

February 9, 2017

Teacher Preparation Regulations

On October 12, 2016, the Department of Education (ED) released final teacher preparation regulations. The new rules build on statutory reporting and accountability requirements for programs that prepare teachers to work in the nation's elementary and secondary schools.

Since the 1998 amendments to the Higher Education Act (HEA), teacher preparation providers have been required under Title II of the HEA to report program performance information to state authorities who, in turn, are required to assess program quality, identify poor-performing programs, and report this information to ED. The newly issued regulations greatly expand the information that must be collected and reported and institute new financial penalties for teacher preparation providers that operate programs identified as “at risk” or “low performing.”

According to ED's most recent report on teacher preparation in the United States, nearly 500,000 individuals were enrolled in a teacher preparation program during the 2011-2012 school year, and almost 200,000 teachers completed a program that year.

Program Versus Provider

ED makes a distinction between various types of preparation programs and the entities that act as providers of that training. For example, a college of education can act as a provider of several distinct programs that train people to teach in different contexts and areas of concentration such as elementary education, high school chemistry, special education, English for speakers of other languages, etc. Current Title II reporting statutes do not clearly distinguish between providers and programs; however, ED has been able to estimate the number of both entities for the most recent reporting cycle.

In 2014, states reported information on 26,589 teacher preparation programs operated by 2,171 providers. As **Table 1** shows, the majority of programs and providers are located in institutions of higher education (IHE), while the recent growth of providers has largely occurred among alternative routes into the teaching profession.

HEA Reporting and Accountability Rules

HEA provisions (most recently authorized by P.L. 110-315) require states and IHE-based providers to publish report cards on the quality of teacher preparation. Based on IHE report cards and states' own data collections, states must report to ED on the quality of both IHE-based and non-IHE-based teacher preparation programs.

Table 1. Teacher Preparation Providers and Programs by Type, 2010 and 2014

	Providers		Programs
	2010	2014	2014
Total	2,054	2,171	26,589
Traditional, IHE-based	1,458	1,497	18,514
Alternative, IHE-based	430	473	5,325
Alternative, non-IHE-based	166	201	2,750

Source: U.S. Department of Education, Report on Teacher Quality, <https://www2.ed.gov/about/reports/annual/teachprep/index.html>.

In addition to state requirements for becoming a teacher, Title II statutes oblige states to report several program attributes such as the number and characteristics of enrolled teaching candidates, subject area specializations, and pass rates and scaled scores on certification and licensing exams. States must report this information for both traditional and alternative route programs.

The HEA further requires states to develop criteria to assess program quality, identify “at risk” and “low performing” programs, and report this information to ED. In 2014, 12 states identified a total of 45 programs as “at risk” or “low performing”—nearly evenly split between the two designations. The number of poor performing programs has fluctuated from a low of 16 in 2005 to a high of 50 in 2012. According to ED, since reporting began, 22 states have never identified a program as at risk or low performing.

Section 207 of the HEA also states that,

any teacher preparation program from which the State has withdrawn the State's approval, or terminated the State's financial support, due to the low performance of the program based upon the State assessment described [in the HEA] shall be ineligible for any funding for professional development activities awarded by the Department [and] may not be permitted to accept or enroll any student who receives aid under [HEA] Title IV.

It is unclear whether any state has ever withdrawn approval or financial support for a provider based on an HEA-mandated program assessment.

New Regulatory Requirements

The new regulations retain current reporting and accountability requirements and include (1) clearer guidance on what constitutes a provider versus a program, (2) new post-program completion measures, and (3) additional penalties for poor performance.

Under the new rules, a provider will be required to report on each of the individual programs it operates. Section 612.2 of the regulations define a program as “a program, whether traditional or alternative route, offered by a teacher preparation entity that leads to initial State teacher certification or licensure in a specific field.” Under the regulations, states will now be required to report on programs offered via distance education.

The regulations will require providers to report three new outcome indicators for candidates completing each type of program they offer: (1) learning outcomes for students taught by program graduates, (2) employment outcomes, and (3) feedback surveys. Student learning outcomes must take into account student growth, teacher evaluation results, and/or another relevant state-determined measure. Employment outcomes include placement and retention rates of graduates in their first three years of teaching, including placement and retention in high-need schools. Feedback surveys must solicit opinions from graduates and graduates’ employers on the effectiveness of program preparation.

States must use these indicators to gauge program quality and rate individual programs as belonging in one of four categories: exceptional, effective, at risk, or low performing. In addition to the penalties in place under current law for providers that lose state approval, the new regulations would punish providers running any program identified for poor performance. Specifically, providers operating a program that a state finds to be at risk or low performing for two out of three years would lose their eligibility for TEACH Grant funding. That means all students enrolled with that provider would lose access to as much as \$4,000 in federal financial aid. In 2014-2015, TEACH Grants were awarded to just over 30,000 students attending about 800 IHEs.

States are expected to work with providers and other stakeholders to design the new reporting system during the 2016-2017 school year, pilot the system during 2017-2018, and fully implement it in 2018-2019. TEACH Grant accountability provisions are not set to take effect until the 2021-2022 school year.

More Agreement on the Problem Than on the Solution

Many in the teacher preparation field agree that accountability for the quality of teacher training has been insufficient. Even with the changes made during the most recent HEA reauthorization, current quality indicators largely focused on program completion data fall short of the kinds of outcome measures many experts think are needed.

Such measures were included in a new framework developed by the field’s largest accrediting body. ED’s guidance on the new regulations points to five states in which this type of structure is already in place. Still, the rollout of these systems among IHEs in these states has been slow and somewhat problematic.

In early 2012, ED convened a panel of experts to start the process of negotiated-rulemaking. These sessions quickly broke down over issues related to measures of teacher effectiveness. When draft rules were released in 2014, more than 2,300 comments were submitted mostly in opposition to the role of student test scores in assessing teacher quality in the proposal.

While the role of test scores in the final rules has been lessened, objections to their inclusion remain, as do concerns about the cost and feasibility of implementation. OMB estimated it would cost \$42 million over 10 years; however, some argue that figure is far too low.

Finally, some critics of the new regulations feel that the new regulations constitute too much federal involvement in determining how teacher preparation programs are appraised. They cite the recent scaling back of educational accountability provisions in the Every Student Succeeds Act which reauthorized the Elementary and Secondary Education Act as the kind of approach that should be taken toward postsecondary education programs.

Recent Congressional Action

On February 7, 2017, the House passed a resolution (H.J.Res. 58) to nullify the new teacher preparation regulations by invoking the Congressional Review Act. The Senate must act on the resolution within a 60-days-of-Senate-session period for the disapproval to take effect.

Related Documents

The full text of the final teacher preparation regulation is available at <http://www.ed.gov/teacherprep?src=teachprep-pr>.

More information on the TEACH Grant is available at <https://studentaid.ed.gov/sa/types/grants-scholarships/teach#what-is-teach>.

For analysis of the Congressional Review Act, see CRS In Focus IF10023, *The Congressional Review Act (CRA)*, by Maeve P. Carey and Christopher M. Davis.

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IF10596

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