

Title II Statutory Language for the Teacher Quality Partnership Grants

With Legislative References

SEC. 201. TEACHER QUALITY ENHANCEMENT.

*Title II (20 U.S.C. 1021 et seq.) is amended--
(1) by inserting before part A the following:*

SEC. 200. DEFINITIONS.

In this title:

(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 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965ⁱ.

(3) CORE ACADEMIC SUBJECTS- The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965ⁱⁱ.

(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 9101 of the Elementary and Secondary Education Act of 1965ⁱⁱⁱ.

(6) ELIGIBLE PARTNERSHIP- Except as otherwise provided in section 251, 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;

` (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 partnership seeking a grant under this title, 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 title. 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^{xi};

` (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

`(16) PARENT- The term `parent' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965^{xv}.

`(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 205(b)^{xvi} before the first publication of such report card; and

`(II) using the State report card on teacher preparation required under section 205(b), 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 to become highly qualified; 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--

preparation or professional development programs, including programs funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and through the National Science Foundation; and

- ` (B) how the activities of the partnership will be consistent with State, local, and other education reform activities that promote teacher quality and student academic achievement;*
- ` (5) an assessment that describes the resources available to the eligible partnership, including--*
 - ` (A) the integration of funds from other related sources;*
 - ` (B) the intended use of the grant funds; and*
 - ` (C) the commitment of the resources of the partnership to the activities assisted under this section, including financial support, faculty participation, and time commitments, and to the continuation of the activities when the grant ends;*
- ` (6) a description of--*
 - ` (A) how the eligible partnership will meet the purposes of this part;*
 - ` (B) how the partnership will carry out the activities required under subsection (d) or (e), based on the needs identified in paragraph (1), with the goal of improving student academic achievement;*
 - ` (C) if the partnership chooses to use funds under this section for a project or activities under subsection (f) or (g), how the partnership will carry out such project or required activities based on the needs identified in paragraph (1), with the goal of improving student academic achievement;*
 - ` (D) the partnership's evaluation plan under section 204(a);*
 - ` (E) how the partnership will align the teacher preparation program under subsection (c) with the--*
 - ` (i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and*
 - ` (ii) student academic achievement standards and academic content standards under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965^{xviii}, established by the State in which the partnership is located;*
 - ` (F) how the partnership will prepare general education teachers to teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act^{xix};*
 - ` (G) how the partnership will prepare general education and special education teachers to teach students who are limited English proficient;*

release time and receiving workload credit for such participation.

`(c) Use of Grant Funds- An eligible partnership that receives a grant under this section--

`(1) shall use grant funds to carry out a program for the pre-baccalaureate preparation of teachers under subsection (d), a teaching residency program under subsection (e), or a combination of such programs; and

`(2) may use grant funds to carry out a leadership development program under subsection (f).

`(d) Partnership Grants for Pre-Baccalaureate Preparation of Teachers- An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:

`(1) REFORMS-

`(A) IN GENERAL- Implementing reforms, described in subparagraph (B), within each teacher preparation program and, as applicable, each preparation program for early childhood education programs, of the eligible partnership that is assisted under this section, to hold each program accountable for--

`(i) preparing--

`(I) new or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of students who are limited English proficient who may teach multiple subjects);

`(II) such teachers and, as applicable, early childhood educators, to understand empirically-based practice and scientifically valid research related to teaching and learning and the applicability of such practice and research, including through the effective use of technology, instructional techniques, and strategies consistent with the principles of universal design for learning, and through positive behavioral interventions and support strategies to improve student achievement; and

`(III) as applicable, early childhood educators to be highly competent; and

`(ii) promoting strong teaching skills and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

`(B) REQUIRED REFORMS- The reforms described in subparagraph (A) shall include--

`(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess

how well all prospective and new teachers develop teaching skills;

` (ii) using empirically-based practice and scientifically valid research, where applicable, about teaching and learning so that all prospective teachers and, as applicable, early childhood educators--

` (I) understand and can implement research-based teaching practices in classroom instruction;

` (II) have knowledge of student learning methods;

` (III) possess skills to analyze student academic achievement data and other measures of student learning, and use such data and measures to improve classroom instruction;

` (IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable general education and special education teachers and early childhood educators to--

` (aa) meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs; and

` (bb) differentiate instruction for such students;

` (V) can effectively participate as a member of the individualized education program team, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act^{xx}; and

` (VI) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

` (iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that prospective teachers receive training in both teaching and relevant content areas in order to become highly qualified, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities and for individuals preparing to teach students with disabilities as described in section 602(10)(D) of the Individuals with Disabilities Education Act^{xxi};

` (iv) developing and implementing an induction program;

` (v) developing admissions goals and priorities aligned with the hiring objectives of the high-need local educational agency in the eligible partnership; and

by the needs of the high-need local educational agency in the partnership.

`(B) Placing graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.

`(C) Ensuring that teaching residents who participate in the teaching residency program receive--

`(i) effective preservice preparation as described in paragraph (2);

`(ii) teacher mentoring;

`(iii) support required through the induction program as the teaching residents enter the classroom as new teachers; and

`(iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).

`(2) TEACHING RESIDENCY PROGRAMS-

`(A) ESTABLISHMENT AND DESIGN- A teaching residency program under this paragraph shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

`(i) The integration of pedagogy, classroom practice, and teacher mentoring.

`(ii) Engagement of teaching residents in rigorous graduate-level course work to earn a master's degree while undertaking a guided teaching apprenticeship.

`(iii) Experience and learning opportunities alongside a trained and experienced mentor teacher--

`(I) whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with coursework;

`(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for new teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and

`(III) who may be relieved from teaching duties as a result of such additional responsibilities.

`(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be

based on, but not limited to, observations of the following:

` (I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative and diagnostic assessments to improve student learning.

` (II) Appropriate instruction that engages students with different learning styles.

` (III) Collaboration with colleagues to improve instruction.

` (IV) Analysis of gains in student learning, based on multiple measures that are valid and reliable and that, when feasible, may include valid, reliable, and objective measures of the influence of teachers on the rate of student academic progress.

` (V) In the case of mentor candidates who will be mentoring new or prospective literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.

` (v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.

` (vi) The development of admissions goals and priorities-

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` (I) that are aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of such agency, in exchange for a commitment by such agency to hire qualified graduates from the teaching residency program; and

` (II) which may include consideration of applicants who reflect the communities in which they will teach as well as consideration of individuals from underrepresented populations in the teaching profession.

` (vii) Support for residents, once the teaching residents are hired as teachers of record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first two years of teaching.

` (B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS-

` (i) ELIGIBLE INDIVIDUAL- In order to be eligible to be a teacher resident in a teaching residency program under this paragraph, an individual shall--

` (I) be a recent graduate of a four-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

` (II) submit an application to the teaching residency program.

` (ii) SELECTION CRITERIA- An eligible partnership carrying out a teaching residency program under this subsection shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

` (I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

` (II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.

` (III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

` (C) STIPENDS OR SALARIES; APPLICATIONS; AGREEMENTS; REPAYMENTS-

` (i) STIPENDS OR SALARIES- A teaching residency program under this subsection shall provide a one-year living stipend or salary to teaching residents during the one-year teaching residency program.

` (ii) APPLICATIONS FOR STIPENDS OR SALARIES- Each teacher residency candidate desiring a stipend or salary during the period of residency shall submit an application to the eligible partnership at such time, and containing such information and assurances, as the eligible partnership may require.

` (iii) AGREEMENTS TO SERVE- Each application submitted under clause (ii) shall contain or be accompanied by an agreement that the applicant will--

` (I) serve as a full-time teacher for a total of not less than three academic years immediately after successfully completing the one-year teaching residency program;

` (II) fulfill the requirement under subclause (I) by teaching in a high-need school served by the high-need local educational agency in the eligible

partnership and teach a subject or area that is designated as high need by the partnership;

` (III) provide to the eligible partnership a certificate, from the chief administrative officer of the local educational agency in which the resident is employed, of the employment required in subclauses (I) and (II) at the beginning of, and upon completion of, each year or partial year of service;

` (IV) meet the requirements to be a highly qualified teacher, as defined in section 9101 of the Elementary and Secondary Education Act of 1965^{xxii}, or section 602 of the Individuals with Disabilities Education Act, when the applicant begins to fulfill the service obligation under this clause; and

` (V) comply with the requirements set by the eligible partnership under clause (iv) if the applicant is unable or unwilling to complete the service obligation required by this clause.

` (iv) REPAYMENTS-

` (I) IN GENERAL- A grantee carrying out a teaching residency program under this paragraph shall require a recipient of a stipend or salary under clause (i) who does not complete, or who notifies the partnership that the recipient intends not to complete, the service obligation required by clause (iii) to repay such stipend or salary to the eligible partnership, together with interest, at a rate specified by the partnership in the agreement, and in accordance with such other terms and conditions specified by the eligible partnership, as necessary.

` (II) OTHER TERMS AND CONDITIONS- Any other terms and conditions specified by the eligible partnership may include reasonable provisions for pro-rata repayment of the stipend or salary described in clause (i) or for deferral of a teaching resident's service obligation required by clause (iii), on grounds of health, incapacitation, inability to secure employment in a school served by the eligible partnership, being called to active duty in the Armed Forces of the United States, or other extraordinary circumstances.

` (III) USE OF REPAYMENTS- An eligible partnership shall use any repayment received under this clause to carry out additional activities that are consistent with the purposes of this subsection.

` (f) Partnership Grants for the Development of Leadership Programs-

^(1) IN GENERAL- An eligible partnership that receives a grant under this section may carry out an effective school leadership program, which may be carried out in partnership with a local educational agency located in a rural area and that shall include all of the following activities:

^(A) Preparing individuals enrolled or preparing to enroll in school leadership programs for careers as superintendents, principals, early childhood education program directors, or other school leaders (including individuals preparing to work in local educational agencies located in rural areas who may perform multiple duties in addition to the role of a school leader).

^(B) Promoting strong leadership skills and, as applicable, techniques for school leaders to effectively--

^(i) create and maintain a data-driven, professional learning community within the leader's school;

^(ii) provide a climate conducive to the professional development of teachers, with a focus on improving student academic achievement and the development of effective instructional leadership skills;

^(iii) understand the teaching and assessment skills needed to support successful classroom instruction and to use data to evaluate teacher instruction and drive teacher and student learning;

^(iv) manage resources and school time to improve student academic achievement and ensure the school environment is safe;

^(v) engage and involve parents, community members, the local educational agency, businesses, and other community leaders, to leverage additional resources to improve student academic achievement; and

^(vi) understand how students learn and develop in order to increase academic achievement for all students.

^(C) Ensuring that individuals who participate in the school leadership program receive--

^(i) effective preservice preparation as described in subparagraph (D);

^(ii) mentoring; and

^(iii) if applicable, full State certification or licensure to become a school leader.

^(D) Developing and improving a sustained and high-quality preservice clinical education program to further develop the leadership skills of all prospective school leaders involved in the program. Such clinical education program shall do the following:

^(i) Incorporate year-long opportunities for enrichment, including--

^(I) clinical learning in high-need schools served by the high-need local educational agency or a local educational agency located in a rural area in the

eligible partnership and identified by the eligible partnership; and

` (II) closely supervised interaction between prospective school leaders and faculty, new and experienced teachers, and new and experienced school leaders, in such high-need schools.

` (ii) Integrate pedagogy and practice and promote effective leadership skills, meeting the unique needs of urban, rural, or geographically isolated communities, as applicable.

` (iii) Provide for mentoring of new school leaders.

` (E) Creating an induction program for new school leaders.

` (F) Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become school leaders through the activities of the eligible partnership, which may include an emphasis on recruiting into school leadership professions--

` (i) individuals from underrepresented populations;

` (ii) individuals to serve as superintendents, principals, or other school administrators in rural and geographically isolated communities and school leader shortage areas; and

` (iii) mid-career professionals from other occupations, former military personnel, and recent college graduates with a record of academic distinction.

` (2) SELECTION OF INDIVIDUALS FOR THE LEADERSHIP PROGRAM- In order to be eligible for the school leadership program under this subsection, an individual shall be enrolled in or preparing to enroll in an institution of higher education, and shall--

` (A) be a--

` (i) recent graduate of an institution of higher education;

` (ii) mid-career professional from outside the field of education with strong content knowledge or a record of professional accomplishment;

` (iii) current teacher who is interested in becoming a school leader; or

` (iv) school leader who is interested in becoming a superintendent; and

` (B) submit an application to the leadership program.

` (g) Partnership With Digital Education Content Developer- An eligible partnership that receives a grant under this section may use grant funds provided to carry out the activities described in subsection (d) or (e), or both, to partner with a television public broadcast station, as defined in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6))^{xxiii}, or another entity that develops digital educational content, for the purpose of improving the quality of pre-baccalaureate teacher preparation programs or to enhance the quality of preservice training for prospective teachers.

` (h) Evaluation and Reporting- The Secretary shall--

` (2) PRIORITY- The Secretary, in funding applications under this part, shall give priority--

` (A) to eligible partnerships that include an institution of higher education whose teacher preparation program has a rigorous selection process to ensure the highest quality of students entering such program; and

` (B)(i) to applications from broad-based eligible partnerships that involve businesses and community organizations; or

` (ii) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

` (3) SECRETARIAL SELECTION- The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

` (c) Matching Requirements-

` (1) IN GENERAL- Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by the grant.

` (2) WAIVER- The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible partnership if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

` (d) Limitation on Administrative Expenses- An eligible partnership that receives a grant under this part may use not more than two percent of the funds provided to administer the grant.

` SEC. 204. ACCOUNTABILITY AND EVALUATION.

` (a) Eligible Partnership Evaluation- Each eligible partnership submitting an application for a grant under this part shall establish, and include in such application, an evaluation plan that includes strong and measurable performance objectives. The plan shall include objectives and measures for increasing--

` (1) achievement for all prospective and new teachers, as measured by the eligible partnership;

` (2) teacher retention in the first three years of a teacher's career;

` (3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

` (4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;

` (B) the percentage of highly qualified teachers hired by the high-need local educational agency who are members of underrepresented groups;

` (C) the percentage of highly qualified teachers hired by the high-need local educational agency who teach high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages and critical foreign languages);

` (D) the percentage of highly qualified teachers hired by the high-need local educational agency who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

` (E) the percentage of highly qualified teachers hired by the high-need local educational agency who teach in high-need schools, disaggregated by the elementary school and secondary school levels;

` (F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent; and

` (G) as applicable, the percentage of teachers trained--

` (i) to integrate technology effectively into curricula and instruction, including technology consistent with the principles of universal design for learning; and

` (ii) to use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of improving student academic achievement.

` (b) Information- An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, faculty, and leadership at institutions of higher education located in the geographic areas served by the eligible partnership are provided information, including through electronic means, about the activities carried out with funds under this part.

` (c) Revised Application- If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures of the grant, as appropriate, by the end of the third year of a grant under this part, then the Secretary--

` (1) shall cancel the grant; and

` (2) may use any funds returned or available because of such cancellation under paragraph (1) to--

` (A) increase other grant awards under this part; or

` (B) award new grants to other eligible partnerships under this part.

` (d) Evaluation and Dissemination- The Secretary shall evaluate the activities funded under this part and report the findings regarding the evaluation of such activities to the authorizing committees. The Secretary shall broadly disseminate--

` (1) successful practices developed by eligible partnerships under this part; and

(2) information regarding such practices that were found to be ineffective.

* (B) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices and that--

(ii) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;

(iii) provide training in methods of--

(I) improving student behavior in the classroom; and

(II) identifying early and appropriate interventions to help students described in clause (ii) learn;

ⁱ Sec. 1124(c)(1)(A)

(1) Categories of children.--The number of children to be counted for purposes of this section is the aggregate of--

(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2);

(2) Determination of number of children.--For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

(3) Population updates.--

(A) In general.--In fiscal year 2002 and each subsequent fiscal year, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that the use of the updated population data would be inappropriate or unreliable. If appropriate and reliable data are not available annually, the Secretary shall use data which are updated every 2 years.

B) <<NOTE: Public information.>> Inappropriate or unreliable data.--If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in subparagraph (A) are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall publicly disclose their reasons.

(C) Criteria of poverty.--In determining the families that are below the poverty level, the Secretary shall use the criteria of poverty

used by the Bureau of the Census in compiling the most recent decennial census, as the criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

ⁱⁱ 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.

ⁱⁱⁱ Educational service agency.--The term `educational service agency' means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

^{iv} Charter school.--The term `charter school' means a public school that--

- (A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;
- (B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;
- (C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;
- (D) provides a program of elementary or secondary education, or both;
- (E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
- (F) does not charge tuition;
- (G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;
- (H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;
- (I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;
- (J) meets all applicable Federal, State, and local health and safety requirements;
- (K) operates in accordance with State law; and
- (L) has a written performance contract with authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

^v Essential components of reading instruction.--The term essential components of reading instruction' means explicit and systematic instruction in--

- (A) phonemic awareness;
- (B) phonics;

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- (C) vocabulary development;
 - (D) reading fluency, including oral reading skills; and
 - (E) reading comprehension strategies.

^{vi} Exemplary teacher.--The term `exemplary teacher' means a teacher who--

- (A) is a highly qualified teacher such as a master teacher;
- (B) has been teaching for at least 5 years in a public or private school or institution of higher education;
- (C) is recommended to be an exemplary teacher by administrators and other teachers who are knowledgeable about the individual's performance;
- (D) is currently teaching and based in a public school; and
- (E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs teacher mentoring, develops curricula, and offers other professional development.

^{vii} b) Eligibility.--

- (1) In general.--A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if--
 - (A)(i)(I) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or
 - (II) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and
 - (ii) all of the schools served by the local educational agency are designated with a school locale code of 7 or 8, as determined by the Secretary; or
- (B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).
- (2) Certification.--The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

^{viii} (b) Local Awards.--

- (1) Eligibility.--A local educational agency shall be eligible to receive a grant under this subpart if--
 - (A) 20 percent or more of the children ages 5 through 17 years served by the local educational agency are from families with incomes below the poverty line; and
 - (B) all of the schools served by the agency are designated with a school locale code of 6, 7, or 8, as determined by the Secretary.

^{ix} To view the legislation go to <http://www.fns.usda.gov/cnd/Governance/Legislation/NSLA-10-2008.pdf>

^x To view the legislation go to http://www.ssa.gov/OP_Home/ssact/title04/0400.htm

^{xi} Go to <http://www.census.gov/hhes/www/saipe/district.html>

^{xii} Highly qualified (ESEA).--The term `highly qualified'--

- (A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that--
 - (i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative

routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law; and

(ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;

(B) when used with respect to--

(i) an elementary school teacher who is new to the profession, means that the teacher--

(I) holds at least a bachelor's degree; and

(II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or

(ii) a middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by--

(I) passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or

(II) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and

(C) when used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means that the teacher holds at least a bachelor's degree and--

(i) has met the applicable standard in clause (i) or (ii) of subparagraph (B), which includes an option for a test; or

(ii) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that--

(I) is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;

(II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;

(III) provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;

(IV) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;

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- (V) takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;
 - (VI) is made available to the public upon request; and
 - (VII) may involve multiple, objective measures of teacher competency.

^{xiii} Highly qualified (IDEA).--

(A) In general.--For any special education teacher, the term 'highly qualified' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965, except that such term also--

- (i) includes the requirements described in subparagraph (B); and
- (ii) includes the option for teachers to meet the requirements of section 9101 of such Act by meeting the requirements of subparagraph (C) or (D).

(B) Requirements for special education teachers.--When used with respect to any public elementary school or secondary school special education teacher teaching in a State, such term means that--

- (i) the teacher has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law;
- (ii) the teacher has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
- (iii) the teacher holds at least a bachelor's degree.

C) Special education teachers teaching to alternate achievement standards.--When used with respect to a special education teacher who teaches core academic subjects exclusively to children who are assessed against alternate achievement standards established under the regulations promulgated under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, such term means the teacher, whether new or not new to the profession, may either--

- (i) meet the applicable requirements of section 9101 of such Act for any elementary, middle, or secondary school teacher who is new or not new to the profession; or
- (ii) meet the requirements of subparagraph (B) or (C) of section 9101(23) of such Act as applied to an elementary school teacher, or, in the case of instruction above the elementary level, has subject matter knowledge appropriate to the level of instruction being provided, as determined by the State, needed to effectively teach to those standards.

(D) Special education teachers teaching multiple subjects.--When used with respect to a special education teacher who teaches 2 or more core academic subjects exclusively to children with disabilities, such term means that the teacher may either--

(i) meet the applicable requirements of section 9101 of the Elementary and Secondary Education Act of 1965 for any elementary, middle, or secondary school teacher who is new or not new to the profession;

(ii) in the case of a teacher who is not new to the profession, demonstrate competence in all the core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher who is not new to the profession under section 9101(23)(C)(ii) of such Act, which may include a single, high objective uniform State standard of evaluation covering multiple subjects; or

(iii) in the case of a new special education teacher who teaches multiple subjects and who is highly qualified in mathematics, language arts, or science, demonstrate competence in the other core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher under section 9101(23)(C)(ii) of such Act, which may include a single, high objective uniform State standard of evaluation covering multiple subjects, not later than 2 years after the date of employment.

(E) Rule of construction.--Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this section or part shall be construed to create a right of action on behalf of an individual student or class of students for the failure of a particular State educational agency or local educational agency employee to be highly qualified.

(F) Definition for purposes of the esea.--A teacher who is highly qualified under this paragraph shall be considered highly qualified for purposes of the Elementary and Secondary Education Act of 1965.

^{xiv} Limited english proficient.--The term 'limited English proficient', when used with respect to an individual, means an individual--

(A) who is aged 3 through 21;

(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C)(i) who was not born in the United States or whose native language is a language other than English;

(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual--

(i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3) [Academic Assessments];

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.

^{xv} Parent.--The term 'parent' includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

- ^{xvi} (b) State Report Card on the Quality of Teacher Preparation-
- (1) IN GENERAL- Each State that receives funds under this Act shall provide to the Secretary, and make widely available to the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, an annual State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:
 - (A) A description of the reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.
 - (B) The standards and criteria that prospective teachers must meet to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subjects, areas, or grades within the State.
 - (C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and, as applicable, State early learning standards for early childhood education programs.
 - (D) For each of the assessments used by the State for teacher certification or licensure--
 - (i) for each institution of higher education located in the State and each entity located in the State, including those that offer an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;
 - (ii) the percentage of all such students at all such institutions and entities who have taken the assessment who pass such assessment;
 - (iii) the percentage of students who have taken the assessment who enrolled in and completed a teacher preparation program; and
 - (iv) the average scaled score of individuals participating in such a program, or who have completed such a program during the two-year period preceding the first year for which the annual State report card is provided, who took each such assessment.
 - (E) A description of alternative routes to teacher certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the

assessments used by the State for teacher certification or licensure--

`(i) the percentage of individuals participating in such routes, or who have completed such routes during the two-year period preceding the date for which the determination is made, who passed each such assessment; and

`(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the two-year period preceding the first year for which the annual State report card is provided, who took each such assessment.

`(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

`(G) For each teacher preparation program in the State--

`(i) the criteria for admission into the program;

`(ii) the number of students in the program, disaggregated by race, ethnicity, and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student);

`(iii) the average number of hours of supervised clinical experience required for those in the program; and

`(iv) the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

`(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by--

`(i) area of certification or licensure;

`(ii) academic major; and

`(iii) subject area for which the teacher has been prepared to teach.

`(I) A description of the extent to which teacher preparation programs are addressing shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools.

`(J) The extent to which teacher preparation programs prepare teachers, including general education and special education teachers, to teach students with disabilities effectively, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act.

`(K) A description of the activities that prepare teachers to--

`(i) integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and
`(ii) use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement.

`(L) The extent to which teacher preparation programs prepare teachers, including general education and special education teachers, to effectively teach students who are limited English proficient.

`(2) PROHIBITION AGAINST CREATING A NATIONAL LIST- The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

xvii Professional development.--The term `professional development'--

(A) includes activities that--

(i) improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;

(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

(iii) give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student academic achievement standards;

(iv) improve classroom management skills;

(v)(I) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom; and

(II) are not 1-day or short-term workshops or conferences;

(vi) support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification;

(vii) advance teacher understanding of effective instructional strategies that are--

(I) based on scientifically based research (except that this subclause shall not apply to activities carried out under part D of title II); and

(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and

(viii) are aligned with and directly related to--

(I) State academic content standards, student academic achievement standards, and assessments; and

(II) the curricula and programs tied to the standards described in subclause (I) except that this subclause shall not apply to activities described in clauses (ii) and (iii) of section 2123(3)(B)*;

(ix) are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act;

(x) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

(xi) to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and core academic subjects in which the teachers teach;

(xii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

(xiii) provide instruction in methods of teaching children with special needs;

(xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and

(xv) include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and

(B) may include activities that--

(i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

(ii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I)[Part A is Improving Basic Programs Operated by Local Educational Agencies and begins with Section 1111 and ends with Section 1127] to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and

(iii) provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another clause of this subparagraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.

xviii (2) Accountability.--

(A) In general.--Each State plan shall demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that all local educational agencies, public elementary schools, and public secondary schools make adequate yearly progress as defined under this paragraph. Each State accountability system shall--

(i) be based on the academic standards and academic assessments adopted under paragraphs (1) and (3), and other academic indicators consistent with subparagraph (C)(vi) and (vii), and shall take into account the achievement of all public elementary school and secondary school students;

(ii) be the same accountability system the State uses for all public elementary schools and secondary schools or all local educational agencies in the State, except that public

elementary schools, secondary schools, and local educational agencies not participating under this part are not subject to the requirements of section 1116; and

(iii) include sanctions and rewards, such as bonuses and recognition, the State will use to hold local educational agencies and public elementary schools and secondary schools accountable for student achievement and for ensuring that they make adequate yearly progress in accordance with the State's definition under subparagraphs (B) and (C).

(B) Adequate yearly progress.--Each State plan shall demonstrate, based on academic assessments described in paragraph (3), and in accordance with this paragraph, what constitutes adequate yearly progress of the State, and of all public elementary schools, secondary schools, and local educational agencies in the State, toward enabling all public elementary school and secondary school students to meet the State's student academic achievement standards, while working toward the goal of narrowing the achievement gaps in the State, local educational agencies, and schools.

(C) Definition.--`Adequate yearly progress' shall be defined by the State in a manner that--

(i) applies the same high standards of academic achievement to all public elementary school and secondary school students in the State;

(ii) is statistically valid and reliable;

(iii) results in continuous and substantial academic improvement for all students;

(iv) measures the progress of public elementary schools, secondary schools and local educational agencies and the State based primarily on the academic assessments described in paragraph (3);

(v) includes separate measurable annual objectives for continuous and substantial improvement for each of the following:

(I) The achievement of all public elementary school and secondary school students.

(II) The achievement of--

(aa) economically disadvantaged students;

(bb) students from major racial and ethnic groups;

(cc) students with disabilities; and

(dd) students with limited English proficiency;

except that disaggregation of data under subclause (II) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally

identifiable information about an individual student;

(vi) in accordance with subparagraph (D), includes graduation rates for public secondary school students (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years) and at least one other academic indicator, as determined by the State for all public elementary school students; and

(vii) in accordance with subparagraph (D), at the State's discretion, may also include other academic indicators, as determined by the State for all public school students, measured separately for each group described in clause (v), such as

achievement on additional State or locally administered assessments, decreases in grade-to-grade retention rates, attendance rates, and changes in the percentages of students completing gifted and talented, advanced placement, and college preparatory courses.

(D) Requirements for other indicators.--In carrying out subparagraph (C)(vi) and (vii), the State--

(i) shall ensure that the indicators described in those provisions are valid and reliable, and are consistent with relevant, nationally recognized professional and technical standards, if any; and

(ii) except as provided in subparagraph (I)(i), may not use those indicators to reduce the number of, or change, the schools that would otherwise be subject to school improvement, corrective action, or restructuring under section 1116 if those additional indicators were not used,

but may use them to identify additional schools for school improvement or in need of corrective action or restructuring.

(E) Starting point.--Each State, using data for the 2001-2002 school year, shall establish the starting point for measuring, under subparagraphs (G) and (H), the percentage of students meeting or exceeding the State's proficient level of academic achievement on the State assessments under paragraph (3) and pursuant to the timeline described in subparagraph (F). The starting point shall be, at a minimum, based on the higher of the

percentage of students at the proficient level who are in--

(i) the State's lowest achieving group of students described in subparagraph (C)(v)(II); or

(ii) the school at the 20th percentile in the State, based on enrollment, among all schools ranked by the percentage of students at the proficient level.

(F) Timeline.--Each State shall establish a timeline for adequate yearly progress. The timeline shall ensure that not later than 12 years after the end of the 2001-2002 school year, all students in each group described in subparagraph (C)(v) will meet or exceed the State's proficient level of academic achievement on the State assessments under paragraph (3).

(G) Measurable objectives.--Each State shall establish statewide annual measurable objectives, pursuant to subparagraph (C)(v), for meeting the requirements of this paragraph, and which--

(i) shall be set separately for the assessments of mathematics and reading or language arts under subsection (a)(3);

(ii) shall be the same for all schools and local educational agencies in the State;

(iii) shall identify a single minimum percentage of students who are required to meet or exceed the proficient level on the academic assessments that applies separately to each group of students described in subparagraph (C)(v);

(iv) shall ensure that all students will meet or exceed the State's proficient level of academic achievement on the State assessments within the State's timeline under subparagraph (F); and

(v) may be the same for more than 1 year, subject to the requirements of subparagraph (H).

(H) Intermediate goals for annual yearly progress.--Each State shall establish intermediate goals for meeting the requirements, including the measurable objectives in subparagraph (G), of this paragraph and that shall--

- (i) increase in equal increments over the period covered by the State's timeline under subparagraph (F);
- (ii) provide for the first increase to occur in not more than 2 years; and
- (iii) provide for each following increase to occur in not more than 3 years.

(I) Annual improvement for schools.--Each year, for a school to make adequate yearly progress under this paragraph--

- (i) each group of students described in subparagraph (C)(v) must meet or exceed the objectives set by the State under subparagraph (G), except that if any group described in subparagraph (C)(v) does not meet those objectives in any particular year, the school shall be considered to have made adequate yearly progress if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the State assessments under paragraph (3) for that year decreased by 10 percent of that percentage from the preceding school year and that group made progress on one or more of the academic indicators described in subparagraph (C)(vi) or (vii); and
- (ii) not less than 95 percent of each group of students described in subparagraph (C)(v) who are enrolled in the school are required to take the assessments, consistent with paragraph (3)(C)(xi) and with accommodations, guidelines, and alternative assessments provided in the same manner as those provided under section 612(a)(17)(A) of the Individuals with Disabilities Education Act and paragraph (3), on which adequate yearly progress is based (except that the 95 percent requirement described in this clause shall not apply in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student).

(J) Uniform averaging procedure.--For the purpose of determining whether schools are making adequate yearly progress, the State may establish a uniform procedure for averaging data which includes one or more of the following:

- (i) The State may average data from the school year for which the determination is made with data from one or two school years immediately preceding that school year.
- (ii) Until the assessments described in paragraph (3) are administered in such manner and time to allow for the implementation of the uniform procedure for averaging data described in clause (i), the State may use the academic assessments that were required under paragraph (3) as that paragraph was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001, provided that nothing in this clause shall be construed to undermine or delay the determination of adequate yearly progress, the requirements of section 1116, or the implementation of assessments under this section.
- (iii) The State may use data across grades in a school.

(K) Accountability for charter schools.--The accountability provisions under this Act shall be overseen for charter schools in accordance with State charter school law.

^{xix} (B) Individualized education program team.--The term `individualized education program team' or `IEP Team' means a group of individuals composed of--

- (i) the parents of a child with a disability;
- (ii) not less than 1 regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) not less than 1 special education teacher, or where appropriate, not less than 1 special education provider of such child;
- (iv) a representative of the local educational agency who--
 - (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - (II) is knowledgeable about the general education curriculum; and
 - (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
- (vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- vii) whenever appropriate, the child with a disability.

^{xx} See endnote xix

^{xxi} `(D) Special education teachers teaching multiple subjects.--When used with respect to a special education teacher who teaches 2 or more core academic subjects exclusively to children with disabilities, such term means that the teacher may either--

- (i) meet the applicable requirements of section 9101 of the Elementary and Secondary Education Act of 1965 for any elementary, middle, or secondary school teacher who is new or not new to the profession;
- (ii) in the case of a teacher who is not new to the profession, demonstrate competence in all the core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher who is not new to the profession under section 9101(23)(C)(ii) of such Act, which may include a single, high objective uniform State standard of evaluation covering multiple subjects; or
- (iii) in the case of a new special education teacher who teaches multiple subjects and who is highly qualified in mathematics, language arts, or science, demonstrate competence in the other core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher under section 9101(23)(C)(ii) of such Act, which may include a single, high objective uniform State standard of evaluation covering multiple subjects, not later than 2 years after the date of employment.

^{xxii} See endnote xii

xxiii The terms "noncommercial educational broadcast station" and "public broadcast station" mean a television or radio broadcast station which--

(A) under the rules and regulations of the Commission in effect on the effective date of this paragraph, is eligible to be licensed by the Commission as a noncommercial educational radio or television broadcast station and which is owned and operated by a public agency or nonprofit private foundation, corporation, or association; or

(B) is owned and operated by a municipality and which transmits only noncommercial programs for education purposes.