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K-12 Teacher Quality: Issues and Legislative Action

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K-12 Teacher Quality: Issues and Legislative Action

Summary

The quality of elementary and secondary school teachers is increasingly recognized as a critical element in improving education. Policymakers seeking to address teacher quality face many serious challenges. Among these challenges are the lack of consensus on what makes a teacher effective, the vast size and decentralized organization of K-12 education, and problems with teacher supply and demand.

The federal government is not responsible for the preparation, hiring, and work life of teachers; these responsibilities rest with states and localities. Nevertheless, the federal government, primarily through the U.S. Department of Education (ED), provides substantial resources to strengthen the K-12 teaching force.

Recently, the focus of federal support has expanded beyond in-service training to include greater emphasis on teacher preparation, recruitment, and hiring. Further, the federal government is attempting to strengthen accountability for teacher quality. There is continuing interest in providing broad, flexible assistance coupled with accountability.

The No Child Left Behind Act of 2001 (P.L. 107-110) reauthorized the Elementary and Secondary Education Act (ESEA), replacing the Eisenhower Professional Development program and the Class Size Reduction program with a single formula grant program supporting an array of activities to improve the elementary and secondary teaching force. In addition, among other provisions, the reauthorized ESEA includes a separate program of math and science partnerships to improve teaching in those fields.

In amending the ESEA, the No Child Left Behind Act also established requirements that K-12 teachers be “highly qualified” and set deadlines for when those requirements had to be met. These highly qualified teacher requirements have generated questions about their implementation, some of which ED has sought to address through regulations and non-regulatory guidance.

The Higher Education Act (HEA) authorizes funding to improve K-12 teacher preparation programs in higher education institutions. It includes accountability provisions for the quality of the graduates from these programs. It also supports efforts to increase teacher recruitment. The 108th Congress is acting on legislation to reauthorize HEA. Legislation amending the teacher provisions of the HEA was passed by the House on July 9, 2003.

This report will track major legislative action as it occurs.

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K-12 Teacher Quality: Issues and Legislative Action

Since the early 1980s, educators and policymakers at all levels have sought to improve the quality of public K-12 education. Despite these efforts, many remain concerned about the performance of today's schools and students. Throughout this process, a recurrent objective has been improvement of the public K-12 teaching force. The attention being paid to teacher quality has risen dramatically in recent years. This was particularly true as the Congress reauthorized the Elementary and Secondary Education Act (ESEA) in 2002. It remains true as the 108th Congress considers the Higher Education Act (HEA) for reauthorization.¹ The HEA authorizes programs to improve K-12 teacher preparation and recruitment.

This report provides a brief overview of some of the most salient issues regarding the K-12 teaching force, describes the current federal role in this area, describes major federal programs, and tracks major legislative action by the Congress. It will be updated as major action occurs.

Recent Legislative Action

On July 9, 2003, the House passed legislation (H.R. 2211) to amend and reauthorize Title II of the HEA which funds improvement of the K-12 teacher preparation programs in higher education institutions and includes accountability provisions affecting those programs. It also passed legislation (H.R. 438) expanding student loan forgiveness for individuals entering certain K-12 teaching fields. This legislation is described in the overview of HEA programs addressing K-12 teachers at the end of this report.

Teachers at the Center

Many education reformers have long recognized the importance of improving the K-12 teaching force while, concurrently, marshaling teachers' support for the process of reform. The increasing focus on teacher quality has been fueled by several recent analyses concluding that, among all school-based factors, teacher quality is the most important; that some teachers are much more effective than others with similar students; and that teacher quality may specially affect the achievement of disadvantaged students.

¹ CRS Issue Brief IB10097, *The Higher Education Act: Reauthorization Status and Issues*, by James B. Stedman.

Challenges

Policymakers face many serious challenges in their efforts to improve teacher quality. Some of these challenges are considered briefly below.

Identifying What Makes a Teacher Effective. Although some research has found certain teacher attributes positively related to student achievement, such as verbal ability, subject matter knowledge, pedagogical knowledge, years of experience, and certification status, there is no consensus on what makes a teacher effective. Nevertheless, policymakers are focusing on improving certain of these attributes, particularly subject matter knowledge and certification status, in an effort to increase the likelihood that teachers will be effective with their students.

K-12 Organization and Size. The organization and size of the public K-12 educational enterprise poses a significant challenge to teacher quality improvement. Some 3 million teachers are employed in more than 89,000 schools located in some 14,800 school districts. This is a decentralized system; states and localities have legal and administrative responsibility for K-12 education. The recruitment, hiring, compensation, and retention of teachers are matters typically controlled by districts and, in part, schools and states. Teacher preparation generally takes place in higher education institutions. Teacher assignments and evaluations are often the domain of schools. Teacher certification and tenure are the province of states.

Teacher Supply and Demand. It may be difficult in the coming decade to raise K-12 teacher quality when concerns about teacher quantity are growing. Warnings of a potential shortage of teachers abound, precipitated by projected increases in student enrollment and an anticipated surge in retirements. This has prompted states and localities to initiate many recruitment efforts.

Some analysts question whether a rising demand for teachers necessarily portends a shortage. They point out that teaching can draw from a large reserve pool (those who might be newly drawn into teaching and those who have taught but are no longer teaching), and that teacher preparation programs prepare more individuals for teaching than go into teaching. Also, many teachers leave the profession early in their careers. Efforts to stem this attrition may help address supply issues and raise teacher quality (reportedly leavers may be higher academic performers than stayers).

Certification Standards. State certification standards governing who can teach clearly contribute to the quality of the teaching force, as well as to the number of individuals available for teaching. Some critics of current certification practices call for a very substantial raising of standards, a call which some states have heeded. Other critics of current certification complain that raising the certification hurdles can impose unreasonable barriers to the entry of potentially high quality teachers, particularly mid-career changers, or may prompt districts to circumvent these requirements. Many observers assert that teacher quality *and* quantity may be served under well-designed alternatives to traditional certification, though some analysts warn that poorly designed alternative certification may create a “backdoor” into teaching for unprepared individuals.

Out-of-Field Assignments. Another major challenge for policymakers is reducing the extent to which teachers are currently teaching out-of-field, that is, teaching classes for which they have inadequate content knowledge. In 1999-2000, over a fifth of secondary school students took at least one class from a teacher who neither majored nor minored in that subject in college; over a third received instruction in at least one class from a teacher who was not certified in the subject taught *and* did not have a major in that subject.² Out-of-field teaching assignments are a function of many local, primarily school-based, factors. How to change these practices and policies is an open question, as is the impact of such action on the supply of qualified teachers.

Teacher Preparation and Professional Development. Efforts to address the quality of the teaching force often look to the preservice training process and to professional development (i.e., in-service training) for current teachers. There is concern that graduates of teacher education institutions are inadequately prepared to teach to high standards. Some states are holding these institutions accountable for the quality of their graduates; these institutions are taking steps to strengthen their programs.

Traditionally, professional development has been delivered to current teachers in a sporadic and uncoordinated fashion. Efforts to improve professional development are being undertaken with the goal of remedying the academic and pedagogic deficiencies of current teachers, a daunting task given the magnitude of the teaching force.

Compensation. Reform of teacher compensation is a frequent element in initiatives to improve K-12 teacher quality (see CRS Report RL30217, *Performance-Based Pay for Teachers*). It is argued that highly qualified individuals are dissuaded from entering or staying in teaching because current compensation is not competitive and does not reward quality. Past compensation reforms have generally been short-lived, partly because it has proven difficult to address concerns about whether different pay schedules, particularly merit based pay systems, can be implemented objectively, fairly, and consistently. Some compensation reform may be particularly expensive as well.

Tenure. Some educators and policymakers see state tenure laws as a substantial challenge to teacher quality improvement. To its critics, tenure protects incompetent teachers, creating a dismissal process that is too costly and time consuming. To its defenders, tenure protects K-12 teachers from arbitrary, biased, and unfair dismissal, and may provide for a stable workforce. States have been reforming tenure by, for example, extending the period in which beginning teachers can be evaluated and dismissed, expanding the reasons for dismissal, and creating time limits for the dismissal process.

Unionization. The vast majority of teachers are members of teachers' unions. Critics have posited that the major teachers' unions have been substantially more

² "Quality Counts 2003: Ensuring a Highly Qualified Teacher for Every Classroom," *Education Week*, Jan. 9, 2003.

interested in job protection and higher salaries than in improving the quality of the teaching force. Union proponents point to examples of cooperation with different reform efforts, including steps to assist underperforming teachers and to remove teachers who do not make necessary improvements. Nevertheless, as reform efforts increasingly focus on teacher quality, the challenges to union policies and practices are likely to increase.

Federal Role

The federal government is not responsible for preparing, recruiting, certifying, compensating, testing, tenuring, and structuring the working conditions of K-12 teachers; these responsibilities rest with states and localities. Traditionally, these areas have been viewed as largely outside the reach of the federal government. Nevertheless, over the past several years, the federal government has become increasingly involved in issues of teacher quality and quantity.

The federal government funds many programs supporting K-12 teaching. Some of these are explicitly targeted to teachers; others with a broader focus nevertheless support such activities as teacher training. Over the past several years, the Congress has been redefining the federal role relative to targeted support of K-12 teachers.

Funding. Although federal aid in this area comes from multiple federal agencies, ED is the primary source. Some \$3.5 billion of the Department's FY2004 appropriation is for activities directed specifically to K-12 teachers. This funding includes, among other programs, \$2.93 billion for the Principal and Teacher Training and Recruiting Fund, \$14.9 million for the Troops-to-Teachers and \$25.3 million for the Transition to Teaching programs, and \$88.9 million for the Higher Education Act's Teacher Quality Enhancement program (all of these programs are described below). Significant levels of funding also support teachers under other programs that are not targeted to teachers (e.g., the ESEA Title I program).

Changing Federal Role. The No Child Left Behind Act marked a significant shift in the federal role with regard to K-12 teachers and teaching, but, in some ways, it is the most recent in a series of congressional actions modifying that federal role. These changes in the federal role are described below.

Immediately prior to the 105th Congress, federal aid for K-12 teaching was largely focused on in-service training, with limited funding for preservice training and recruitment. The 105th Congress began a shift in this focus by enacting amendments in 1998 to the Higher Education Act (HEA) that included the Teacher Quality Enhancement program. Significantly, these amendments also had broad-based accountability requirements for teacher education programs (see CRS Report RL31254, *Pass Rates as an Accountability Measure for Teacher Education Programs*). Funded states and their higher education institutions are now required to report publicly on teacher preparation, including the pass rates of graduates on certification assessments. States must identify low-performing teacher preparation programs. If low-performing programs lose state approval or financing, their institutions cannot receive professional development funding from ED and cannot accept or enroll any HEA-aided student in the teacher education program.

In an effort to improve student performance, the 105th Congress also appropriated funding for the general hiring of new, qualified teachers to reduce class size. The program was appropriated funding for 3 fiscal years (\$1.2 billion for FY1999, \$1.3 billion for FY2000 and \$1.623 billion for FY2001). This program broke new ground with its explicit and primary focus on federal support for the hiring of teachers. Further, until enactment of the No Child Left Behind Act, this program and the Eisenhower Professional Development program (Title II of the ESEA under prior law) had been the two largest federal initiatives targeting support to K-12 teachers and teaching. The Teacher and Principal Training and Recruiting Fund in the reauthorized ESEA replaced those two programs and is the largest single source of federal support directed to K-12 teaching.

The 106th Congress continued this redefinition of the federal role in this area. For FY2001, the Congress specified that appropriated amounts for the Eisenhower program above the FY2000 level (\$335 million) were to be spent on such activities as reducing the percentage of teachers without certification or with emergency or provisional certification, the percentage teaching out of field, or the percentage lacking requisite content knowledge. These excess funds could also be directed to such other activities as mentoring for new teachers, multi-week institutes providing professional development, and retention efforts for teachers with a record of increasing low-income students' academic achievement. Among other new money for teachers approved in the FY2001 appropriations for ED was \$3 million for the Troops-to-Teachers program (supporting entry of former military personnel into teaching), available for transfer from ED to the Department of Defense;³ and \$31 million for new teacher recruitment activities targeting mid-career professionals in other occupations and highly qualified recent college graduates with BAs in fields other than education.

The 107th Congress further expanded the federal role in issues of teacher quality and quantity. On January 8, 2002, the No Child Left Behind Act of 2001 was signed into law (P.L. 107-110). In amending and reauthorizing the ESEA, this legislation authorized federal support for a broad array of activities to improve K-12 teaching, ranging from recruitment to hiring to retention. It more firmly focused federal interest on teacher quality by, for example, requiring all core academic subject teacher to be "highly qualified" by the end of the 2005-2006 school year. The programs and provisions added to the ESEA by the No Child Left Behind Act are described in the following section.

³ P.L. 106-65 (National Defense Authorization Act for FY2000), signed on Oct. 5, 1999, transferred the Troops to Teachers program from the Defense and Transportation Departments to the Education Department.

Selected Major Programs

This section provides descriptions of the major federal programs addressing K-12 teaching. Its primary focus is on the programs in the ESEA as amended by the No Child Left Behind Act.

ESEA as Amended by the No Child Left Behind Act. In amending and reauthorizing the ESEA, the No Child Left Behind Act continued ESEA Title II as the primary title for teacher programs. The major teacher-related provisions in Title II and elsewhere in the ESEA are described below.

Requirement That All Teachers Be Highly Qualified. Each state educational agency (SEA) receiving ESEA Title I, Part A funding (compensatory education of disadvantaged students) must have a plan to ensure that, by no later than the end of the 2005-2006 school year, all teachers teaching in core academic subjects within the state will meet the definition of a *highly qualified* teacher.

To be highly qualified, a **public elementary or secondary school teacher** must meet the following requirements:

- **Every public elementary or secondary school teacher**, regardless of whether he or she is new or experienced, (1) must have full state certification (a charter school teacher must meet the requirements in the state charter school law), (2) must not have had any certification requirements waived on an emergency, temporary, or provisional basis, and (3) must have at least a BA.
- Each **new public elementary school teacher** must pass a rigorous state test demonstrating subject knowledge and teaching skills in reading, writing, math, and other basic elementary school curricular areas (such tests may include state certification exams in these areas).
- Each **new public middle or secondary school teacher** must demonstrate a high level of competency in all subjects taught by (1) passing rigorous state academic tests in those subjects (may include state certification exams in those subjects), **or** (2) completing an academic major (or equivalent course work), graduate degree, or advanced certification in each subject taught.
- Each **experienced public elementary, middle, or secondary school teacher** must meet (1) the requirements just described for a new teacher (depending upon his or her level of instruction), **or** (2) demonstrate competency in all subjects taught using a “high objective uniform state standard of evaluation” (HOUSSE).⁴

⁴ Among requirements, the state-set HOUSSE must provide objective information about teachers’ content knowledge in all subjects taught; be aligned with challenging state academic and student achievement standards; be applied uniformly statewide to all teachers in the same subjects and grade levels; and consider, but not be based primarily on, time teaching those subjects. It may use multiple measures of teacher competency.

As part of this plan, each Title I-funded state must establish annual measurable objectives for each local educational agency (LEA) and school that, at a minimum, include annual increases in the percentage of highly qualified teachers at each LEA and school to ensure that the 2005-2006 deadline is met, and an annual increase in the percentage of teachers receiving high quality professional development.

Each LEA receiving Title I Part A funding must have a plan to ensure that all of its teachers are highly qualified by the 2005-2006 deadline. In addition, beginning with the first day of the 2002-2003 school year, any LEA receiving Title I funding must ensure that all teachers hired after that date who are teaching in Title I-supported programs are highly qualified.

States and LEAs must publicly issue annual reports describing progress on the state-set objectives.

Questions have been raised about the scope of the application of these requirements, the meaning of some of the requirements, and the ability of different kinds of districts to meet them. ED has sought to address some of these concerns through regulation, non-regulatory guidance, and other means. Early in the implementation of these provisions it was asked whether they apply to *all* teachers, including vocational education teachers, special education teachers, or others not teaching core academic subjects. Final regulations for the Title I program published December 2, 2002, in the *Federal Register* apply these requirements only to core academic subject teachers. ED noted that these requirements would apply to a vocational education teacher or a special education teacher providing instruction in a core academic subject.

The final regulations also clarify that a teacher in an alternative certification program will have a maximum of three years in which to become fully certified without being in violation of the highly qualified requirements regarding certification. This allowance is made only for a teacher in an alternative certification program who is receiving high quality professional development, intensive supervision, and making satisfactory progress toward full certification.

In March 2004, ED announced that additional flexibility could be applied in the implementation of these requirements with regard to teachers in small rural school districts, to science teachers, and to teachers teaching multiple subjects.⁵ In small rural districts, ED now provides that teachers teaching core academic subjects who meet the highly qualified requirements in at least one of the subject areas they teach may have an additional three years to meet these requirements in the other subjects they might teach. For *current* teachers, this three-year grace period begins with the 2004-2005 school year, meaning that rather than facing a deadline of the end of the 2005-2006 school year to be highly qualified in all core subjects taught, current rural teachers may have until the end of the 2006-2007 school year. For *newly hired*

⁵ A two page fact sheet on these new policies is available on the web at [<http://www.ed.gov/nclb/methods/teachers/hqtflexibility.html>]. A more detailed letter to each of the chief state school officers, dated Mar. 31, 2004, is available at [<http://www.ed.gov/policy/elsec/guid/secletter/040331.html>].

teachers, a full three-year grace period can be provided from the date of hiring. But those newly hired teachers will have to be highly qualified in one of their core subject areas when hired. States decide whether to offer this flexibility to eligible rural districts.

The flexibility announced in March modifies non-regulatory guidance issued in January, 2004, by ED for the teacher program under ESEA Title II, which stated that science teachers teaching more than one field of science (e.g., biology and chemistry) would have to be highly qualified in *each* of the fields being taught.⁶ Under the new flexibility, states determine whether science teachers need to be highly qualified in each science field they teach or highly qualified in science in general, based on how the state currently certifies teachers in these subject areas.

Finally, ED allows states to design their HOUSSE procedures to allow a teacher to go through the process a single time to demonstrate competency in multiple subjects.

Teacher and Principal Training and Recruiting Fund. ESEA Title II, Part A replaced the Eisenhower and CSR programs with a new state formula grant program authorized at \$3.175 billion for FY2002 and such sums as may be necessary for the 5 succeeding fiscal years. The FY2004 appropriation is \$2.93 billion.

State Allocation Formula. The allocation formula for Title II Part A provides each state with a base guarantee of funding equal to the amount it received for FY2001 under the Eisenhower and CSR programs. Any excess funding is allocated by formula among the states based 35% on school-aged population (5-17) and 65% on school-aged population in poverty. Each state is assured 0.5% of this excess. At the state level, 95% of the state grant is to be distributed as subgrants to LEAs, 2.5% for local partnerships (the Secretary calculates an alternative percentage if 2.5% of the state grant would generate a total for all states in excess of \$125 million for partnerships), and the remainder for state activities.

LEA Subgrants. LEA subgrant funding is distributed first as a base guarantee of the FY2001 Eisenhower and CSR grants to individual districts, with the remainder distributed by formula based 20% on school-aged population and 80% on school-aged population in poverty.

LEAs are authorized to use their funding for one or more of various specified activities. Among the authorized activities are the following: assistance to schools in the recruitment and retention of highly qualified teachers (see definition above), principals, and, under certain conditions, pupil services personnel; assistance in recruiting and hiring highly qualified teachers through such means as scholarships and signing bonuses; use of these teachers to reduce class sizes; initiatives to increase retention of highly qualified teachers and principals, particularly in schools with high percentages of low-achieving students, through mentoring, induction services during the initial three years of service, and financial incentives for those effectively serving

⁶ The ESEA Title II guidance is dated Jan. 16, 2004 and available on the web at [<http://www.ed.gov/programs/teacherqual/guidance.doc>].

all students; professional development, including professional development that involves technology in teaching and curriculum and professional development delivered through technology; improvement of the quality of the teaching force through such activities as tenure reform, merit pay, and teacher testing in their subject areas; and professional development for principals and superintendents.

Partnership Subgrants. These funds are awarded competitively to partnerships that must include a higher education institution and its division preparing teachers and principals; a higher education school of arts and sciences; and a high need LEA (defined as one with at least 10,000 poor children or a child poverty rate of at least 20% which, in addition, has either a high percentage of out-of-field teachers or a high percentage of teachers with emergency, provisional, or temporary certificates). Other entities, such as charter schools or another LEA, may be part of these partnerships. Partnerships must use their funds for professional development in the core academic subjects for teachers, highly qualified paraprofessionals, and principals.

State Activities. States must use their funding for one or more of several specified activities. Among these activities are the following: teacher and principal certification reform; mentoring and intensive professional development for teachers and principals, including those new to their careers; assistance to LEAs and schools in the recruitment and retention of highly qualified teachers, principals, and, under certain conditions, pupil services personnel; tenure reform; subject matter testing for teachers; projects to promote teacher and principal certification reciprocity across states; training to help teachers integrate technology into the curriculum and instruction; assistance to help teachers become highly qualified by the end of the fourth year of state funding; and a clearinghouse for teacher recruitment and placement.

Accountability. If, after the second year of the plan to ensure that all teacher are highly qualified (see above), an LEA has failed to make progress toward the annual objectives in such plan, it must develop an improvement plan. Failure after the third year coupled with failure to make *adequate yearly progress*⁷ for three consecutive years requires the SEA to identify the professional development the LEA will use and, generally, precludes use of Title I Part A funds for the hiring of paraprofessionals. In addition, the SEA provides funding directly to schools in the LEA to enable their teachers to choose their own professional development activities.

National Activities. The Secretary of Education is authorized to use national activities funding for several specific activities. Authorized activities include a national teacher recruitment campaign, which may include activities through a national teacher recruitment clearinghouse, to help high need LEAs recruit and train teachers and to conduct a national public service campaign about the resources and routes into teaching; a national principal recruitment program of competitive grants to help high need LEAs; support for advanced certification of teachers, including

⁷ For information on *adequate yearly progress* under the reauthorized ESEA, see CRS Report RL31487, *Education for the Disadvantaged: Overview of ESEA Title I-A Amendments Under the No Child Left Behind Act*, by Wayne Riddle.

grants to entities to develop teacher standards, and to encourage teachers to pursue advanced certification by the National Board for Professional Teaching Standards or the National Council on Teacher Quality, among others; a grant to the University of Northern Colorado to help other higher education institutions train special education teachers; a program to support professional development of early childhood educators; and a national panel on teacher mobility to study ways of facilitating the mobility of highly qualified teachers. National activities funding is at such sums as may be necessary for FY2002 and the 5 succeeding fiscal years. The FY2004 appropriations legislation provides \$12.3 million is for principal recruitment, \$18.4 million is for advanced credentialing of teachers, and \$14.8 million is for early childhood educator professional development.

Mathematics and Science Partnerships. Title II Part B authorizes funding for partnerships to improve math and science instruction. An eligible partnership must include an SEA (if funds are awarded competitively), the engineering, mathematics, or science department of a higher education institution, and a high need LEA. Other entities such as LEAs and charter schools may be included as well. The annual authorization of appropriations is \$450 million for FY2002 and such sums as may be necessary for the next 5 fiscal years. When the annual appropriation is less than \$100 million, the program's three-year grants are awarded competitively; otherwise, funds are awarded to SEAs based on school-aged population in poverty with a 0.5% small state minimum. The FY2004 appropriation is \$149.1 million.

Partnerships must use their grants for one or more of several specific activities. Among them are the following: professional development to improve math and science teachers' subject knowledge; activities to promote strong teaching skills among these teachers and teacher educators; math and science summer workshops or institutes with academic year followup; recruitment of math, science, or engineering majors to teaching through signing and performance incentives, stipends for alternative certification, and scholarships for advanced course work; development or redesign of more rigorous, standards-aligned math and science curricula; distance learning programs for math and science teachers; and opportunities for math and science teachers to have contact with working mathematicians, scientists, and engineers.

The Secretary is to consult and coordinate activities with the Director of the NSF, particularly regarding the appropriate roles of the two entities in workshops, institutes, and partnerships.

Each partnership must have an evaluation and accountability plan that includes objectives measuring the impact of the funded activities. Among these objectives must be improvement of student achievement on state math and science assessments.

NSF's Mathematics and Science Partnership Program. The NSF has been implementing a Mathematics and Science Partnership program as well, authorized by the National Science Foundation Authorization Act of 2002. The FY2004 level is \$139.2 million. This is a competitive grant program involving 3 kinds of activities: partnerships between higher education institutions and local school

districts, projects focusing on research and evaluation of these efforts and technical assistance, and partnerships supporting teacher institutes.

Other ESEA Programs and Activities. The ESEA authorizes a number of other programs and activities targeting K-12 teachers and teaching. Some of these are highlighted below.

Troops-to-Teachers. Title II Part C, Subpart 1, Chapter A authorizes funding and administration of the Troops-to-Teachers program, an effort to facilitate the movement of members of the armed forces into K-12 teaching. This legislation authorizes the Secretary of Education to enter into a memorandum of agreement with the Department of Defense for the actual administration of the program, which was first enacted in the FY1993 Defense Authorization Act. The program assists eligible members of the armed forces to become certified as elementary or secondary school teachers or vocational technical teachers. A single authorization of appropriations of \$150 million for FY2002 and such sums as may be necessary for the next 5 fiscal years is provided for the Troops-to-Teachers program and the Transition to Teaching program (see below), of which the Secretary is to reserve not more than \$30 million in FY2002 for the Troops-to-Teachers program. The FY2004 appropriation provides \$14.9 million for this program.

Transition to Teaching. This is a continuation of a program to recruit mid-career professionals and others to teaching that was first initiated through the Consolidated Appropriations Act of 2001. Under this ESEA authority (Title II Part C, Subpart 1, Chapter B), the Secretary of Education may competitively award five-year grants to SEAs, high need LEAs, higher education institutions in partnership with SEAs or high need LEAs, among others, for the establishment of state and local “teacher corps” projects. These projects are to recruit highly qualified mid-career professionals, highly qualified paraprofessionals, and recent college graduates to teach in high need schools. Among the activities these programs can support are financial incentives effective at retaining teachers in high need schools in high need LEAs; pre- and post-placement support such as mentoring; payments for the costs of hiring these teachers or subsidies to participants; and state or regional clearinghouses for recruitment and placement. Participating teachers are to be placed in high need schools in high need LEAs with a priority on schools in areas with the highest percentages of low-income students. Participants have a three-year service commitment. Projects failing to make substantial progress by the end of their third year toward goals and objectives established in their applications have their grants revoked. The FY2004 appropriations legislation provides \$45.3 million for this program.

Teacher Liability. The No Child Left Behind Act included the Paul D. Coverdell Teacher Protection Act of 2001, which provides liability protection to school employees (including teachers, administrators, and school board members) acting to control, discipline, expel, or suspend a student or to maintain order in the classroom or school.

HEA. The HEA addresses K-12 teacher issues through a program funding improvement of teacher preparation and recruitment, a program to increase new teachers’ ability to use technology, as well as provisions in its student loan programs

that offer special forgiveness of outstanding debt for individuals entering certain kinds of K-12 teaching.

Teacher Quality Enhancement Grants. Title II of the Higher Education Act authorizes the Teacher Quality Enhancement Grants program. The program includes three kinds of grant programs — state grants, partnership grants, and teacher recruitment grants — targeting improvement in K-12 teacher preparation and recruitment. Each of these grants is awarded competitively. The annual appropriation is to be divided 45% to state grants, 45% to partnership grants, and 10% to recruitment grants. Recruitment grants can be awarded to either states or eligible partnerships. The FY2004 appropriation for these grants is \$88.9 million.

As noted previously, this legislation includes a series of accountability provisions that essentially apply to all teacher preparation programs in the country. These provisions seek to hold teacher preparation programs accountable for the knowledge and skills of their graduates. In doing so, they require institutions and states to report on the rates at which teacher education graduates pass teacher certification exams, and require states to develop and implement procedures for identifying teacher education programs as low-performing. Any higher education institution with a teacher preparation program that loses state approval or financial support because of its designation by the state as a low-performing program is ineligible for any professional development funding from ED, and cannot accept or enroll in its teacher preparation program any student receiving assistance under HEA Title IV. These accountability requirements are delineated in CRS Report RL31254, *Pass Rates as an Accountability Measure for Teacher Education Programs*.

The 108th Congress is acting on legislation to reauthorize the HEA. On July 9, 2003, the House passed H.R. 2211, Ready to Teach Act of 2003, which amends and extends the HEA Title II programs and provisions. Among its provisions, H.R. 2211 focuses on the preparation and recruitment of *highly qualified* teachers as defined in the No Child Left Behind Act of 2001, drops a one-time only limit on state grants, emphasizes recruitment and preparation of minority teachers, somewhat expands activities preparing teachers to use technology, and broadens the pool of students for whom pass rates are calculated. The HEA Title II program and the reauthorization legislation are described in more detail in CRS Report RL31882, *Teacher Quality Enhancement Grants (Title II, Part A of the Higher Education Act): Overview and Reauthorization Issues*.

Preparing Tomorrow's Teachers to Use Technology. This program, also authorized by HEA Title II,⁸ supports the training of prospective teachers to use advanced technology in their teaching. It authorizes the Secretary of Education to fund consortia, each including at least one higher education institution that prepares individuals for teaching, one SEA or LEA, and one or more of other entities, such as higher education institutions, higher education schools of education, higher education schools of arts and sciences, museums, foundations, etc. Federal funds are provided in the form of matching grants. There are authorized to be appropriated such sums

⁸ The program was transferred from the ESEA to the HEA by the No Child Left Behind legislation.

as may be necessary for FY2002 and for FY2003. H.R. 2211, as passed by the House, extends the authority of this program with minor changes. This program was not funded for FY2004.

Student Loan Forgiveness. The HEA currently provides for the repayment of Federal Perkins Loans and Federal Stafford Loans for individuals entering certain fields of K-12 teaching for specified periods of time. For Perkins Loans, up to 100% of the borrower's outstanding Perkins debt can be forgiven over a five-year period for full-time teaching in a low-income elementary or secondary school, full-time service as a special education teacher, or full-time teaching of math, science, foreign language, bilingual education or other subjects identified by individual states as areas of teacher shortage.

Stafford Loan debt can be forgiven for individuals teaching in low-income elementary or secondary schools who are new borrowers on or after October 1, 1998.⁹ To be eligible for repayment, borrowers have to teach on a full-time basis for five consecutive years in a low-income elementary or secondary school. After completion of that service, up to \$5,000 in Stafford debt can be repaid.

H.R. 438, Teacher Recruitment and Retention Act, passed by the House on July 9, 2003, amends the Stafford Loan forgiveness provisions to expand the amount that can be forgiven to \$17,500 for teachers if they teach in schools with a higher concentration of low-income students and teach math or science at the secondary school level, special education at the elementary or secondary school level, or reading at the elementary or secondary school level. It also accelerates the rate at which loans for these teachers can be forgiven.

Tax Provisions. The Job Creation and Worker Assistance Act of 2002 (P.L. 107-147) created an above-the-line deduction for federal income tax filers of up to \$250 a year for classroom expenses (including those for books, supplies, computer equipment, other equipment, and supplementary materials used in the classroom) incurred by teachers and others in schools. This deduction was available only for tax years 2002 and 2003.¹⁰

⁹ A new borrower is someone who, when he or she borrowed under the program on or after Oct. 1, 1998, had no outstanding Stafford Loan balance incurred prior to that date.

¹⁰ CRS Report RS21682, *The Tax Deduction for Classroom Expenses of Elementary and Secondary School Teachers*, by Linda Levine.