

Editorial Notes

PRIOR PROVISIONS

A prior section 2104 of Pub. L. 89-10 was classified to section 3004 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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 an Effective Date of 2015 Amendment note under section 6301 of this title.

PART B—NATIONAL ACTIVITIES

§ 6621. Reservations

From the amounts appropriated under section 6603(b) of this title for a fiscal year, the Secretary shall reserve—

(1) to carry out activities authorized under subpart 1—

(A) 49.1 percent for each of fiscal years 2017 through 2019; and

(B) 47 percent for fiscal year 2020;

(2) to carry out activities authorized under subpart 2—

(A) 34.1 percent for each of fiscal years 2017 through 2019; and

(B) 36.8 percent for fiscal year 2020;

(3) to carry out activities authorized under subpart 3, 1.4 percent for each of fiscal years 2017 through 2020; and

(4) to carry out activities authorized under subpart 4—

(A) 15.4 percent for each of fiscal years 2017 through 2019; and

(B) 14.8 percent for fiscal year 2020.

(Pub. L. 89-10, title II, §2201, as added Pub. L. 114-95, title II, §2002, Dec. 10, 2015, 129 Stat. 1930.)

Editorial Notes

PRIOR PROVISIONS

Prior sections 6621 to 6623 were repealed by Pub. L. 114-95, §5, title II, §2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6621, Pub. L. 89-10, title II, §2121, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1627, related to allocations to local educational agencies.

Another prior section 6621, Pub. L. 89-10, title II, §2101, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3614; amended Pub. L. 104-208, div. A, title I, §101(e) [title VII, §709(b)(3)(A)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-313, authorized professional development program, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 2201 of Pub. L. 89-10 was classified to section 6661 of this title, prior to repeal by Pub. L. 114-95.

Another prior section 2201 of Pub. L. 89-10 was classified to section 6641 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

Another prior section 2201 of Pub. L. 89-10 was classified to section 3011 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

Section 6622, Pub. L. 89-10, title II, §2122, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1628, related to local applications and needs assessment.

Another prior section 6622, Pub. L. 89-10, title II, §2102, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994,

108 Stat. 3615, related to authorized professional development activities, prior to the general amendment of this subchapter by Pub. L. 107-110.

Section 6623, Pub. L. 89-10, title II, §2123, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1630, related to local use of funds.

Another prior section 6623, Pub. L. 89-10, title II, §2103, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3617, related to National Teacher Training Project, prior to the general amendment of this subchapter by Pub. L. 107-110.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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 an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 1—TEACHER AND SCHOOL LEADER
INCENTIVE PROGRAM**§ 6631. Purposes; definitions****(a) Purposes**

The purposes of this subpart are—

(1) to assist States, local educational agencies, and nonprofit organizations to develop, implement, improve, or expand comprehensive performance-based compensation systems or human capital management systems for teachers, principals, or other school leaders (especially for teachers, principals, or other school leaders in high-need schools) who raise student academic achievement and close the achievement gap between high- and low-performing students; and

(2) to study and review performance-based compensation systems or human capital management systems for teachers, principals, or other school leaders to evaluate the effectiveness, fairness, quality, consistency, and reliability of the systems.

(b) Definitions

In this subpart:

(1) Eligible entity

The term “eligible entity” means—

(A) a local educational agency, including a charter school that is a local educational agency, or a consortium of local educational agencies;

(B) a State educational agency or other State agency designated by the chief executive of a State to participate under this subpart;

(C) the Bureau of Indian Education; or

(D) a partnership consisting of—

(i) 1 or more agencies described in subparagraph (A), (B), or (C); and

(ii) at least 1 nonprofit or for-profit entity.

(2) High-need school

The term “high-need school” means a public elementary school or secondary school that is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more.

(3) Human capital management system

The term “human capital management system” means a system—

(A) by which a local educational agency makes and implements human capital decisions, such as decisions on preparation, recruitment, hiring, placement, retention, dismissal, compensation, professional development, tenure, and promotion; and

(B) that includes a performance-based compensation system.

(4) Performance-based compensation system

The term “performance-based compensation system” means a system of compensation for teachers, principals, or other school leaders—

(A) that differentiates levels of compensation based in part on measurable increases in student academic achievement; and

(B) which may include—

(i) differentiated levels of compensation, which may include bonus pay, on the basis of the employment responsibilities and success of effective teachers, principals, or other school leaders in hard-to-staff schools or high-need subject areas; and

(ii) recognition of the skills and knowledge of teachers, principals, or other school leaders as demonstrated through—

(I) successful fulfillment of additional responsibilities or job functions, such as teacher leadership roles; and

(II) evidence of professional achievement and mastery of content knowledge and superior teaching and leadership skills.

(Pub. L. 89-10, title II, §2211, as added Pub. L. 114-95, title II, §2002, Dec. 10, 2015, 129 Stat. 1931.)

Editorial Notes

PRIOR PROVISIONS

A prior section 6631, Pub. L. 89-10, title II, §2131, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1633, defined terms in subpart 3 of part A of former subchapter II of this chapter, prior to repeal by Pub. L. 114-95, §5, title II, §2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 2211 of Pub. L. 89-10 was classified to section 6651 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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 an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6632. Teacher and school leader incentive fund grants

(a) Grants authorized

From the amounts reserved by the Secretary under section 6621(1) of this title, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop, implement, improve, or expand performance-based compensation systems or human capital management systems, in schools served by the eligible entity.

(b) Duration of grants

(1) In general

A grant awarded under this subpart shall be for a period of not more than 3 years.

(2) Renewal

The Secretary may renew a grant awarded under this subpart for a period of not more than 2 years if the grantee demonstrates to the Secretary that the grantee is effectively using funds. Such renewal may include allowing the grantee to scale up or replicate the successful program.

(3) Limitation

A local educational agency may receive (whether individually or as part of a consortium or partnership) a grant under this subpart, as amended by the Every Student Succeeds Act,¹ only twice.

(c) Applications

An eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall include—

(1) a description of the performance-based compensation system or human capital management system that the eligible entity proposes to develop, implement, improve, or expand through the grant;

(2) a description of the most significant gaps or insufficiencies in student access to effective teachers, principals, or other school leaders in high-need schools, including gaps or inequities in how effective teachers, principals, or other school leaders are distributed across the local educational agency, as identified using factors such as data on school resources, staffing patterns, school environment, educator support systems, and other school-level factors;

(3) a description and evidence of the support and commitment from teachers, principals, or other school leaders, which may include charter school leaders, in the school (including organizations representing teachers, principals, or other school leaders), the community, and the local educational agency to the activities proposed under the grant;

(4) a description of how the eligible entity will develop and implement a fair, rigorous, valid, reliable, and objective process to evaluate teacher, principal, or other school leader performance under the system that is based in part on measures of student academic achievement, including the baseline performance against which evaluations of improved performance will be made;

(5) a description of the local educational agencies or schools to be served under the grant, including such student academic achievement, demographic, and socioeconomic information as the Secretary may request;

(6) a description of the effectiveness of teachers, principals, or other school leaders in the local educational agency and the schools to be served under the grant and the extent to which the system will increase the effective-

¹ See References in Text note below.