

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5
OFFERED BY M . _____**

Strike section 119.

Redesignate sections 120 through 130 as sections 119 through 129, respectively.

Strike title II and insert the following:

1 **TITLE II—TEACHERS AND**
2 **LEADERS**

3 **SEC. 201. GREAT TEACHERS AND LEADERS.**

4 (a) Section 2103 (20 U.S.C. 6603) is amended to
5 read as follows:

6 **“SEC. 2103. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated
8 \$3,500,000,000 for fiscal year 2016, and such sums as
9 may be necessary for each of the 5 succeeding fiscal years,
10 to carry out this part.”.

11 (b) Section 2111 (20 U.S.C. 6611) is amended to
12 read as follows:

1 **“SEC. 2111. ALLOCATIONS TO STATES.**

2 “(a) RESERVATIONS.—From the amounts made
3 available under section 2103 for this subpart for each fis-
4 cal year, the Secretary shall reserve—

5 “(1) one-half of one percent for the outlying
6 areas, to be distributed among the outlying areas on
7 the basis of their relative need, as determined by the
8 Secretary, for activities consistent with the purposes
9 of this title;

10 “(2) one-half of one percent for the Secretary
11 of the Interior, for activities, consistent with the
12 purposes of this title described in section 2101, in
13 schools operated by or funded by the Bureau of In-
14 dian Education; and

15 “(3) one-half of one percent for a competitive
16 grant program to encourage consortia of States to
17 develop instructional supports aligned to new
18 college- and career-ready standards that are made
19 widely available to all States and local educational
20 agencies.

21 “(b) ALLOTMENTS TO STATES, REDUCTIONS.—

22 “(1) IN GENERAL.—From the amounts made
23 available under section 2103 for this subpart for
24 each fiscal year that remain after the Secretary re-
25 serves funds under subsection (a) of this section, the

1 Secretary shall allot to each State with an approved
2 application under section 2112 the sum of—

3 “(A) an amount that bears the same rela-
4 tionship to 35 percent of the remaining amount
5 as the number of individuals age five through
6 17 in the State, as determined by the Secretary
7 on the basis of the most recent satisfactory
8 data, bears to the number of those individuals
9 in all such States, as so determined; and

10 “(B) an amount that bears the same rela-
11 tionship to 65 percent of the remaining amount
12 as the number of individuals age five through
13 17 from families with incomes below the pov-
14 erty line, in the State, as determined by the
15 Secretary on the basis of the most recent satis-
16 factory data, bears to the number of those indi-
17 viduals in all such States, as so determined.

18 “(2) FISCAL YEAR 2016.—Notwithstanding
19 paragraph (1), for fiscal year 2016, no State shall
20 receive less than 90 percent of the State’s allocation
21 under this part for fiscal year 2015, as such part
22 was in effect on the day before the date of enact-
23 ment of the Student Success Act.

24 “(3) SUCCEEDING FISCAL YEARS.—Notwith-
25 standing paragraph (1), for fiscal year 2016 and

1 each succeeding fiscal year, no State shall receive an
2 allotment under paragraph (1) that is less than 90
3 percent of the State's allotment under such para-
4 graph for the preceding fiscal year.

5 “(c) RATABLE REDUCTIONS.—If the funds made
6 available to carry out paragraph (1) of subsection (b) are
7 insufficient to pay the full amounts that all States are eli-
8 gible to receive under subparagraph (2) or (3) of such sub-
9 section for any fiscal year, the Secretary shall ratably re-
10 duce each such amount for such fiscal year.

11 “(d) REALLOTMENTS.—If any State does not apply
12 for an allotment under this section, or has its application
13 disapproved by the Secretary, the Secretary shall reallocate
14 the amount of that State's allotment to the remaining
15 States that have approved applications in accordance with
16 this subpart.”.

17 (c) Section 2112 (20 U.S.C. 6612) is amended—

18 (1) by amending subsection (a) to read as fol-
19 lows:

20 “(a) IN GENERAL.—For a State to be eligible to re-
21 ceive a grant under this part, the State educational agency
22 shall submit an application to the Secretary at such time,
23 in such manner, and containing such information as the
24 Secretary may reasonably require. The Secretary shall
25 provide the State educational agency with the opportunity

1 to apply for funds under this part and part B through
2 a consolidated application.”; and

3 (2) in subsection (b), by adding at the end the
4 following new paragraph:

5 “(13) A description of how a State will develop
6 and implement a plan for the equitable distribution
7 of teachers and principals that—

8 “(A) ensures low-income and minority stu-
9 dents are not—

10 “(i) taught at higher rates than are
11 other students by teachers not deemed
12 qualified or who are rated in the lowest
13 evaluation categories, where applicable;
14 and

15 “(ii) assigned at higher rates than are
16 other students to schools administered by
17 principals who have been rated in the low-
18 est evaluation rating categories, where ap-
19 plicable;

20 “(B) includes—

21 “(i) percentage of effective teachers
22 by evaluation rating category, where appli-
23 cable, for schools in the top quartile of
24 poverty against the schools in the bottom
25 quartile of poverty;

1 “(ii) percentage of effective teachers
2 by evaluation rating category, where appli-
3 cable, for schools in the top quartile in per-
4 centage of minority students against the
5 bottom quartile of percentage of minority
6 students; and

7 “(iii) specific and measurable goals
8 and strategies to close gaps identified in
9 the plan;

10 “(C) uses a combined measure of indica-
11 tors such as a composite to carry out the plan
12 described in this paragraph that—

13 “(i) shall include—

14 “(I) the percentage of first year
15 teachers; and

16 “(II) the percentage of qualified
17 teachers; and

18 “(ii) may include—

19 “(I) with respect to middle
20 schools and high schools, the percent-
21 age of core academic courses taught
22 by teachers who have met State licen-
23 sure requirements for such courses;

24 “(II) the percentage of teachers
25 whose licensure exam scores fall one

1 standard deviation above passing
2 score of teachers within the State;

3 “(III) the percent of teachers
4 with more than 10 absences over the
5 course of the school year; and

6 “(IV) the percentage of teachers
7 hired after the first day of school.”.

8 **SEC. 202. HEA CONFORMING AMENDMENTS.**

9 (a) **QUALIFIED TEACHER.**—The Higher Education
10 Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

11 (1) in section 200 (20 U.S.C. 1021)—

12 (A) by amending paragraph (13) to read
13 as follows:

14 “(13) **QUALIFIED.**—The term ‘qualified’—

15 “(A) when used with respect to a middle
16 school or high school teacher who is entering
17 the profession in a State for the first time,
18 means that the teacher—

19 “(i) holds at least a bachelor’s degree;

20 “(ii) has demonstrated to the State,
21 content knowledge in the content area that
22 the teacher will teach as determined—

23 “(I) by passing a rigorous State
24 assessment; or

1 “(II) by successful completion of
2 an academic major, a graduate de-
3 gree, or coursework equivalent to an
4 undergraduate academic major in the
5 content area that the teacher will
6 teach;

7 “(iii) if required by the State to dem-
8 onstrate teaching skills by passing a State
9 teacher performance assessment, has
10 passed such assessment;

11 “(iv) has successfully completed a tra-
12 ditional or alternative teacher preparation
13 program; and

14 “(v) at the State’s discretion, may be
15 enrolled in an alternative teacher prepara-
16 tion program, and—

17 “(I) be on track to successful
18 completion of such program; and

19 “(II) be supervised by a mentor
20 teacher;

21 “(B) when used with respect to an elemen-
22 tary school teacher who is entering the profes-
23 sion in a State for the first time, means that
24 the teacher—

25 “(i) holds at least a bachelor’s degree;

1 “(ii) has demonstrated to the State,
2 content knowledge and teaching skills in
3 reading, writing, mathematics, science, and
4 other areas of the elementary school cur-
5 riculum—

6 “(I) by passing a rigorous pass-
7 ing a rigorous State assessment or
8 State-required test in reading, writ-
9 ing, mathematics, science, and other
10 areas of the basic elementary school
11 curriculum; or

12 “(II) by successful completion of
13 an academic major, a graduate de-
14 gree, or coursework equivalent to an
15 undergraduate academic major in the
16 content areas that the teacher will
17 teach;

18 “(iii) if required by the State to dem-
19 onstrate teaching skills by passing a State
20 teacher performance assessment, has
21 passed such assessment;

22 “(iv) has successfully completed a tra-
23 ditional or alternative teacher preparation
24 program;

1 “(v) at the State’s discretion, may be
2 enrolled in an alternative teacher prepara-
3 tion program; and

4 “(I) be on track to successful
5 completion of such program; and

6 “(II) be supervised by a mentor
7 teacher; and

8 “(C) means any teacher who is highly
9 qualified as defined in section 9101(23) of the
10 Elementary and Secondary Education Act of
11 1965 or section 602(10) of the Individuals with
12 Disabilities Education Act, as each such section
13 was in effect on the day before the date of the
14 enactment of the Student Success Act.”;

15 (2) in paragraph (17)(B)(ii), by striking “high-
16 ly qualified” and inserting “qualified”;

17 (3) in paragraph (22)(D)(i), by striking “highly
18 qualified” and inserting “qualified”;

19 (4) in section 201(3) (20 U.S.C. 1022(3)), by
20 striking “highly qualified teachers” and inserting
21 “qualified teachers”;

22 (5) in section 202 (20 U.S.C. 1022)—

23 (A) in subsection (b)(6)(H), by striking
24 “highly qualified teachers” and inserting
25 “qualified teachers”;

1 (B) in subsection (d)—

2 (i) in paragraph (1)—

3 (I) in subparagraph (A)(i)(I), by
4 striking “highly qualified” and insert-
5 ing “qualified”; and

6 (II) in subparagraph (B)(iii), by
7 striking “highly qualified” and insert-
8 ing “qualified”; and

9 (ii) in paragraph (5), by striking
10 “highly qualified teachers” and inserting
11 “qualified teachers”; and

12 (C) in subsection (e)(2)(C)(iii)(IV), by
13 striking “highly qualified teacher, as defined in
14 section 9101,” and inserting “qualified teacher,
15 as defined in section 2002(5), as amended by
16 section 201 of the Student Success Act”;

17 (6) in section 204(a)(4) (20 U.S.C. 1022c) by
18 striking “highly qualified teachers” each place it ap-
19 pears and inserting “qualified teachers”;

20 (7) in section 205(b)(1)(I) (20 U.S.C.
21 1022d(b)(1)(I)), by striking “highly qualified teach-
22 ers” and inserting “qualified teachers”;

23 (8) in section 207(a)(1) (20 U.S.C.
24 1022f(a)(1)), by striking “highly qualified teachers”
25 and inserting “qualified teachers”;

1 (9) in section 208(b) (20 U.S.C. 1022g(b)), by
2 striking “highly qualified” each place it appears and
3 inserting “qualified”;

4 (10) in section 242(b) (20 U.S.C. 1033a), by
5 striking “highly qualified” each place it appears and
6 inserting “qualified”;

7 (11) in section 251(b) (20 U.S.C. 1034(b)), by
8 striking “highly qualified” each place it appears and
9 inserting “qualified”; and

10 (12) in section 258(d)(1) (20 U.S.C.
11 1036(d)(1)), by striking “highly qualified” and in-
12 serting “qualified”.such partner institution.

13 (c) DEFINITIONS.—Section 200 of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1021) is amended—

15 (1) by amending paragraph (6) to read as fol-
16 lows:

17 “(6) ELIGIBLE PARTNERSHIP.—Except as oth-
18 erwise provided in section 251, the term ‘eligible
19 partnership’ means an entity that—

20 “(A) shall include—

21 “(i) a high-need local educational
22 agency;

23 “(ii)(I) a high-need school or a con-
24 sortium of high-need schools served by the
25 high-need local educational agency; or

1 “(II) as applicable, a high-need early
2 childhood education program; or

3 “(iii)(I) the following entities—

4 “(aa) a partner institution.

5 “(bb) a school, department, or
6 program of education within such
7 partner institution, which may include
8 an existing teacher professional devel-
9 opment program with proven out-
10 comes within a 4-year institution of
11 higher education that provides inten-
12 sive and sustained collaboration be-
13 tween faculty and local educational
14 agencies consistent with the require-
15 ments of this title; and

16 “(cc) a school or department of
17 arts and sciences within such partner
18 institution; or

19 “(II) an entity operating a program
20 that provides alternative routes to State
21 certification of teachers that has a teacher
22 preparation program—

23 “(aa) whose graduates exhibit
24 strong performance on State-deter-
25 mined qualifying assessments for new

1 teachers through demonstrating that
2 80 percent or more of the graduates
3 of the program who intend to enter
4 the field of teaching have passed all of
5 the applicable State qualification as-
6 sessments for new teachers, which
7 shall include an assessment of each
8 prospective teacher's subject matter
9 knowledge in the content area in
10 which the teacher intends to teach;
11 and

12 “(bb) that requires each student
13 in the program to meet high academic
14 standards or demonstrate a record of
15 success, as determined by the institu-
16 tion (including prior to entering and
17 being accepted into a program), and
18 participate in intensive clinical experi-
19 ence, and each student in the program
20 is preparing to become a qualified
21 teacher; and

22 “(B) may include any of the following:

23 “(i) The Governor of the State.

24 “(ii) The State educational agency.

25 “(iii) The State board of education.

1 “(iv) The State agency for higher edu-
2 cation.

3 “(v) A business.

4 “(vi) A public or private nonprofit
5 educational organization.

6 “(vii) An educational service agency.

7 “(viii) A teacher organization.

8 “(ix) A high-performing local edu-
9 cational agency, or a consortium of such
10 local educational agencies, that can serve
11 as a resource to the partnership.

12 “(x) A charter school (as defined in
13 section 6101 of the Elementary and Sec-
14 ondary Education Act of 1965).

15 “(xi) A school or department within a
16 partner institution that focuses on psy-
17 chology and human development.

18 “(xii) A school or department within a
19 partner institution with comparable exper-
20 tise in the disciplines of teaching, learning,
21 and child and adolescent development.

22 “(xiii) An entity operating a program
23 that provides alternative routes to State
24 certification of teachers.

1 “(xiv) A school, department, or pro-
2 gram of education within a partner institu-
3 tion.

4 “(xv) A school or department of arts
5 and sciences within a partner institution.”;

6 (2) by amending paragraph (10) to read as fol-
7 lows:

8 “(10) HIGH-NEED LOCAL EDUCATIONAL AGEN-
9 CY.—The term ‘high-need local educational agency’
10 means a local educational agency—

11 “(A)(i) that serves not fewer than 10,000
12 children from families with incomes below the
13 poverty line; or

14 “(ii) for which not less than 20 percent of
15 the children served by the agency are from fam-
16 ilies with incomes below the poverty line; and

17 “(B)(i) for which there is a high percent-
18 age of teachers not teaching in the academic
19 subjects or grade levels that the teachers were
20 trained to teach; or

21 “(ii) for which there is a high percentage
22 of teachers with emergency, provisional, or tem-
23 porary certification or licensing.”;

24 (3) by amending paragraph (14) to read as fol-
25 lows:

1 “(14) INDUCTION PROGRAM.—The term ‘induc-
2 tion program’ means a program for new teachers
3 and new principals, as appropriate, during at least
4 their first 2 years of practice, that is designed to in-
5 crease effectiveness and retention of new teachers
6 and new principals, and that includes—

7 “(A) high-quality mentoring;

8 “(B) development of skills and knowledge
9 in areas needed for new teachers, including,
10 content knowledge and pedagogy, instructional
11 strategies for teaching students with diverse
12 learning needs, classroom management (includ-
13 ing strategies that improve the school-wide cli-
14 mate for learning, which may include positive
15 behavioral interventions and supports), forma-
16 tive assessment of student learning, and the
17 analysis and use of student assessment data to
18 improve instruction;

19 “(C) frequent, structured time for collabo-
20 ration and professional development with teach-
21 ers and principals in the same field, grade, or
22 subject area, and opportunities to draw directly
23 on the expertise of other school and local edu-
24 cational agency staff, staff of high-performing

1 pathways, and other organizations that provide
2 high-quality induction supports;

3 “(D) regular and structured observation
4 and feedback by mentors, school leaders, or
5 teachers who have been consistently rated in
6 the highest rating categories by a teacher eval-
7 uation system that meets the requirements of
8 the Elementary and Secondary Education Act
9 of 1965; and

10 “(E) where feasible, team teaching, re-
11 duced teaching load and activities designed to
12 ensure that teachers have appropriate teaching
13 tools and instructional materials for their class-
14 room.”; and

15 (4) by amending paragraph (21) to read as fol-
16 lows:

17 “(21) TEACHER MENTORING.—The term
18 ‘teacher mentoring’ means the mentoring of new
19 teachers and principals, as appropriate, so as to in-
20 crease the effectiveness and retention of those teach-
21 ers and principals through a program that—

22 “(A) includes clear criteria for the selec-
23 tion of teacher and principal mentors that take
24 into account a candidate’s effectiveness as a

1 teacher or principal and that individual’s ability
2 to facilitate adult learning;

3 “(B) provides high-quality training for the
4 mentors on how to support new teachers and
5 principals effectively;

6 “(C) provides regularly scheduled time for
7 collaboration and for examination of student
8 work and achievement data, and on-going op-
9 portunities for mentors and mentees to observe
10 each other’s practice; and

11 “(D) matches, when possible, each mentee
12 with a mentor who is in the same field, grade,
13 or subject area as the mentee.”.

14 (d) PURPOSE.—Section 201 of the Higher Education
15 Act of 1965 (20 U.S.C. 1022) is amended—

16 (1) by striking “and” at the end of paragraph
17 (3);

18 (2) by striking the period and inserting “; and”
19 at the end of paragraph (4); and

20 (3) by inserting at the end the following:

21 “(5) improve teacher effectiveness.”.

22 (e) PARTNERSHIP GRANTS.—Section 202 of the
23 Higher Education Act of 1965 (20 U.S.C. 1022a) is
24 amended—

25 (1) in subsection (b)(6)—

1 (A) in subparagraph (E)(ii), by striking
2 “student academic” and inserting “college-and-
3 career ready student academic”;

4 (B) in subparagraph (H)—

5 (i) in the matter preceding clause (i),
6 by inserting “or alternative route entity”
7 after “partner institution”;

8 (ii) in clause (i), by striking “that in-
9 corporate” and all that follows through
10 “instruction” and inserting “consistent
11 with part A of title IV of the Elementary
12 and Secondary Education Act of 1965 (as
13 in effect on the day before the date of the
14 enactment of the Student Success Act)”;

15 (iii) in clause (i), insert “and other
16 educators, including mutli-tiered systems
17 of support and universal design for learn-
18 ing” after “secondary school teachers”;

19 (iv) in clause (ii), insert “ and writing
20 instruction” after “reading”; and

21 (v) after clause (ii) insert the fol-
22 lowing:

23 “(iii) provide high-quality professional
24 development activities to strengthen the in-
25 structional and leadership skills of elemen-

1 tary school and secondary school principals
2 and district superintendents, if the partner
3 institution has a principal preparation pro-
4 gram;”;

5 (C) by redesignating subparagraphs (I)
6 through (K) as subparagraphs (J) through (L),
7 respectively; and

8 (D) by inserting after subparagraph (H),
9 the following:

10 “(I) how the partnership will prepare
11 teachers to use data to analyze student per-
12 formance and adjust teaching practices to im-
13 prove student achievement;” and

14 (2) in subsection (d)(6)(A), by striking “that
15 incorporate the essential components of literacy in-
16 struction” and inserting “aligned with part A of title
17 IV of the Elementary and Secondary Education Act
18 of 1965 (as in effect on the day before the date of
19 the enactment of the Student Success Act)”.

20 (f) ADMINISTRATIVE PROVISIONS.—Section
21 203(b)(2)(A) of the Higher Education Act of 1965 (20
22 U.S.C. 1022b(b)(2)(A)) is amended by inserting “or alter-
23 native route entity” after “institution of higher education

1 (g) ACCOUNTABILITY AND EVALUATION.—Section
2 204(a) of the Higher Education Act of 1965 (20 U.S.C.
3 1022c) is amended—

4 (1) by redesignating paragraphs (3) and (4) as
5 paragraphs (4) and (5), respectively; and

6 (2) by inserting after paragraph (2), the fol-
7 lowing:

8 “(3) effective teachers as determined by the
9 State;”.

10 (h) INFORMATION ON PREPARATION PROGRAMS.—
11 Section 205(b)(1) of the Higher Education Act of 1965
12 (20 U.S.C. 1022d(b)) is amended—

13 (1) in the matter preceding subparagraph (A),
14 by striking “teacher preparation program” and in-
15 serting “teacher and school leader preparation pro-
16 gram”; and

17 (2) by adding at the end the following:

18 “(M) Within 3 years of the date of enact-
19 ment of the Student Success Act, information
20 on the impact of each program’s graduates on
21 the evidence of student learning of the students
22 that such graduates teach, if that information
23 is available.

24 “(N) The percentage of each program’s
25 graduates who teach in a high-need school.

1 “(O) The percentage of each program’s
2 graduates who are prepared to teach a high-
3 need subject.

4 “(P) The percentage of each program’s
5 graduates who become effective and highly ef-
6 fective teachers or principals as determined by
7 the State.

8 “(Q) The 3-year retention rate of each
9 program’s graduates who become effective and
10 highly effective teachers or principals according
11 to such graduates’ ratings by such system.”.

