

xx. A new part 612 is added to read as follows:

PART 612—TITLE II REPORTING SYSTEM

Subpart A--Scope, Purpose and Definitions

Sec.

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AUTHORITY: 20 U.S.C. 1022d, unless otherwise noted.

Subpart A--Scope, Purpose and Definitions

§612.1 Scope and purpose.

(a) This subpart establishes regulations related to the teacher preparation program accountability system under Title II of the HEA. These regulations include:

(1) Institutional Report Card reporting requirements.

(2) State Report Card reporting requirements.

(3) Requirements related to the minimum criteria for States to use when reporting on teacher preparation program performance.

(4) Requirements related to the minimum criteria States must consider to identify low-performing teacher preparation programs and at-risk teacher preparation programs.

(5) The consequences to a low-performing teacher preparation program that loses State approval or financial support.

(6) The conditions under which a low-performing teacher preparation program that has lost State approval or financial support may resume accepting and enrolling students who receive Title IV, HEA funds.

(Authority: 20 U.S.C. 1022d)

§612.2 Definitions.

(a) The following definitions used in this part are defined in the regulations for Institutional Eligibility under the Higher Education Act of 1965, as amended, 34 CFR part 600: Secretary title IV, HEA program

(b) The following definitions used in this part are

defined in subpart A of the Student Assistance General Provisions, 34 CFR part 668:

HEA

Payment Period

TEACH Grant

(c) The following definition used in this part is defined in 34 CFR part 77.1:

Local educational agency (LEA)

(d) Other terms used in this part are:

At-risk Teacher Preparation Program: A teacher preparation program that is identified as at-risk of being low-performing by a State based on the State's assessment of teacher preparation program performance under §612.5 and that is reported as such in the State Report Card under §612.4.

Classification of Instruction Programs (CIP): A taxonomy of instructional program classifications and descriptions developed by the U.S. Department of Education's National Center for Education Statistics used to identify a teacher preparation program for purposes of title II reporting.

Content and Pedagogical Knowledge: An understanding of (1) the central concepts and structures of the discipline in which teacher candidates have been trained, and (2) how to create effective learning experiences that make the discipline

accessible and meaningful for all students in order to assure mastery of the content as described in the professional, State, or institutional standards.

Effective Teacher Preparation Program: A teacher preparation program that is identified as effective by a State based on the State's assessment of teacher preparation program performance under §612.5 and that is reported as such in the State Report Card under §612.4.

[Employment Outcomes: Data, measured by both the teacher placement rate and the teacher retention rate, on the effectiveness of a teacher preparation program in preparing, placing, and supporting new teachers consistent with local educational agency needs.]

Employer Satisfaction Survey: A survey instrument administered statewide to employers or supervisors to capture whether new teachers they employ or supervise, who attended a teacher preparation program in the State where they are employed, were effectively prepared.

Exceptional Teacher Preparation Program: A teacher preparation program that is identified as exceptional by a State based on the State's assessment of teacher preparation program performance under §612.5 and that is reported as such in the State Report Card under §612.4.

Low-performing Teacher Preparation Program: A teacher preparation program that is identified as low-performing by a State based on the State's assessment of teacher preparation program performance under §612.5 and that is reported as such in the State Report Card under §612.4.

New Teacher: A recent graduate or alternative route participant who, within the last three title II reporting years, has received a level of certification or licensure that allows him or her to serve as the teacher of record in that State.

Quality Clinical Preparation: Training that integrates content, pedagogy, and professional coursework around a core of pre-service clinical experiences. Such training may require--

(a) Clinical instructors, including school and district-based personnel, to meet established requirements and be adequately trained;

(b) Candidate placement to be in settings that serve diverse or under-represented student populations in kindergarten through twelfth grade; and

(c) Candidate to use research-based practices, including observation and analysis of instruction, collaboration with peers, multiple teaching experiences, use of technology, and use of a performance-based protocol to demonstrate candidate mastery of content and pedagogy.

[Recent Graduates: All individuals who have completed the requirements of a teacher preparation program within the last three title II reporting years.]

Satisfaction Survey Outcomes: Qualitative and quantitative data collected through survey instruments, including, but not limited to, a teacher satisfaction survey and an employer satisfaction survey, designed to capture perceptions of whether new teachers who are employed as teachers in the State where the teacher preparation program is located possess the skills needed to succeed in the classroom.

State: A State of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

Student Accepted into a Teacher Preparation Program: A student who has been admitted into a teacher preparation program but who has not yet enrolled in any coursework that the institution has determined to be part of that teacher preparation program.

Student Achievement: For purposes of determining student growth--

(a) For grades and subjects in which assessments are required under section 1111(b) (3) of the Elementary and Secondary Education Act of 1965, as amended (ESEA): (1) a student's score on the State's assessments under section

1111(b)(3) of the ESEA and, as appropriate; (2) other measures of student learning, such as those described in paragraph (b) of this definition, provided they are rigorous and comparable across schools within a local educational agency.

(b) For other grades and subjects: alternative measures of student learning and performance, such as student results on pre-tests and end-of-course tests, objective performance-based assessments, student learning objectives, student performance on English language proficiency assessments, and other measures of student achievement that are rigorous and comparable across schools within a local educational agency and consistent with State protocols.

Student Enrolled in a Teacher Preparation Program: A student who has been accepted into a teacher preparation program and is in the process of completing coursework but has not yet completed the teacher preparation program.

Student Growth: The change in student achievement for an individual student between two or more points in time.

Student Learning Outcomes: For each teacher preparation program in a State, data on the aggregate learning outcomes of PK-12 students taught by new teachers. These data are calculated by the State using student growth or teacher evaluation measure or both.

Teacher Evaluation Measure: By grade span and subject area, the percentage of new teachers rated at each performance level under a district teacher evaluation system consistent with statewide parameters that differentiates teachers on an annual basis using at least three performance levels and multiple valid measures in determining those performance levels. For purposes of this definition, multiple valid measures of performance level must include as a significant factor, data on student growth for all students (including English Learners and students with disabilities), and may include other measures of professional practice (which may be gathered through multiple formats and sources, such as observations based on rigorous teacher performance standards, teacher portfolios, and student and parent surveys).

Teacher Placement Rate:

(a) Calculated annually, the combined non-duplicated percentage of new teachers and recent graduates who have been hired in a full-time teaching position for the grade level, span, and subject area in which the teacher trained.

(b) At the State's discretion, this term may be defined to exclude one or both of the following provided that the State takes a consistent approach for all teacher preparation programs in the State:

(1) Teachers who have taken teaching positions in another State.

(2) Teachers who have taken teaching positions in private schools in the State.

Teacher Preparation Entity: An institution of higher education or other organization that is authorized by the State to prepare teachers.

Teacher Preparation Program: A program, whether traditional or alternative route, offered by a teacher preparation entity that leads to a specific State teacher certification in a specific field and that has been classified using a 6-digit CIP code.

[Teacher Retention Rate: Calculated annually,--

(a) The percentage of new teachers who--

(1) Were hired in full-time teaching positions; and

(2) Served for periods of at least two school years within four years of being granted a level of certification that allows them to serve as teachers of record, or another greater period of time as determined by the State.

(b) At the State's discretion, this term may be defined to exclude one or both of the following provided that the State takes a consistent approach for all teacher preparation programs in the State:

(1) Teachers who have taken teaching positions in another State.

(2) Teachers who have taken teaching positions in private schools in the State.]

Teacher Satisfaction Survey: A survey instrument administrated statewide to new teachers to capture qualitative and quantitative data on whether new teachers perceive that the services they received from their teacher preparation programs were effective in preparing them for their first three years in the classroom.

Validated Teacher Candidate Qualifications: Qualifications of a teacher candidate validated by a teacher preparation program prior to the candidate's completion of the program using, at a minimum, (a) rigorous entrance requirements based on multiple measures, and (b) exit criteria based on an assessment of candidate performance that relies on validated professional teaching standards and measures of a candidate's effectiveness that include, but are not limited to, measures of curriculum planning, instruction of students, appropriate plans and modifications for all students, and assessment of student learning.

(Authority: 20 U.S.C. 1022d)

Subpart B--Reporting Requirements

§612.3 What are the reporting requirements for the Institutional Report Card?

Annually, each institution of higher education that conducts a traditional teacher preparation program or alternate routes to State certification or licensure programs and that enrolls students receiving Federal assistance under the HEA must--

(a) Report to the State on the quality of teacher preparation using an institutional report card that is prescribed by the Secretary;

(b) Prominently and promptly post the institutional report card information on the institution's Web site; and

(c) May also provide the institutional report card information to the general public in promotional materials it makes available to prospective students and others.

(Authority: 20 U.S.C. 1022d)

§612.4 What are the reporting requirements for the State Report Card?

(a) Annually, each State must--

(1) Report to the Secretary, using a State report card that is prescribed by the Secretary, on the quality of all teacher preparation programs, in the State; and

(2) Make the State report card information widely available to the general public by posting the State report card information on the State's website.

(b) In the State report card, the State must--

(1) Make meaningful differentiations in teacher preparation program performance using at least four performance levels-- low-performing teacher preparation program, at-risk teacher preparation program, effective teacher preparation program, and exceptional teacher preparation program-- based on the indicators in §612.5 including, in significant part, student learning outcomes.

(2) Identify a teacher preparation program as effective or higher only if it has satisfactory or higher student learning outcomes.

(3) Provide--

(i) For each teacher preparation program--

(A) Disaggregated data for each of the indicators identified pursuant to §612.5; and

(B) The State's assurance that the teacher preparation program either is accredited by a specialized agency pursuant to §612.5(b)(2)(i), or produces teacher candidates with quality clinical preparation, content and pedagogical knowledge, and

validated teacher candidate qualifications pursuant to §612.5(b)(2)(ii); and

(ii) The State's weighting of the different indicators in §612.5 for purposes of describing the State's assessment of program performance.

(c) For purposes of reporting data related to small teacher preparation programs--

(1) For a teacher preparation program that has fewer than ten graduates or alternative route program participants who became certified or licensed in a title II reporting year as defined in the State report card, a State reports data pursuant to §612.4(b) by--

(i) Aggregating the data for the current title II reporting year and for any additional preceding title II reporting years, not to exceed an additional two reporting years, until the number of graduates or alternative route program participants equals ten or more individuals to achieve a sufficient reporting size.

(ii) If a sufficient reporting size is not achieved under (i), the data in §612.5 is aggregated using outcome data from the last three title II reporting years by--

(A) Identifying the teacher preparation program's 4-digit CIP code and whether there are other teacher preparation

programs at the entity that were classified under the same 4-digit CIP code during the last three title II reporting years;

(B) Determining whether the number of graduates or alternative route program participants for all teacher preparation programs with the same 4-digit CIP code equals ten or more for the last three title II reporting years; and

(C) If the number of graduates or alternative route program participants for all teacher preparation programs with the same 4-digit CIP code equals ten or more for the last three title II reporting years, aggregating the data in §612.5 using this cohort.

(iii) If a sufficient reporting size is not achieved under (i), the data in §612.5 is aggregated by--

(A) Identifying the teacher preparation program's 2-digit CIP code and whether there were other teacher preparation programs at the institution that were classified under the same 2-digit CIP code during the last three title II reporting years;

(B) Determining whether the number of graduates or alternative route program participants for all teacher preparation programs with the same 2-digit CIP code equals ten or more for the last three title II reporting years; and

(C) If the number of graduates or alternative route program participants for all teacher preparation programs with

the same 2-digit CIP code equals ten or more for the last three title II reporting years, aggregating the data in §612.5 using this cohort.

(D) If an entity has a single program with a total of three or fewer graduates or alternative route program participants within the last three title II reporting years, the entity does not need to report on that program.

(2) If the number of graduates or alternative route program participants for all teacher preparation programs with the same 2-digit CIP code does not equal ten or more for the last three Title II reporting years; the State does not need to report data pursuant to §612.4(b) for that entity, and if otherwise eligible, that institution remains TEACH-Grant eligible.

(Authority: 20 U.S.C. 1022d)

§612.5 What indicators must a State use to report on teacher preparation program performance for purposes of the State report card?

(a) For purposes of reporting under §612.4, a State must assess, for each teacher preparation program within its jurisdiction, indicators of academic content knowledge and teaching skills of new teachers from that program. These

indicators of academic content knowledge and teaching skills must include, at a minimum--

- (1) Student learning outcomes;
- (2) [Employment outcomes;]
- (3) Satisfaction survey outcomes;
- (4) Whether the program--

(i) Is accredited by a specialized accrediting agency recognized by the Secretary for accreditation of professional teacher education programs; or

(ii) Provides teacher candidates with--

- (A) Content and Pedagogical Knowledge;
- (B) Quality Clinical Preparation; and
- (C) Validated Teacher Candidate Qualifications.

(b) At a State's discretion, these indicators may also include other indicators predictive of a teacher's impact on student performance, such as student survey results that a State may reasonably establish.

(Authority: 20 U.S.C. 1022d)

§612.6 What criteria must States consider in identifying low-performing teacher preparation programs or at-risk teacher preparation programs, and what actions must a State take with respect to those programs?

(a) In identifying low-performing or at-risk teacher preparation programs on the State report provided under §612.4, States must use criteria that, at a minimum, include the indicators of academic content knowledge and teaching skills from §612.5, including in significant part, student learning outcomes.

(b) At a minimum, States must provide technical assistance to improve the performance of low-performing teacher preparation programs or at-risk teacher preparation programs.

(Authority: 20 U.S.C. 1022d)

Subpart C-- Consequences of Withdrawal of State Approval or Financial Support

§612.7 What are the consequences to a low-performing teacher preparation program that loses State approval or financial support?

(a) Any teacher preparation program from which the State has withdrawn the State's approval or terminated the State's financial support due to the State's identification of the program as a low-performing teacher preparation program--

(1) Is ineligible for any funding for professional development activities awarded by the Department as of the date that the State withdrew its approval or terminated its financial support;

(2) May not include any student accepted into the teacher preparation program or any student enrolled in the teacher preparation program who receives aid under title IV, HEA programs in the institution's teacher preparation program as of the date that the State withdrew its approval or terminated its financial support; and

(3) Must provide transitional support, including remedial services, if necessary, to students enrolled at the institution at the time of termination of financial support or withdrawal of approval for a period of time no longer than 150 percent of the published length of the program.

(b) Any institution administering a teacher preparation program that has lost State approval or financial support based on being identified as a low-performing teacher preparation program must--

(1) Notify the Secretary of its loss of State approval or financial support due to identification as low-performing by the State within 30 days of such designation;

(2) Immediately notify each student who is enrolled or accepted into the low-performing teacher preparation program and who receives funding under Title IV, HEA programs that the institution is no longer eligible to provide such funding to

students enrolled or accepted into the low-performing teacher preparation program commencing with the next payment period; and

(3) Disclose on its Web site and on promotional materials that it makes available to prospective students that the teacher preparation program has been identified as a low-performing teacher preparation program by the State and has lost State approval or financial support and that students accepted or enrolled in the low-performing teacher preparation program may not receive Title IV, HEA funding.

(Authority: 20 U.S.C. 1022f)

§612.8 How does a low-performing teacher preparation program regain eligibility to accept or enroll students receiving Title IV, HEA funds after termination?

(a) A low-performing teacher preparation program may have its title IV eligibility reinstated if it can demonstrate--

(1) Improved teacher preparation program performance on the teacher preparation program performance criteria in §612.5 as determined by the State; and

(2) Reinstatement of State approval or financial support.

(b) To regain eligibility to accept or enroll students receiving title IV, HEA funds in a teacher preparation program that was previously identified by the State as low-performing, a

currently designated eligible institution that participates in the title IV, HEA programs must--

(1) Submit an application to the Secretary along with the supporting documentation that will enable the Secretary to determine that the teacher preparation program previously identified by the State as low-performing has met the requirements under §612.9(a); and

(2) Meet the TEACH Grant institutional participation requirements under §686.4 to award TEACH Grants.

(Authority: 20 U.S.C. 1022f)

Corresponding language:

Add §600.41(e) (4) to read as follows:

§ 600.41 Termination and emergency action proceedings.

* * * * *

(4) If the basis for the loss of eligibility of a TEACH Grant-eligible program is the State's withdrawal of its approval for the teacher preparation program or the State's termination of its financial support for the teacher preparation program due to the State's identification of the teacher preparation program as low-performing under §612.5, the sole issue is whether the teacher preparation program actually did lose state approval or financial support.