

CRS Report for Congress

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Elementary and Secondary School Teachers: Action by the 106th Congress

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Summary

The quality and quantity of public elementary and secondary school teachers are of increasing concern to the 106th Congress. Although states and localities are responsible for most aspects of teacher preparation, recruitment, and employment, the federal government supports a wide array of programs for teachers. Several of these programs are being considered for amendment and extension by the 106th Congress including the Eisenhower Professional Development program and the Class Size Reduction program. The 106th Congress has before it a wide array of legislative proposals to address teacher issues. Action has occurred on several proposals. This report tracks such action and will be updated as it occurs. For background and analysis on teacher-related issues and federal programs, see CRS Report RL30128, *Elementary and Secondary School Teachers: Selected Federal Programs and Issues*.

Recent Legislative Action

On June 30, 2000, the Senate passed its version of FY2001 appropriations legislation for the U.S. Department of Education (H.R. 4577). It provides that \$2.7 billion of the appropriation for Title VI of the Elementary and Secondary Education Act (ESEA) is for activities supporting school districts' strategies to improve student achievement. Among other activities, these funds may also be used for class size reduction, and recruitment, hiring, and training of highly qualified teachers. The bill also funds Eisenhower Professional Development state grants at \$435 million; it does not fund the Class Size Reduction (CSR) program.¹ The House-passed version (June 14, 2000) includes \$1.75 billion for the Teacher Empowerment Act (contingent upon its enactment — see below) and zeroes out the Eisenhower Professional Development program and the CSR program.

¹ For a discussion of the Class Size Reduction program, see CRS Report RS20447, *Class Size Reduction Program: Background and Status*, by James B. Stedman.

On March 9, 2000, the Senate Committee on Health, Education, Labor, and Pensions (HELP) approved S. 2 (Educational Opportunities Act) which reauthorizes the ESEA and includes new authority for teacher programs (see below). Senate floor debate on S. 2 began on May 1, 2000. Of amendments adopted to date, one adds tenure reform, merit pay for teachers, and teacher testing to allowable uses of funds in the teacher programs authority. Another strengthens the local accountability provisions in the teacher programs authority (tying local funding in the 4th year to achievement of specific objectives), creates a new program for individuals entering teaching through alternative certification, and provides liability protection for teachers undertaking reasonable actions to maintain order.

On March 2, 2000, the Senate passed S. 1134 (Affordable Education Act)² which, among other provisions, includes an expanded federal income tax deduction for teachers' professional development expenses; a \$100 tax credit for the cost of classroom materials teachers purchase; the Transition to Teaching Act supporting the preparation and placement in high-poverty schools of professionals entering teaching from other careers; and the Careers to Classrooms program supporting career-changers and others entering the classroom as teachers or aides.³ The House Ways and Means Committee, on March 24, 2000, reported H.R. 7 (Education Savings and School Excellence Act of 2000) which, among other provisions, includes an expanded tax deduction for teachers' professional development expenses (up to \$1,000 a year).

Introduction and Background

The quality of the elementary and secondary school teaching force has emerged as a major focus of attention for the 106th Congress. Many believe that the success of education reform is dependent upon the quality of classroom instruction provided by the nation's approximately 2.8 million public school teachers (estimated for 1998-1999). Teacher quality is seen as adversely affected by such factors as poor training and weak standards. Some are warning of a potential teacher shortage as enrollment grows, particularly in secondary schools, coupled with rising attrition to the aging of the teaching force, and increased demand stemming from efforts to reduce class size.

Although teacher training and employment are primarily state and local responsibilities, the federal government provides a wide array of support for teachers administered by multiple agencies. This support focuses on preservice training for prospective teachers, inservice training (professional development) for current teachers, and recruitment. Federal funding is also being provided to reduce class size.

The 106th Congress is considering the quality and quantity of elementary and secondary school teachers as it debates reauthorization of the ESEA.⁴ The primary ESEA

² H.R. 2488, similar to S. 1134, was vetoed last year.

³ Among other relevant action this Congress, P.L. 106-65 (National Defense Authorization Act for FY2000) was signed into law on October 5, 1999. It transfers the Troops to Teachers program from the Departments of Defense and Transportation to the Department of Education.

⁴ CRS Issue Brief IB98047, *Elementary and Secondary Education: Reconsideration of the Federal Role by the 106th Congress*, by Wayne Riddle, et al. See also: CRS Report 98-166, (continued...)

program focused on teaching improvement is the Eisenhower Professional Development state grant program (a state formula grant program supporting professional development most frequently in math and science). Also being considered is the CSR program.

Selected Legislation in the 106th Congress

This section describes major legislative proposals regarding elementary and secondary school teachers under active consideration by the 106th Congress.⁵

H.R. 1995 (McKeon, et al.). As passed by the House, the Teacher Empowerment Act amends ESEA Title II and replaces three programs — Eisenhower Professional Development, Goals 2000 state grants, and the CSR program (referred to below as *H.R. 1995 antecedent programs*). The annual authorization for the primary program in the legislation is \$2.019 billion for FY2000 (\$15 million is for national activities) and such sums as may be necessary for FY2001 through FY2004. Each state would receive the same amount as in FY1999 from the *H.R. 1995 antecedent programs*. Insufficient appropriations would lead to ratable reductions; excess appropriations would be distributed to states by formula. At least 95% of a state's allocation would be allocated to LEAs and partnerships (80% to LEAs by formula, 20% to LEAs and partnerships competitively) and up to 5% for state activities. LEAs receive the greater of their formula allocation or their FY1999 Eisenhower and CSR funding level.

LEAs would have to use an unspecified portion of their funding for professional development for teachers, principals, and administrators. They would be required to spend the same amount on professional development in mathematics and science as spent previously under the Eisenhower program. A waiver authority is provided for this requirement. Districts would also have to direct an unspecified portion of their funds to class size reduction by recruiting, hiring, and training certified teachers, including those coming to teaching through alternative routes. These funds could be used for hiring special education teachers. The state could waive the teacher hiring requirement, allowing districts to use funds for other activities that would reduce class size. A waiver could be granted only if these funds would be used to ensure that instructional staff have the knowledge and skills to teach their subjects effectively, or if class size reduction would adversely affect student achievement (e.g., by hiring of underqualified teachers).

Funds may also be used by LEAs to recruit highly qualified teachers in subject areas with shortages through such means as signing bonuses or alternative certification for professionals from other fields; to improve retention of teachers and principals through

⁴ (...continued)

Teacher Quality and Quantity: Proposals in the 105th Congress, by James Stedman. (Hereafter cited as CRS, *Teacher Quality and Quantity*).

⁵ Many bills have been introduced in this congress with a focus on teachers. They address such issues as teacher recruitment, professional development, class size reduction, teacher testing, salaries, qualifications and certification. They are too numerous to be cited in this report. The Clinton Administration's ESEA reauthorization proposal was introduced as S. 1180/H.R. 1960 (described briefly in CRS Issue Brief IB98047). Block grant proposals often include existing teacher programs (see CRS Issue Brief IB98013, *Elementary and Secondary Education Block Grant Proposals in the 106th Congress*, by Wayne Riddle and Paul Irwin).

mentoring or other efforts; to improve the teaching force through innovative professional development, tenure reform, merit pay, testing in teachers' subject areas; to support activities to improve the quality of principals; and to provide *teacher opportunity payments* to teachers for professional development of their own choosing. Districts would be required to target schools with the lowest percentage of fully qualified teachers, the largest class sizes, or that have been identified for improvement under ESEA Title I. Any funded district must provide, upon request, information to any parent on the qualifications of a student's classroom teachers.

The professional development funded under this proposal would have to be tied to state or local standards, be of sufficient intensity and duration to affect teaching performance, and be directly related to the subjects taught by a teacher. A district may be required to use funds for teacher opportunity payments if its state determines that it has failed to meet specified standards for its funded professional development.

State activities would include certification reform to ensure that teachers have the skills and knowledge needed for their assigned subjects; support programs during teachers' initial teaching; alternative routes to certification; help for districts and schools in recruiting highly qualified teachers and principals; tenure reform and implementation of procedures for the expeditious removal of incompetent teachers; and assistance to districts and partnerships for delivery of intensive professional development.

Funded states would be required to disseminate widely through a report card or other means, information on the closing of achievement gaps between different groups of students, increases in the percentage of classes taught by fully qualified teachers, and class size reductions. States would have to hold districts and schools accountable for making annual progress toward performance indicators developed by districts and schools regarding student achievement and classes taught by fully qualified teachers. States would also have to have a plan to ensure that by December 31, 2003, all teachers are fully qualified: all teachers would have to be fully licensed; elementary teachers would have to have BAs and demonstrate knowledge and skills in relevant subject areas; middle and secondary teachers would have to have BAs and demonstrate high competence in the subjects taught either through testing or by majoring in those subjects.⁶

Funded partnerships would support professional development in core subject areas and provide assistance to districts and their teachers, principals, and other staff for high quality professional development. A partnership must include a high need district, a higher education school of arts and sciences, and an institution that prepares teachers.

The Secretary of Education would be required to fund projects that provide professional development for principals. National activity funds could be used to support, among other activities, teacher excellence academies in elementary and secondary schools to promote alternative routes to certification; grants to rural LEAs for teacher recruitment, retention, and professional development; the Department of Defense's Troops to Teachers program (supporting entry of former military personnel into teaching) through the transfer

⁶ H.R. 2 (Student Results Act, passed by the House on October 21, 1999) requires any state receiving basic grants under ESEA Title I to submit a plan to ensure that all teachers teaching in the state will be "fully qualified" by not later than December 31, 2003.

of funds to the Department of Defense; and the Eisenhower National Clearinghouse for Mathematics and Science Education. A new program of teacher recruitment modeled on Troops to Teachers is also authorized. Funding for the National Writing Project would be reauthorized. The Secretary would be prohibited from using federal funds to plan, develop, implement, or administer a mandatory national teacher test or certification, and from withholding a state's or district's funds for failure to adopt a specific certification method. It is unclear what impact this provision would have on continued federal funding for the National Board for Professional Teaching Standards (NBPTS), which is developing and implementing a voluntary national teacher certification system. H.R. 1995 eliminates an explicit funding authorization for the NBPTS in the current Eisenhower program.

S. 2 (Jeffords, et al.). As approved by the Senate HELP Committee, S. 2 would rewrite ESEA Title II to authorize various new programs to address teacher quality and continue several existing programs. The following description focuses on Part A — Teacher Empowerment which replaces the Eisenhower Professional Development program and the CSR program (referred to below as *S. 2 antecedent programs*). In general, the broad outlines of this program are similar to that of the Teacher Empowerment Act in H.R. 1995 (see above). As with H.R. 1995, the Senate program is a state formula grant with substate allocation by formula to LEAs and by competition to partnerships. Nevertheless, the Senate program differs in many respects, including funding levels, division of allocations among different recipients, authorized activities, etc. Some of these differences are noted below.

The FY2001 authorization for the Part A program is \$2 billion of which \$40 million is reserved for national activities. Such sums as may be necessary are authorized for the succeeding 4 fiscal years. Annually, each state would receive the same amount as its FY2000 allocation under the *S. 2 antecedent programs*. Insufficient appropriations would lead to ratable reductions; excess appropriations would be distributed to states by formula. At least 90% of a state's allocation would be distributed to LEAs and partnerships (95% by formula to LEAs and 5% to the state agency for higher education for competitive distribution to partnerships) and up to 10% would be for state activities. Unlike H.R. 1995, LEAs are not assured continued receipt of any prior level of funding.

LEAs would be required to use an unspecified portion of their allocation on professional development for math and science (in contrast, H.R. 1995 requires that districts spend the same amount on math and science professional development as under prior law). Districts would have to direct an unspecified portion of funds to professional development for teachers, principals, and paraprofessionals. No new waiver authorities would be granted for the required activities as are provided in H.R. 1995. Among other activities, funds may be used for teacher hiring to reduce class size (a required activity under H.R. 1995); hiring of special education teachers; recruitment of highly qualified teachers through signing bonuses or alternative certification; activities to retain teachers and principals; and *teacher opportunity payments* to teachers for professional development of their own choosing. Districts must target funds to schools with the lowest percentage of highly qualified teachers, that have been identified for improvement under ESEA Title I, or that have been identified for school improvement under other district-determined measures. Unlike H.R. 1995, S. 2 does not include tenure reform, merit pay, or teacher testing among authorized activities; it does not require districts to notify parents on the qualifications of their students' teachers; and it specifically includes paraprofessionals among those eligible to be served. S. 2 includes teacher opportunity payments as does

H.R. 1995 but these may be required of districts under different circumstances (see discussion below of state measurement of annual progress of districts).

State activities would include certification reform; support for teacher induction; alternative certification; assistance to LEAs for recruitment of highly qualified teachers and principals; assistance to districts and partnerships for delivery of intensive professional development; and support for teachers seeking certification from the National Board for Professional Teaching Standards, among other activities.

Funded states would be required to measure the annual progress of districts and schools with respect to changes in student achievement, closing of academic achievement gaps between different groups of students, and improvement of professional development reflected through such measures as the percentage of core subjects taught by highly qualified teachers. In the event a district fails to make annual progress, steps are to be taken that can lead to it being required to provide teacher opportunity payments (H.R. 1995 also includes such payments but makes them contingent upon meeting professional development standards).

Each district and school receiving funds would have to publicly report progress in the areas cited above; and states would have to hold districts and schools accountable for making annual progress. States would have to have a strategy to ensure that teachers, paraprofessionals, and principals are trained so that technology is effectively used in the classroom. Unlike H.R. 1995, states would not be required to have a plan ensuring that all teachers have certain qualifications as of a specific date, nor would tenure reform and removal of incompetent teachers be explicit focuses of state activities.

The authorized activities and composition of the partnerships are similar to those in H.R. 1995.

National activities funds could be used for such activities as grants for teacher excellence academies related to alternative teacher certification; grants to the National Board for Professional Teaching Standards for FY2001 to complete its system of national certification; support for teachers seeking advanced certification; grants to support teacher training programs in math and science; and the Eisenhower National Clearinghouse for Mathematics and Science Education. The Secretary would be authorized to transfer funds to the Department of Defense for the continuation of the Troops to Teachers program. Several of the activities authorized for the Secretary differ from those authorized under H.R. 1995 (e.g., H.R. 1995 has no explicit funding authority for the National Board).

The Secretary would be prohibited from using federal funds to plan, develop, implement, or administer a mandatory national teacher test or mandatory method of certification or licensure, and from withholding a state's or district's funds for failure to adopt a specific certification method.

Among other provisions, Title II authorizes a new program to provide professional development to improve the leadership skills of school leaders and reauthorizes funding for the National Writing Project.