

THE ENCOURAGING INNOVATION AND EFFECTIVE TEACHERS ACT (H.R. 3990)

SUMMARY FOR MARKUP

The Elementary and Secondary Education Act (ESEA) includes more than 80 K-12 programs. Despite the tripling of overall per pupil funding and countless programs created by Congress since 1965, national academic performance has stagnated. Many federal education programs overlap and make little improvement to student achievement. Other programs, created decades ago, are outdated and do not reflect current practices or priorities from the local, state, or federal level. Finally, current ESEA programs offer states and school districts little flexibility in how they can use federal dollars to meet their own unique needs.

The *Encouraging Innovation and Effective Teachers Act* offers a better way forward for education reform by:

- Providing information to parents on teacher effectiveness.
- Engaging parents in their child's education.
- Increasing state and local innovation to reform public education.
- Eliminating unnecessary and ineffective federal programs.
- Supporting Impact Aid.
- Providing services for homeless students.
- Strengthening the Troops-to-Teachers program.

Providing Information to Parents on Teacher Effectiveness

The *Encouraging Innovation and Effective Teachers Act* builds on the repeal of the Highly Qualified Teacher (HQT) requirement in the *Student Success Act*. Parents know the best teachers are the ones who keep students motivated and challenged in the classroom. Instead of relying on teacher credential or tenure requirements, which provide little information about teachers' ability to help students excel in the classroom, states and school districts should have the tools to measure an educator's influence on student achievement.

- Teacher Evaluations: The bill rewrites the main teacher quality program to support the development and implementation of teacher evaluation systems. The legislation alters the formula for how funds are allocated to states and school districts to give equal weight to student population and poverty. Contrary to the teacher evaluation provisions in the Obama administration's Race to the Top plan or the waiver package (which mandate specific and onerous requirements school districts must follow), the bill sets five broad parameters that must be included in any evaluation system. To give greater flexibility to school districts to develop a system that best meets the specific needs of their teachers and students, evaluation systems must:
 - Make student achievement data a significant part of the evaluation.
 - Use multiple measures of evaluation in assessing teacher performance.
 - Have more than two rating categories for the performance of teachers.
 - Make personnel decisions based on the evaluations, as determined by the school district.
 - Seek input from parents, teachers, school leaders, and other staff in the school in the development of the evaluation system.

- Uses of Funds: States that have already developed statewide teacher evaluation systems can use funds to work with their school districts to implement the system. Funds may also be used to train school leaders in how to evaluate teachers under the system; provide evidence-based, job-embedded, and continuous professional development for teachers and schools leaders focused on core academic subjects or specific student populations; and provide additional support to teachers identified as in need of additional assistance. Most notably, the bill caps the use of funds for class size reduction at 10 percent. A substantial amount of teacher quality funds under current law are used for this purpose, which has little to no effect on student learning.
- Teacher and School Leader Innovation: The bill consolidates the remaining teacher quality programs, including the Teacher Quality Enhancement Grant program authorized under the Higher Education Act, into a new Teacher and School Leader Flexible Grant. The program awards grants to states and school districts to increase student achievement through evidence-based innovative initiatives. School districts, solely or in partnership with institutions of higher education and other entities, can receive funding to:
 - Increase access to or develop alternative certification or licensure routes.
 - Recruit, hire, and retain effective teachers.
 - Implement performance-based pay systems and differential incentive pay.
 - Create teacher advancement and multiple career paths.
 - Establish new teacher or school leader induction programs and teacher residency programs.
 - Provide additional professional development activities or other evidence-based initiatives likely to increase teacher effectiveness.
- Teacher and School Leader Academies: The bill provides an optional state set-aside of up to 3 percent so states can award grants to eligible entities for the establishment or expansion of teacher or school leader preparation academies.
- Teacher Liability: The bill maintains liability protections included in current law that protect 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 through reasonable actions.

Engaging Parents in their Child's Education

The *Encouraging Innovation and Effective Teachers Act* builds on the successful passage of the *Empowering Parents through Quality Charter Schools Act*, which supports the replication and expansion of high quality charter schools. The bill maintains and strengthens the existing Magnet School and Parent Information and Resource Center programs, which provide states, school districts, and other entities with federal support so parents can identify quality options and participate in their children's education. The legislation moves these programs from the current Title V to a new Title III.

- Magnet Schools: The bill continues to provide funds to support the development and implementation of innovative education methods and practices that promote diversity and increase choices in public education. The legislation makes minor changes to improve the operation of the program.

- Family Engagement Centers: The bill renames and makes improvements to the existing Parental Information and Resource Centers (PIRC) program, which helps implement parental involvement policies, programs, and activities that lead to improvements in student academic achievement. It also strengthens partnerships among parents, teachers, school leaders, administrators, and other school personnel designed to meet the educational needs of children. The legislation promotes the better sharing of effective strategies and increases coordination between states, family engagement centers, and parents.

Increasing State and Local Innovation to Reform Public Education

- State and Local Innovation: The bill creates a new Local Academic Flexible Grant to provide grants to state and school districts to fund initiatives based on their own unique priorities. While ensuring the funds are spent to increase academic achievement as part of in-school or after-school activities, states and school districts will have maximum flexibility to spend their funds on activities authorized under state law. Instead of Washington bureaucrats making the decisions for superintendents, school leaders, and teachers, local officials will be able to make funding decisions based on what they know will help improve student achievement.
- Private Sector Initiatives: Under the Local Academic Flexible Grant, states will reserve 10 percent of their funds to support state and local programs that operate outside of traditional public school systems. This infusion of private sector innovation will support states and districts in improving student achievement.

Eliminating Unnecessary and Ineffective Federal Programs

- Streamlining Education Spending: Consistent with the *Setting New Priorities in Education Spending Act*, the bill eliminates more than 70 existing elementary and secondary education programs, many of which have never been funded, are too small to have a meaningful impact on student achievement, or have been deemed ineffective by the federal government. This will restore fiscal discipline and promote a more appropriate federal role in education.
- Earmarks: The bill eliminates all of the current programs and special provisions targeted to specific national organizations to comply with the House earmark ban.

Supporting Impact Aid

The *Encouraging Innovation and Effective Teachers Act* strengthens the existing Impact Aid program, which provides direct funding to school districts impacted by the presence of the federal government. The program reimburses districts located near, or serving students from, military bases, federal lands, and Indian reservations for the loss of property taxes. The legislation moves the program from Title VIII of current law to a new Title IV.

- Payments for Federal Property: The bill updates the formula by which school district allotments are determined for a district with federal property located within its boundaries that cannot be taxed. The legislation enables alternative verification of tax data for

districts that cannot provide original tax records, including facsimiles or other reproductions of the records. It also establishes an initial payment for districts eligible for federal property compensation based on 90 percent of the 2006 applications.

- Payments for Federally Connected Children: The bill streamlines provisions for Heavily Impacted school districts, which are districts with high percentages of military, native American, or other federally connected children. The legislation standardizes eligibility criteria for these districts at 45 percent enrollment of federally connected children, bases per pupil expenditure eligibility requirements on state average expenditures rather than national average expenditures, and maintains the tax rate requirement for eligible districts of at least 95 percent of the average tax rate for general fund purposes of comparable districts in the state. The bill also allows federally connected children to be counted in enrollment numbers in the case of open enrollment policies in a state, but does not allow children to be counted if they are enrolled in a distance education program located outside of the boundaries of the district. The bill also provides equal prorated payments greater than 100 percent of Learning Opportunity Threshold for eligible districts. The bill extends from three to four years the timeline for which a district may count children relocated to off-base housing due to authorized Department of Defense housing renovations and demolitions.
- Timely Payments: The bill requires the Secretary of Education to provide Impact Aid payments within three years. This addresses long-standing concerns that have been raised by school districts about the lack of on-time payments coming from the Department of Education.

Providing Services for Homeless Students

The *Encouraging Innovation and Effective Teachers Act* reauthorizes the McKinney-Vento Homeless Assistance Act, the primary federal law that provides funding to states and school districts to educate homeless children and youth.

- Improved Collaboration: The bill places a greater emphasis on improved identification of homeless children and youth, and provides better collaboration and information sharing among federal and state agencies to provide services for homeless students.
- School Stability: The legislation strengthens provisions in current law to provide greater school stability and protections for homeless youth and parents.

Strengthening the Troops-to-Teachers Program

- Transfer to DOD: The bill transfers Troops-to-Teachers, a longstanding program that provides opportunities to military personnel to transition into the teaching profession, to the the Department of Defense, where it is currently administered.