 “(I) Parent, student, and peer feedback.

17 “(45) EVIDENCE OF STUDENT LEARNING.—The
18 term ‘evidence of student learning’ means—

19 “(A) data, which shall include value-added
20 data based on student learning gains and teach-
21 er impact where available, on State student aca-
22 demic assessments under section 1111(c); and

23 “(B) other evidence of student learning, in-
24 cluding some or all of the following:

1 “(i) Data, which shall include value-
2 added data based on student learning
3 gains and teacher impact where available,
4 on other student academic achievement as-
5 sessments.

6 “(ii) Student work, including meas-
7 ures of performance criteria and evidence
8 of student growth.

9 “(iii) Teacher-generated information
10 about student goals and growth.

11 “(iv) Formative and summative as-
12 sessments.

13 “(v) Objective performance-based as-
14 sessments.

15 “(vi) Assessments of affective engage-
16 ment and self-efficacy.

17 “(46) LOWEST ACHIEVING SCHOOL.—The term
18 ‘lowest achieving school’ means a school served by a
19 local educational agency that—

20 “(A) is failing to make adequate yearly
21 progress as described in section 1111(b)(2), for
22 the greatest number of subgroups described in
23 section 1111(b)(2)(C)(v) and by the greatest
24 margins, as compared to the other schools
25 served by the local educational agency; and

1 “(B) in the case of a secondary school, has
2 a graduation rate of less than 65 percent.

3 “(47) SCHOOL LEADER.—The term ‘school
4 leader’ means an individual who—

5 “(A) is an employee or officer of a school;
6 and

7 “(B) is responsible for—

8 “(i) the school’s performance; and

9 “(ii) the daily instructional and mana-
10 gerial operations of the school.

11 “(48) TEACHING SKILLS.—The term ‘teaching
12 skills’ means skills that are consistent with section
13 200 of the Higher Education Act of 1965 and that
14 enable a teacher to—

15 “(A) increase student learning, achieve-
16 ment, and the ability to apply knowledge;

17 “(B) effectively convey and explain aca-
18 demic subject matter;

19 “(C) effectively teach higher-order analyt-
20 ical, evaluation, problem-solving, and commu-
21 nication skills;

22 “(D) develop and effectively apply new
23 knowledge, skills, and practices;

24 “(E) employ strategies grounded in the
25 disciplines of teaching and learning that—

1 “(i) are based on empirically based
2 practice and scientifically valid research,
3 where applicable, related to teaching and
4 learning;

5 “(ii) are specific to academic subject
6 matter;

7 “(iii) focus on the identification of
8 students’ specific learning needs, (includ-
9 ing children with disabilities, students who
10 are limited English proficient, students
11 who are gifted and talented, and students
12 with low literacy levels), and the tailoring
13 of academic instruction to such needs; and

14 “(iv) enable effective inclusion of chil-
15 dren with disabilities and English language
16 learners, including the utilization of—

17 “(I) response to intervention;

18 “(II) positive behavioral sup-
19 ports;

20 “(III) differentiated instruction;

21 “(IV) universal design of learn-
22 ing;

23 “(V) appropriate accommoda-
24 tions for instruction and assessments;

25 “(VI) collaboration skills; and

1 “(VII) skill in effectively partici-
2 pating in individualized education pro-
3 gram meetings required under section
4 614 of the Individuals with Disabil-
5 ities Education Act (20 U.S.C. 1414);

6 “(F) conduct an ongoing assessment of
7 student learning, which may include the use of
8 formative assessments, performance-based as-
9 sessments, project-based assessments, or port-
10 folio assessments, that measures higher-order
11 thinking skills (including application, analysis,
12 synthesis, and evaluation);

13 “(G) effectively manage a classroom, in-
14 cluding the ability to implement positive behav-
15 ioral support strategies;

16 “(H) communicate and work with parents,
17 and involve parents in their children’s edu-
18 cation; and

19 “(I) use age-appropriate and develop-
20 mentally appropriate strategies and practices.”;
21 and

22 (3) by redesignating paragraphs (1) through
23 (39), the undesignated paragraph following para-
24 graph (39), and paragraphs (41) through (48) (as
25 amended by this section) as paragraphs (1) through

1 (18), (21) through (28), (30) through (40), (42)
 2 through (46), (48), (19), (20), (29), (41), and (47),
 3 respectively.

4 **SEC. 4. SCHOOL IMPROVEMENT.**

5 Section 1003(g)(5) of the Elementary and Secondary
 6 Education Act of 1965 (20 U.S.C. 6303(g)(5)) is amend-
 7 ed—

8 (1) in subparagraph (B), by striking “and”
 9 after the semicolon;

10 (2) in subparagraph (C), by striking the period
 11 and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(D) permitted to be used to supplement
 14 the activities required under section 2502.”.

15 **SEC. 5. TEACHER AND PRINCIPAL PROFESSIONAL DEVEL-**
 16 **OPMENT AND SUPPORT.**

17 Title II of the Elementary and Secondary Education
 18 Act of 1965 (20 U.S.C. 6601 et seq.) is amended by add-
 19 ing at the end the following:

20 **“PART E—BUILDING SCHOOL CAPACITY FOR**
 21 **EFFECTIVE TEACHING AND LEADERSHIP**

22 **“SEC. 2501. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.**

23 “(a) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
 24 CIES.—

1 “(1) GRANTS.—From amounts made available
2 under section 2505, the Secretary shall award
3 grants, through allotments under paragraph (3)(A),
4 to States to enable the States to award subgrants to
5 local educational agencies under this part.

6 “(2) RESERVATIONS.—A State that receives a
7 grant under this part for a fiscal year shall—

8 “(A) reserve 95 percent of the funds made
9 available through the grant to make subgrants,
10 through allocations under paragraph (3)(B), to
11 local educational agencies; and

12 “(B) use the remainder of the funds for—

13 “(i) administrative activities and tech-
14 nical assistance in helping local educational
15 agencies carry out this part;

16 “(ii) statewide capacity building strat-
17 egies to support local educational agencies
18 in the implementation of the required ac-
19 tivities under section 2502; and

20 “(iii) conducting the evaluation re-
21 quired under section 2503.

22 “(3) FORMULAS.—

23 “(A) ALLOTMENTS.—The allotment pro-
24 vided to a State under this section for a fiscal
25 year shall bear the same relation to the total

1 amount available for such allotments for the fis-
2 cal year, as the allotment provided to the State
3 under section 2111(b) for such year bears to
4 the total amount available for such allotments
5 for such year.

6 “(B) ALLOCATIONS.—The allocation pro-
7 vided to a local educational agency under this
8 section for a fiscal year shall bear the same re-
9 lation to the total amount available for such al-
10 locations for the fiscal year, as the allocation
11 provided the State under section 2121(a) for
12 such year bears to the total amount available
13 for such allocations for such year.

14 “(4) SCHOOLS FIRST SUPPORTED.—A local
15 educational agency receiving a subgrant under this
16 part shall first use such funds to carry out the ac-
17 tivities described in section 2502(a) in each lowest
18 achieving school served by the local educational
19 agency—

20 “(A) that demonstrates the greatest need
21 for subgrant funds based on the data analysis
22 described in subsection (b)(3); and

23 “(B) in which not less than 40 percent of
24 the students enrolled in the school are eligible
25 for a free or reduced price lunch under the

1 Richard B. Russell National School Lunch Act
2 (42 U.S.C. 1751 et seq.).

3 “(b) LOCAL EDUCATIONAL AGENCY APPLICATION.—

4 “(1) IN GENERAL.—To be eligible to receive a
5 subgrant under this part, a local educational agency
6 shall submit to the State educational agency an ap-
7 plication described in paragraph (2), and a summary
8 of the data analysis conducted under paragraph (3),
9 at such time, in such manner, and containing such
10 information as the State educational agency may
11 reasonably require.

12 “(2) CONTENTS OF APPLICATION.—Each appli-
13 cation submitted pursuant to paragraph (1) shall in-
14 clude—

15 “(A) a description of how the local edu-
16 cational agency will assist the lowest achieving
17 schools served by the local educational agency
18 in carrying out the requirements of section
19 2502, including—

20 “(i) developing and implementing the
21 teacher and principal evaluation system
22 pursuant to section 2502(a)(3);

23 “(ii) implementing teacher induction
24 programs pursuant to section 2502(a)(1);

1 “(iii) providing effective professional
2 development in accordance with section
3 2502(a)(2);

4 “(iv) implementing mentoring, coach-
5 ing, and sustained professional develop-
6 ment for school principals and other school
7 leaders pursuant to section 2502(a)(4);
8 and

9 “(v) providing significant and sustain-
10 able teacher stipends, pursuant to section
11 2502(a)(6);

12 “(B) a description of how the local edu-
13 cational agency will—

14 “(i) conduct and utilize valid and reli-
15 able surveys pursuant to section 2502(b);
16 and

17 “(ii) ensure that such programs are
18 integrated and aligned pursuant to section
19 2502(c);

20 “(C)(i) a description of how the local edu-
21 cational agency will use subgrant funds to tar-
22 get and support the lowest achieving schools de-
23 scribed in section 2501(a)(4) before using funds
24 for other lowest achieving schools; and

1 “(ii) a list that identifies all of the lowest
2 achieving schools that will be assisted under the
3 subgrant;

4 “(D) a description of how the local edu-
5 cational agency will enable effective inclusion of
6 children with disabilities and English language
7 learners, including through utilization by the
8 teachers, principals, and other school leaders of
9 the local educational agency of—

10 “(i) response to intervention;

11 “(ii) positive behavioral supports;

12 “(iii) differentiated instruction;

13 “(iv) universal design of learning;

14 “(v) appropriate accommodations for
15 instruction and assessments;

16 “(vi) collaboration skills; and

17 “(vii) skill in effectively participating
18 in individualized education program meet-
19 ings required under section 614 of the In-
20 dividuals with Disabilities Education Act
21 (20 U.S.C. 1414);

22 “(E) a description of how the local edu-
23 cational agency will assist the lowest achieving
24 schools in utilizing real-time student learning

1 data, based on evidence of student learning and
2 evidence of classroom practice, to—

3 “(i) drive instruction; and

4 “(ii) inform professional development
5 for teachers, mentors, principals, and other
6 school leaders; and

7 “(F) a description of how the programs
8 and assistance provided under section 2502 will
9 be managed and designed, including a descrip-
10 tion of the division of labor and different roles
11 and responsibilities of local educational agency
12 central office staff members, school leaders,
13 teacher leaders, coaches, mentors, and eval-
14 uators.

15 “(3) DATA ANALYSIS.—A local educational
16 agency desiring a subgrant under this part shall,
17 prior to applying for the subgrant, conduct a data
18 analysis of each school served by the local edu-
19 cational agency, based on data and information col-
20 lected from evidence of student learning, evidence of
21 classroom practice, and the State’s longitudinal data
22 system, in order to—

23 “(A) determine which schools have the
24 most critical teacher, principal, and other school

1 leader quality, effectiveness, and professional
2 development needs; and

3 “(B) allow the local educational agency to
4 identify the specific needs regarding the quality,
5 effectiveness, and professional development
6 needs of the school’s teachers, principals, and
7 other school leaders, including with respect to
8 instruction provided for individual student sub-
9 groups (including children with disabilities and
10 English language learners) and specific grade
11 levels and content areas.

12 “(4) JOINT DEVELOPMENT AND SUBMISSION.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), a local educational agency
15 shall—

16 “(i) jointly develop the application
17 and data analysis framework under this
18 subsection with local organizations rep-
19 resenting the teachers, principals, and
20 other school leaders in the local edu-
21 cational agency; and

22 “(ii) submit the application and data
23 analysis in partnership with such local
24 teacher, principal, and school leader orga-
25 nizations.

1 “(B) EXCEPTION.—A State may, after
 2 consultation with the Secretary, consider an ap-
 3 plication from a local educational agency that is
 4 not jointly developed and submitted in accord-
 5 ance with subparagraph (A) if the application
 6 includes documentation of the local educational
 7 agency’s extensive attempt to work jointly with
 8 local teacher, principal, and school leader orga-
 9 nizations.

10 **“SEC. 2502. USE OF FUNDS.**

11 “(a) INDUCTION, PROFESSIONAL DEVELOPMENT,
 12 AND EVALUATION SYSTEM.—A local educational agency
 13 that receives a subgrant under this part shall use the
 14 subgrant funds to improve teacher and principal quality
 15 through a system of teacher and principal induction, pro-
 16 fessional development, and evaluation. Such system shall
 17 be developed, implemented, and evaluated in collaboration
 18 with local teacher, principal, and school leader organiza-
 19 tions and local teacher, principal, and school leader prepa-
 20 ration programs and shall provide assistance to each
 21 school that the local educational agency has identified
 22 under section 2501(b)(2)(C)(ii), to—

23 “(1) implement a comprehensive, coherent,
 24 high-quality formalized induction program for begin-
 25 ning teachers during not less than the teachers’ first

1 2 years of full-time employment as teachers with the
2 local educational agency, that shall include—

3 “(A) rigorous mentor selection by school or
4 local educational agency leaders with mentoring
5 and instructional expertise, including require-
6 ments that the mentor demonstrate—

7 “(i) a proven track record of improv-
8 ing student learning;

9 “(ii) strong interpersonal and oral and
10 written communication skills;

11 “(iii) exemplary teaching skills, par-
12 ticularly with diverse learners, including
13 children with disabilities and English lan-
14 guage learners;

15 “(iv) skill in enabling the effective in-
16 clusion of diverse learners, including chil-
17 dren with disabilities and English language
18 learners;

19 “(v) commitment to personal and pro-
20 fessional growth and learning, such as Na-
21 tional Board for Professional Teaching
22 Standards certification;

23 “(vi) willingness and experience in
24 using real-time data, as well as school and

1 classroom level practices that have dem-
2 onstrated the capacity to—

3 “(I) improve student learning
4 and classroom practice; and

5 “(II) inform instruction and pro-
6 fessional growth;

7 “(vii) skill in engaging in successful
8 collaboration with other teachers, other
9 school leaders, and staff;

10 “(viii) extensive knowledge of plan-
11 ning effective assessments and analysis of
12 student data;

13 “(ix) ability to address needs of adult
14 learners in professional development;

15 “(x) a commitment to participate in
16 professional development throughout the
17 year to develop the knowledge and skills
18 related to effective mentoring;

19 “(xi) skill in promoting teacher reflec-
20 tion through formative assessment proc-
21 esses, including conversations with begin-
22 ning teachers using evidence of student
23 learning and evidence of classroom prac-
24 tice; and

1 “(xii) ability to improve the effective-
2 ness of the mentor’s mentees, as assessed
3 by the evaluation system described in para-
4 graph (3);

5 “(B) a program of high-quality, intensive,
6 and ongoing mentoring and mentor-teacher
7 interactions that—

8 “(i) matches mentors with beginning
9 teachers by grade level and content area,
10 to the extent practicable;

11 “(ii) assists each beginning teacher
12 in—

13 “(I) analyzing data based on the
14 beginning teacher’s evidence of stu-
15 dent learning and evidence of class-
16 room practice, and utilizing research-
17 based instructional strategies, includ-
18 ing differentiated instruction, to in-
19 form and strengthen such practice;

20 “(II) developing and enhancing
21 effective teaching skills;

22 “(III) enabling effective inclusion
23 of children with disabilities and
24 English language learners, including
25 through the utilization of—

1 “(aa) response to interven-
2 tion;

3 “(bb) positive behavioral
4 supports;

5 “(cc) differentiated instruc-
6 tion;

7 “(dd) universal design of
8 learning;

9 “(ee) appropriate accom-
10 modations for instruction and as-
11 sessments;

12 “(ff) collaboration skills; and

13 “(gg) skill in effectively par-
14 ticipating in individualized edu-
15 cation program meetings required
16 under section 614 of the Individ-
17 uals with Disabilities Education
18 Act (20 U.S.C. 1414);

19 “(IV) using formative assess-
20 ments to—

21 “(aa) collect and analyze
22 classroom-level data;

23 “(bb) foster evidence-based
24 discussions;

1 “(cc) provide opportunities
2 for self assessment;

3 “(dd) examine classroom
4 practice; and

5 “(ee) establish goals for pro-
6 fessional growth; and

7 “(V) achieving the goals of the
8 school, district, and statewide cur-
9 ricula;

10 “(iii) provides regular and ongoing op-
11 portunities for beginning teachers and
12 mentors to observe each other’s teaching
13 methods in classroom settings during the
14 school day;

15 “(iv) models innovative teaching
16 methodologies through techniques such as
17 team teaching, demonstrations, simula-
18 tions, and consultations;

19 “(v) aligns with the mission and goals
20 of the local educational agency and school;

21 “(vi)(I) acts as a vehicle for a begin-
22 ning teacher to establish short- and long-
23 term planning and professional goals and
24 to improve student learning and classroom
25 practice; and

1 “(II) guides, monitors, and assesses
2 the beginning teacher’s progress toward
3 such goals;

4 “(vii) assigns not more than 12 begin-
5 ning teacher mentees to a mentor who
6 works full-time, and reduces such max-
7 imum number of mentees proportionately
8 for a mentor who works on a part-time
9 basis;

10 “(viii) provides joint professional de-
11 velopment opportunities for mentors and
12 beginning teachers;

13 “(ix) may include the use of master
14 teachers to support mentors or other
15 teachers;

16 “(x) improves student learning and
17 classroom practice, as measured by the
18 evaluation system described in paragraph
19 (3); and

20 “(xi) assists each beginning teacher
21 in—

22 “(I) connecting students’ prior
23 knowledge, life experience, and inter-
24 ests with learning goals; and

1 “(II) engaging students in prob-
2 lem-solving and critical thinking;

3 “(C) paid school release time of not less
4 than 90 minutes per week for high-quality men-
5 toring and mentor-teacher interactions;

6 “(D) foundational training and ongoing
7 professional development for mentors that sup-
8 port the high-quality mentoring and mentor-
9 teacher interactions described in subparagraph
10 (B); and

11 “(E) use of research-based teaching stand-
12 ards, formative assessments, teacher portfolio
13 processes (such as the National Board for Pro-
14 fessional Teaching Standards certification proc-
15 ess), and teacher development protocols that
16 supports the high-quality mentoring and men-
17 tor-teacher interactions described in subpara-
18 graph (B);

19 “(2) implement high-quality effective profes-
20 sional development for teachers, principals, school li-
21 brarians, and other school leaders serving the
22 schools targeted for assistance under the subgrant;

23 “(3) develop and implement a rigorous, trans-
24 parent, and equitable teacher and principal evalua-

tion system for all schools served by the local educational agency that—

“(A)(i) provides formative individualized feedback to teachers and principals on areas for improvement;

“(ii) provides for substantive support and interventions targeted specifically on such areas of improvement; and

“(iii) results in summative evaluations;

“(B) differentiates the effectiveness of teachers and principals using multiple rating categories that take into account evidence of student learning;

“(C) shall be developed, implemented, and evaluated in partnership with local teacher and principal organizations; and

“(D) includes—

“(i) valid, clearly defined, and reliable performance standards and rubrics for teacher evaluation based on multiple performance measures, which shall include a combination of—

“(I) evidence of classroom practice; and

1 “(II) evidence of student learning
2 as a significant factor;

3 “(ii) valid, clearly defined, and reliable
4 performance standards and rubrics for
5 principal evaluation based on multiple per-
6 formance measures of student learning and
7 leadership skills, which standards shall in-
8 clude—

9 “(I) planning and articulating a
10 shared and coherent schoolwide direc-
11 tion and policy for achieving high
12 standards of student performance;

13 “(II) identifying and imple-
14 menting the activities and rigorous
15 curriculum necessary for achieving
16 such standards of student perform-
17 ance;

18 “(III) supporting a culture of
19 learning and professional behavior and
20 ensuring quality measures of class-
21 room practice;

22 “(IV) communicating and engag-
23 ing parents, families, and other exter-
24 nal communities; and

1 “(V) collecting, analyzing, and
2 utilizing data and other tangible evi-
3 dence of student learning and evi-
4 dence of classroom practice to guide
5 decisions and actions for continuous
6 improvement and to ensure perform-
7 ance accountability;

8 “(iii) multiple and distinct rating op-
9 tions that allow evaluators to—

10 “(I) conduct multiple classroom
11 observations throughout the school
12 year;

13 “(II) examine the impact of the
14 teacher or principal on evidence of
15 student learning and evidence of class-
16 room practice;

17 “(III) specifically describe and
18 compare differences in performance,
19 growth, and development; and

20 “(IV) provide teachers or prin-
21 cipals with detailed individualized
22 feedback and evaluation in a manner
23 that allows each teacher or principal
24 to identify the areas of classroom

1 practice that need to be strengthened,
2 refined, and improved;

3 “(iv) implementing a formative assess-
4 ment and summative evaluation process
5 based on the performance standards estab-
6 lished under clauses (i) and (ii);

7 “(v) rigorous training for evaluators
8 on the performance standards established
9 under clauses (i) and (ii) and the process
10 of conducting effective evaluations, includ-
11 ing how to provide specific feedback and
12 improve teaching and principal practice
13 based on evaluation results;

14 “(vi) regular monitoring and assess-
15 ment of the quality and fairness of the
16 evaluation system and the evaluators’
17 judgements, including with respect to—

18 “(I) inter-rater reliability, includ-
19 ing independent or third-party re-
20 views;

21 “(II) student assessments used in
22 the evaluation system;

23 “(III) the performance standards
24 established under clauses (i) and (ii);

1 “(IV) training and qualifications
2 of evaluators; and

3 “(V) timeliness of teacher and
4 principal evaluations and feedback;

5 “(vii) a plan and substantive targeted
6 support for teachers and principals who
7 fail to meet the performance standards es-
8 tablished under clauses (i) and (ii);

9 “(viii) a streamlined, transparent,
10 fair, and objective decisionmaking process
11 for documentation and removal of teacher
12 and principals who fail to meet such per-
13 formance standards, as governed by any
14 applicable collective bargaining agreement
15 or State law and after substantive targeted
16 and reasonable support has been provided
17 to such teachers and principals; and

18 “(ix) in the case of a local educational
19 agency in a State that has a State evalua-
20 tion framework, the alignment of the local
21 educational agency’s evaluation system
22 with, at a minimum, such framework and
23 the requirements of this paragraph;

24 “(4) implement ongoing high-quality support,
25 coaching, and professional development for prin-

1 principals and other school leaders serving the schools
2 targeted for assistance under such subgrant, which
3 shall—

4 “(A) include a comprehensive, coherent,
5 high-quality formalized induction program out-
6 side the supervisory structure for beginning
7 principals and other school leaders, during not
8 less than the principals’ and other school lead-
9 ers’ first 2 years of full-time employment as a
10 principal or other school leader in the local edu-
11 cational agency, to develop and improve the
12 knowledge and skills described in subparagraph
13 (B), including—

14 “(i) a rigorous mentor or coach selec-
15 tion process based on exemplary adminis-
16 trative expertise and experience;

17 “(ii) a program of ongoing opportuni-
18 ties throughout the school year for the
19 mentoring or coaching of beginning prin-
20 cipals and other school leaders, including
21 opportunities for regular observation and
22 feedback;

23 “(iii) foundational training and ongo-
24 ing professional development for mentors
25 or coaches; and

1 “(iv) the use of research-based leader-
2 ship standards, formative and summative
3 assessments, or principal and other school
4 leader protocols (such as the National
5 Board for Professional Teaching Stand-
6 ards Certification for Educational Leaders
7 program or the 2008 Interstate School
8 Leaders Licensure Consortium Standards);
9 and

10 “(B) improve the knowledge and skills of
11 school principals and other school leaders in—

12 “(i) planning and articulating a
13 shared and clear schoolwide direction, vi-
14 sion, and strategy for achieving high
15 standards of student performance;

16 “(ii) identifying and implementing the
17 activities and rigorous student curriculum
18 and assessments necessary for achieving
19 such standards of performance;

20 “(iii) managing and supporting a col-
21 laborative culture of ongoing learning and
22 professional development and ensuring
23 quality evidence of classroom practice (in-
24 cluding shared or distributive leadership
25 and providing timely and constructive feed-

back to teachers to improve student learning and strengthen classroom practice);

“(iv) communicating and engaging parents, families, and local communities and organizations (including engaging in partnerships among elementary schools, secondary schools, and institutions of higher education to ensure the vertical alignment of student learning outcomes);

“(v) collecting, analyzing, and utilizing data and other tangible evidence of student learning and classroom practice (including the use of formative and summative assessments) to—

“(I) guide decisions and actions for continuous instructional improvement; and

“(II) ensure performance accountability;

“(vi) managing resources and school time to ensure a safe and effective student learning environment; and

“(vii) designing and implementing strategies for differentiated instruction and effectively identifying and educating di-

1 verse learners, including children with dis-
2 abilities and English language learners;

3 “(5)(A) create or enhance opportunities for
4 teachers to assume new school leadership roles and
5 responsibilities, including—

6 “(i) serving as mentors, instructional
7 coaches, or master teachers; or

8 “(ii) assuming increased responsibility for
9 professional development activities, curriculum
10 development, or school improvement and leader-
11 ship activities; and

12 “(B) provide training for teachers who assume
13 such school leadership roles and responsibilities; and

14 “(6) provide significant and sustainable sti-
15 pends above a teacher’s base salary for teachers that
16 serve as mentors, instructional coaches, teacher lead-
17 ers, or evaluators under the programs described in
18 this subsection.

19 “(b) SURVEY.—A local educational agency receiving
20 a subgrant under this part shall conduct a valid and reli-
21 able full population survey of teaching and learning, at
22 the school and local educational agency level, and include,
23 as topics in the survey, not less than the following ele-
24 ments essential to improving student learning and retain-
25 ing effective teachers:

1 “(1) Instructional planning time.

2 “(2) School leadership.

3 “(3) Decisionmaking processes.

4 “(4) Teacher professional development.

5 “(5) Facilities and resources, including the
6 school library.

7 “(6) Beginning teacher induction.

8 “(7) School safety and environment.

9 “(c) INTEGRATION AND ALIGNMENT.—The system
10 described in subsection (a) shall—

11 “(1) integrate and align all of the activities de-
12 scribed in such subsection;

13 “(2) be informed by, and integrated with, the
14 results of the survey described in subsection (b);

15 “(3) be aligned with the State’s school improve-
16 ment efforts under sections 1116 and 1117; and

17 “(4) be aligned with the programs funded
18 under title II of the Higher Education Act of 1965
19 and other professional development programs au-
20 thorized under this Act.

21 “(d) ELIGIBLE ENTITIES.—The assistance required
22 to be provided under this section may be provided—

23 “(1) by the local educational agency; or

24 “(2) by the local educational agency, in collabo-
25 ration with—

- 1 “(A) the State educational agency;
- 2 “(B) an institution of higher education;
- 3 “(C) a nonprofit organization;
- 4 “(D) a teacher organization;
- 5 “(E) a principal or school leader organiza-
- 6 tion;
- 7 “(F) an educational service agency;
- 8 “(G) a teaching residency program; or
- 9 “(H) another nonprofit entity with experi-
- 10 ence in helping schools improve student achieve-
- 11 ment.

12 **“SEC. 2503. PROGRAM EVALUATION.**

13 “(a) IN GENERAL.—Each program required under
 14 section 2502(a) shall include a formal evaluation system
 15 to determine, at a minimum, the effectiveness of each such
 16 program on—

- 17 “(1) student learning;
- 18 “(2) retaining teachers and principals, including
- 19 differentiating the retainment data by profession
- 20 and by the level of performance of the teachers and
- 21 principals, based on the evaluation system described
- 22 in section 2502(a)(3);
- 23 “(3) teacher, principal, and other school leader
- 24 practice, which shall include, for teachers and prin-
- 25 cipals, practice measured by the teacher and prin-

1 cipal evaluation system described in section
2 2502(a)(3);

3 “(4) student graduation rates, as applicable;

4 “(5) teaching, learning, and working conditions;

5 “(6) parent, family, and community involve-
6 ment and satisfaction;

7 “(7) student attendance rates;

8 “(8) teacher and principal satisfaction; and

9 “(9) student behavior.

10 “(b) LOCAL EDUCATIONAL AGENCY AND SCHOOL
11 EFFECTIVENESS.—The formal evaluation system de-
12 scribed in subsection (a) shall also measure the effective-
13 ness of the local educational agency and school in—

14 “(1) implementing the comprehensive induction
15 program described in section 2502(a)(1);

16 “(2) implementing high-quality professional de-
17 velopment described in section 2502(a)(2);

18 “(3) developing and implementing a rigorous,
19 transparent, and equitable teacher and principal
20 evaluation system described in section 2502(a)(3);

21 “(4) implementing mentoring, coaching, and
22 professional development for school principals and
23 other school leaders described in section 2502(a)(4);

1 “(5) ensuring that mentors, teachers, and
2 schools are using data to inform instructional prac-
3 tices; and

4 “(6) ensuring that the comprehensive induction
5 and high-quality mentoring required under section
6 2502(a)(1) and the high impact professional devel-
7 opment required under section 2502(a)(2) are inte-
8 grated and aligned with the State’s school improve-
9 ment efforts under sections 1116 and 1117.

10 “(c) CONDUCT OF EVALUATION.—The evaluation de-
11 scribed in subsection (a) shall be—

12 “(1) conducted by the State, an institution of
13 higher education, or an external agency that is expe-
14 rienced in conducting such evaluations; and

15 “(2) developed in collaboration with groups
16 such as—

17 “(A) experienced educators with track
18 records of success in the classroom;

19 “(B) institutions of higher education in-
20 volved with teacher induction and professional
21 development located within the State; and

22 “(C) local teacher, principal, and school
23 leader organizations.

24 “(d) DISSEMINATION.—

1 “(1) IN GENERAL.—The results of the evalua-
2 tion described in subsection (a) shall be submitted to
3 the Secretary.

4 “(2) DISSEMINATION.—The Secretary shall
5 make the results of each evaluation described in sub-
6 section (a) available to States, local educational
7 agencies, and the public.

8 **“SEC. 2504. CONSTRUCTION.**

9 “Nothing in this part shall be construed to alter or
10 otherwise affect the rights, remedies, and procedures af-
11 forded school or local educational agency employees under
12 Federal, State, or local laws (including applicable regula-
13 tions or court orders) or under the terms of collective bar-
14 gaining agreements, memoranda of understanding, or
15 other agreements between such employees and their em-
16 ployers.

17 **“SEC. 2505. AUTHORIZATION OF APPROPRIATIONS.**

18 “There are authorized to be appropriated to carry out
19 this part \$1,000,000,000 for fiscal year 2011 and such
20 sums as may be necessary for each succeeding fiscal
21 year.”.

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