

**TEACHER PREPARATION ISSUES COMMITTEE**  
**Title II, HEA Reporting System/ TEACH Grant Program**

**Issue 1**

**Issue:** Recommendations regarding current institution of higher education, teacher preparation program, and State reporting requirements on teacher education program quality.

**Statutory Cite:** HEA Section 205(a) & (b)  
HEA Section 205(c)  
HEA Section 206

**Regulatory Cite:** None

**Summary of Issue:** Each year, institutions of higher education and teacher preparation programs report to States and to the general public, and States then report to the Secretary (and the general public), a variety of information on the nature and quality of their teacher education programs. Most of this information is input-oriented and some have questioned whether the utility of reporting this information is appropriate given the burden that is imposed on institutions, their teacher preparation programs, and States.

**Summary question(s):** What changes to the current reporting system should be considered to reduce burden (see attached current institution and State report card templates)? Currently, States must consider and potentially enter data in up to 440 reporting fields and institutions potentially must complete more than 250 reporting fields. (Based on the feedback received, the Department will identify what changes can be made through appropriate administrative, regulatory, or, if necessary, potential statutory action that would result in a reduction in reporting burden.)

**Statute:**

Section 205(a) of the HEA provides:

*(a) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION –*

*(1) REPORT CARD. – Each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, the following:*

*(A) GOALS AND ASSURANCES. –*

*(i) For the most recent year for which the information is available for the institution –*

- (I) *Whether the goals set under section 206 have been met; and*
- (II) *A description of the activities the institution implemented to achieve such goals.*
- (ii) *A description of the activities the institution has implemented to meet the assurances provided under section 206.*
- (B) **PASS RATES AND SCALED SCORES.** – *For the most recent year for which the information is available for those students who took the assessments used for teacher certification or licensure by the State in which the program is located and are enrolled in the traditional teacher preparation program or alternative routes to state certification or licensure program, and for those who have taken such assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the two-year period preceding such year, for each of such assessments –*
  - (i) *The percentage of students who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;*
  - (ii) *The percentage of all students who passed such assessment;*
  - (iii) *The percentage of students who have taken such assessment who enrolled in and completed the traditional teacher preparation program or alternative routes to State certification or licensure program, as applicable;*
  - (iv) *The average scaled score for all students who took such assessment;*
  - (v) *A comparison of the program’s pass rates with the average pass rates for the programs in the State; and*
  - (vi) *A comparison of the program’s average scaled scores with the average scaled scores for programs in the State.*
- (C) **PROGRAM INFORMATION.**—*A description of –*
  - (i) *The criteria for admission into the program;*
  - (ii) *The number of students in the program (disaggregated by race, ethnicity, and gender);*
  - (iii) *The average number of hours of supervised clinical experience required for those in the program;*
  - (iv) *The number of full-time equivalent faculty and students in the supervised clinical experience; and*
  - (v) *The total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification and licensure.*
- (D) **STATEMENT.** –*In States that require approval or accreditation of teacher preparation programs, as statement of whether the institution’s program is so approved or accredited, and by whom.*
- (E) **DESIGNATION AS LOW-PERFORMING.** – *Whether the program has been designated as low-performing by the State under section 207(a).*
- (F) **USE OF TECHNOLOGY.** – *A description of the activities, including activities consistent with the principles of universal design for learning, that prepare teachers to integrate technology effectively into curricula and instruction, and*

*to use technology effectively to collect, manage, and analyze data in order to improve teaching and learning for the purpose of increasing student academic achievement.*

- (G) *TEACHER TRAINING.* – *A description of the activities that prepare general education and special education teachers to teach students with disabilities effectively, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act, and to effectively teach students who are limited English proficient.*
- (2) *REPORT.* – *Each eligible partnership receiving a grant under section 202 shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 204(a).*
- (3) *FINES.*—*The Secretary may impose a fine not to exceed \$27,500 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.*
- (4) *SPECIAL RULE.* –*In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(B) with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a three-year period.*

HEA section 205(b) provides:

*(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.* –

*(1) IN GENERAL.* – *Each State that receives funds under this Act shall provide to the Secretary, and make widely available to the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, an annual State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:*

*(A) A description of the reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.*

*(B) The standards and criteria that prospective teachers must meet to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subjects, areas, or grades within a State.*

*(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State’s challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and, as applicable, State early learning standards for early childhood education programs.*

*(D) For each of the assessments used by the State for teacher certification or licensure –*

(i) for each institution of higher education located in the State and each entity located in the State, including those that offer an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

(ii) the percentage of all such students at all such institutions and entities who have taken the assessment who pass such assessment;

(iii) the percentage of students who have taken the assessment who enrolled in and completed a teacher preparation program; and

(iv) the average scaled score of individuals participating in a program during the two-year period preceding the first year for which the annual State report card is provided, who took each such assessment.

(E) A description of alternative routes to teacher certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure –

(i) the percentage of individuals participating in such routes, or who have completed such route during the two-year period preceding the date for which the determination is made, who passed each such assessment; and

(ii) the average scaled score of individuals participation in such routes, or who have completed such routes during the two-year period preceding the first year for which the annual State report card is provided, who took each such assessment.

(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall included indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

(G) For each teach preparation program in the State –

(i) the criteria for admission into the program;

(ii) the number of students in the program, disaggregated by race ethnicity, and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student);

(iii) the average number of hours or supervised clinical experience required for those in the program;

(iv) the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared in the aggregate and reported separately by –

(i) Area of certification or licensure;

(ii) Academic major; and

(iii) Subject area for which the teacher has been prepared to teach.

*(I) A description of the extent to which teacher preparation programs are addressing shortages of highly qualified teachers, by area of certification or licensure, subject and specialty, in the State's public schools.*

*(J) The extent to which teacher preparation programs prepare teachers, including general education and special education teachers, to teach students with disabilities effectively, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act.*

*(K) A description of the activities that prepare teachers to –*

*(i) integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and*

*(ii) use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement.*

*(L) The extent to which teacher preparation programs prepare teachers, including general education and special education teachers, to effectively teach students who are limited English proficient.*

HEA section 205(c) requires the Secretary to regulate in the area of data quality with respect to institutional and State report cards:

*(c) DATA QUALITY. – The Secretary shall prescribe regulations to ensure the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.*

In addition, HEA section 206 requires each institution of higher education that must report under section 205(a) to establish quantifiable goals for increasing the number of prospective teachers trained in teacher shortage areas, and to submit assurances to the Secretary regarding training provided to students in their teacher preparation programs. Specifically, section 206 provides:

*Section 206. TEACHER DEVELOPMENT.*

*(a) ANNUAL GOALS. – Each institution of higher education that conducts a traditional teacher preparation program (including programs that offer any ongoing professional development programs) or alternative routes to State certification or licensure program, and that enrolls students receiving Federal assistance under this Act, shall set annual quantifiable goals for increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary or by the State educational agency, including mathematics, science, special education, and instruction of limited English proficient students.*

*(b) ASSURANCES.—Each institution described in subsection (a) shall provide assurances to the Secretary that –*

*(1) Training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;*

- (2) *Training provided to prospective teachers is closely linked with the needs of schools and the instructional decisions new teachers face in the classroom;*
  - (3) *Prospective special education teachers receive course work in core academic subjects and receive training in providing instruction in core academic subjects;*
  - (4) *General education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and*
  - (5) *Prospective teachers receive training on how to effectively teach in urban and rural schools, as applicable.*
- (c) *RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an institution to create a new teacher preparation area of concentration or degree program or adopt a specific curriculum in complying with this section.*

### **Other Information:**

States and institutions utilize online tools created by the Department to transmit required and supplemental Report Card information. The website for the Title II reporting system is: <http://title2.ed.gov/default.asp>. The website includes secure portals for States and institutions with teacher preparation programs to report Title II data; publicly available data from submitted State reports on issues such as teacher preparation and certification requirements; technical assistance materials to support the collection, analysis and reporting of Title II data; and contact information for the States and testing companies involved in the Title II data collection process.

With regard to data quality and section 205(c) of the HEA, the definition of terms contained in the Glossary for the Title II reporting system at <http://title2.ed.gov/TA/Glossary.pdf> includes the following definitions for Title II reporting purposes:

- *Reliability:* Reliability is the consistency of your measurement, or the degree to which an instrument measures the same way each time it is used under the same condition with the same subjects. In short, it is the repeatability of your measurement. A measure is considered reliable if a person's score on the same test given twice is similar. It is important to remember that reliability is not measured, it is estimated. There are two ways that reliability is usually estimated: test/retest and internal consistency.
- *Validity:* Validity is the strength of our conclusions, inferences or propositions. Experts define it as the “best available approximation to the truth or falsity of a given inference, proposition or conclusion.” In short, were we right? Let's look at a simple example. Say we are studying the effect of strict attendance policies on class participation. In our case, we saw that class participation did increase after the policy was established. Each type of validity would highlight a different aspect of the relationship between our treatment (strict attendance policy) and our observed outcome (increased class participation).

The Department established these two definitions under the Paperwork Reduction Act; they are not regulatory. The terms data “integrity” and “accuracy” are not addressed in the Glossary or otherwise defined the Title II reporting system.

**Proposed regulations:** Please see proposed §612.1 through §612.6 of the proposed new part 612 – Title II Reporting System.

**Session 3 update:** Please see revised §612.1 through §612.6 of the proposed new part 612 – Title II Reporting System.

## TEACHER PREPARATION ISSUES COMMITTEE

### Title II, HEA Reporting System/ TEACH Grant Program

#### Issue 2

**Issue:** Recommendations for supplemental State reporting on teacher education program quality that would either replace or augment current reporting requirements.

**Statutory Cite:** HEA Section 205(a) & (b)  
HEA Section 205(c)  
HEA Section 206

Additional Related Statutory Provisions: ARRA Section 14005(d)(3)  
America COMPETES Act Section 6401(e)(2)(D)

**Regulatory Cite:** None

**Summary of Issue:** Some States have built on the requirements for data systems developed under the State Fiscal Stabilization Fund (ARRA) to report the impact that specific teacher preparation program graduates have on elementary and secondary student achievement and other States are considering such efforts. At the same time, others have suggested that additional impact reporting, including, for example, teacher preparation program employment and customer satisfaction outcomes, be added to the State report.

Annually, institutions of higher education that receive Title IV HEA funds must report to States and to the general public, and States that receive title IV HEA funds must report to the Secretary and to the general public, information specified in Section 205 of the HEA regarding the nature and quality of teacher preparation programs and teacher preparation in the State. The Secretary has authority to add items to the statutorily-required list of data that States must report. States (and institutions) must report all relevant information in a uniform and comprehensible manner that conforms with definitions and methods established by the Secretary. Section 205(c) of the HEA requires the Secretary to prescribe regulations to ensure the reliability, validity, integrity, and accuracy of the data States (and institutions) submit.

**Summary question(s):** What, if any, requirements should the Secretary establish by regulation to ensure that meaningful content is included in report cards that States must provide to the Secretary and general public regarding the nature and quality of specific teacher preparation programs? Specifically, what additional topics should States report on with respect to program nature and quality?

Statute:

Section 205(a) of the HEA provides:

*(b) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION –*

*(5) REPORT CARD. – Each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, the following:*

*(H) GOALS AND ASSURANCES. –*

*(iii) For the most recent year for which the information is available for the institution –*

*(III) Whether the goals set under section 206 have been met; and*

*(IV) A description of the activities the institution implemented to achieve such goals.*

*(iv) A description of the activities the institution has implemented to meet the assurances provided under section 206.*

*(I) PASS RATES AND SCALED SCORES. – For the most recent year for which the information is available for those students who took the assessments used for teacher certification or licensure by the State in which the program is located and are enrolled in the traditional teacher preparation program or alternative routes to state certification or licensure program, and for those who have taken such assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the two-year period preceding such year, for each of such assessments –*

*(vii) The percentage of students who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;*

*(viii) The percentage of all students who passed such assessment;*

*(ix) The percentage of students who have taken such assessment who enrolled in and completed the traditional teacher preparation program or alternative routes to State certification or licensure program, as applicable;*

*(x) The average scaled score for all students who took such assessment;*

*(xi) A comparison of the program's pass rates with the average pass rates for the programs in the State; and*

*(xii) A comparison of the program's average scaled scores with the average scaled scores for programs in the State.*

*(J) PROGRAM INFORMATION.—A description of –*

*(vi) The criteria for admission into the program;*

*(vii) The number of students in the program (disaggregated by race, ethnicity, and gender);*

*(viii) The average number of hours of supervised clinical experience required for those in the program;*

*(ix) The number of full-time equivalent faculty and students in the supervised clinical experience; and*

- (x) *The total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification and licensure.*
- (K) *STATEMENT.* – *In States that require approval or accreditation of teacher preparation programs, as statement of whether the institution’s program is so approved or accredited, and by whom.*
- (L) *DESIGNATION AS LOW-PERFORMING.* – *Whether the program has been designated as low-performing by the State under section 207(a).*
- (M) *USE OF TECHNOLOGY.* – *A description of the activities, including activities consistent with the principles of universal design for learning, that prepare teachers to integrate technology effectively into curricula and instruction, and to use technology effectively to collect, manage, and analyze data in order to improve teaching and learning for the purpose of increasing student academic achievement.*
- (N) *TEACHER TRAINING.* – *A description of the activities that prepare general education and special education teachers to teach students with disabilities effectively, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act, and to effectively teach students who are limited English proficient.*
- (6) *REPORT.* – *Each eligible partnership receiving a grant under section 202 shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 204(a).*
- (7) *FINES.*—*The Secretary may impose a fine not to exceed \$27,500 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.*
- (8) *SPECIAL RULE.* –*In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(B) with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a three-year period.*

HEA section 205(b) provides:

- (b) *STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.* –
- (1) *IN GENERAL.* – *Each State that receives funds under this Act shall provide to the Secretary, and make widely available to the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, an annual State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:*
- (A) *A description of the reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.*

*(B) The standards and criteria that prospective teachers must meet to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subjects, areas, or grades within a State.*

*(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and, as applicable, State early learning standards for early childhood education programs.*

*(D) For each of the assessments used by the State for teacher certification or licensure –*

*(i) for each institution of higher education located in the State and each entity located in the State, including those that offer an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;*

*(ii) the percentage of all such students at all such institutions and entities who have taken the assessment who pass such assessment;*

*(iii) the percentage of students who have taken the assessment who enrolled in and completed a teacher preparation program; and*

*(iv) the average scaled score of individuals participating in a program during the two-year period preceding the first year for which the annual State report card is provided, who took each such assessment.*

*(E) A description of alternative routes to teacher certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure –*

*(i) the percentage of individuals participating in such routes, or who have completed such route during the two-year period preceding the date for which the determination is made, who passed each such assessment; and*

*(ii) the average scaled score of individuals participation in such routes, or who have completed such routes during the two-year period preceding the first year for which the annual State report card is provided, who took each such assessment.*

*(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall included indicators of the academic content knowledge and teaching skills of students enrolled in such programs.*

*(G) For each teach preparation program in the State –*

*(v) the criteria for admission into the program;*

*(vi) the number of students in the program, disaggregated by race ethnicity, and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student);*

- (vii) *the average number of hours or supervised clinical experience required for those in the program;*
- (viii) *the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.*

(H) *For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared in the aggregate and reported separately by –*

- (iv) *Area of certification or licensure;*
- (v) *Academic major; and*
- (vi) *Subject area for which the teacher has been prepared to teach.*

(I) *A description of the extent to which teacher preparation programs are addressing shortages of highly qualified teachers, by area of certification or licensure, subject and specialty, in the State’s public schools.*

(J) *The extent to which teacher preparation programs prepare teachers, including general education and special education teachers, to teach students with disabilities effectively, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act.*

(K) *A description of the activities that prepare teachers to –*

- (i) *integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and*
- (ii) *use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement.*

(L) *The extent to which teacher preparation programs prepare teachers, including general education and special education teachers, to effectively teach students who are limited English proficient.*

HEA section 205(c) requires the Secretary to regulate in the area of data quality with respect to institutional and State report cards:

(c) *DATA QUALITY. – The Secretary shall prescribe regulations to ensure the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.*

In addition, HEA section 206 requires each institution of higher education that must report under section 205(a) to establish quantifiable goals for increasing the number of prospective teachers trained in teacher shortage areas, and to submit assurances to the Secretary regarding training provided to students in their teacher preparation programs. Specifically, section 206 provides:

*Section 206. TEACHER DEVELOPMENT.*

(c) *ANNUAL GOALS. – Each institution of higher education that conducts a traditional teacher preparation program (including programs that offer any ongoing professional development programs) or alternative routes to State certification or licensure program, and that enrolls students receiving Federal assistance under this*

*Act, shall set annual quantifiable goals for increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary or by the State educational agency, including mathematics, science, special education, and instruction of limited English proficient students.*

- (d) *ASSURANCES.—Each institution described in subsection (a) shall provide assurances to the Secretary that –*
- (1) *Training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution’s graduates are likely to teach, based on past hiring and recruitment trends;*
  - (2) *Training provided to prospective teachers is closely linked with the needs of schools and the instructional decisions new teachers face in the classroom;*
  - (3) *Prospective special education teachers receive course work in core academic subjects and receive training in providing instruction in core academic subjects;*
  - (4) *General education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and*
  - (5) *Prospective teachers receive training on how to effectively teach in urban and rural schools, as applicable.*
- (c) *RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an institution to create a new teacher preparation area of concentration or degree program or adopt a specific curriculum in complying with this section.*

### **Other Information:**

The Department is interested in ensuring that teacher preparation programs, school districts and prospective students have access to meaningful, outcome-based as well as input-oriented indicators of program effectiveness that will promote improvements in those programs, and provide to potential employers and prospective students actionable information to guide their hiring and program application decisions.

Several States have mapped value-added elementary and secondary student outcome measures associated with specific teachers back to the preparation programs of those teachers, be they traditional or alternative route preparation programs. Several commentators have advocated other, additional indicators of teacher and program effectiveness also be mapped back to individual preparation programs or their parent institutions of higher education to create a full and fair ‘feedback loop’ between the elementary and secondary education system and higher education providers.

### **Additional Related Statutory Provisions:**

American Recovery and Reinvestment Act Section 14005(d)(3)

*(3) IMPROVING COLLECTION AND USE OF DATA. The State will establish a longitudinal data system that includes the elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871).*

America COMPETES Act Section 6401(e)(2)(D)

*(D) EDUCATION DATA SYSTEM.— The State shall ensure that the statewide P–16 education data system includes the following elements:*

*(i) PRESCHOOL THROUGH GRADE 12 EDUCATION AND POSTSECONDARY EDUCATION.— With respect to pre-school through grade 12 education and postsecondary education—*

*(I) a unique statewide student identifier that does not permit a student to be individually identified by users of the system;*

*(II) student-level enrollment, demographic, and program participation information;*

*(III) student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete P–16 education programs;*

*(IV) the capacity to communicate with higher education data systems; and*

*(V) a State data audit system assessing data quality, validity, and reliability.*

*(ii) PRESCHOOL THROUGH GRADE 12 EDUCATION.— With respect to preschool through grade 12 education—*

*(I) yearly test records of individual students with respect to assessments under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));*

*(II) information on students not tested by grade and subject;*

*(III) a teacher identifier system with the ability to match teachers to students;*

*(IV) student-level transcript information, including information on courses completed and grades earned; and*

*(V) student-level college readiness test scores.*

*(iii) POSTSECONDARY EDUCATION.—With respect to postsecondary education, data that provide—*

*(I) information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework; and*

*(II) other information determined necessary to address alignment and adequate preparation for success in postsecondary education.*

*(E) FUNCTIONS OF THE STATEWIDE P–16 EDUCATION DATA SYSTEM.—In implementing the statewide P–16 education data system, the State shall—*

*(i) identify factors that correlate to students' ability to successfully engage in and complete postsecondary-level general education coursework without the need for prior developmental coursework;*

*(ii) identify factors to increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework; and*

*(iii) use the data in the system to otherwise inform education policy and practice in order to better align State academic content standards, and curricula, with the demands of postsecondary education, the 21st century workforce, and the Armed Forces.*

**Proposed regulations:** Please see proposed §612.1 through §612.6 of the proposed new part 612 – Title II Reporting System.

**Session 3 update:** Please see revised §612.1 through §612.6 of the proposed new part 612 – Title II Reporting System.

**TEACHER PREPARATION ISSUES COMMITTEE**  
**Title II, HEA Reporting System/ TEACH Grant Program**

**Issue 3**

**Issue:** Criteria used by States to assess the performance of teacher preparation programs.

**Statutory Cite:** HEA Section 205(b) of the HEA  
HEA Section 205(c) of the HEA  
HEA Section 200(23) of the HEA

**Regulatory Cite:** None

**Summary of Issue:** As part of the HEA required State report card, States must describe their criteria for assessing the performance of teacher preparations programs and include in those criteria indicators of the academic content knowledge and teaching skills of students enrolled in those programs. In the past, concern has been raised that institution of higher education and State reporting regarding program effectiveness and assessments thereof have been compromised by the lack of adequate criteria associated with implementation.

**Summary question(s):** What should be included in the criteria that States use to assess the performance of teacher preparation programs? How should performance indicators be defined and measured to ensure they generate meaningful information about the performance of each teacher preparation program in a State (and thus provide information that can be viewed as reliable, valid, accurate, and having integrity)? What should the indicators be of academic content knowledge and teaching skills of students enrolled in teacher preparation programs? What, if any, parameters should there be for those indicators?

**Statute:**

Section 205(b)(1) of the HEA requires:

*(1) IN GENERAL.—Each State that receives funds under this Act shall provide to the Secretary, and make widely available to the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, an annual State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following: [please see Issue 2 for list]*

Section 205(b)(1)(F) of the HEA requires States to include as part of their State report cards:

*a description of the State’s criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include*

*indicators of the academic content knowledge and teaching skills of students enrolled in such programs.*

Section 200(23) of the HEA defines the term “teaching skills:”

*(23) TEACHING SKILLS.—The term ‘teaching skills’ means skills that enable a teacher to—*

*(A) increase student learning, achievement, and the ability to apply knowledge;*

*(B) effectively convey and explain academic subject matter;*

*(C) effectively teach higher-order analytical, evaluation, problem-solving, and communication skills;*

*(D) employ strategies grounded in the disciplines of teaching and learning that—*

*(i) are based on empirically-based practice and scientifically valid research, where applicable, related to teaching and learning;*

*(ii) are specific to academic subject matter; and*

*(iii) focus on the identification of students’ specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;*

*(E) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measures higher-order thinking skills (including application, analysis, synthesis, and evaluation);*

*(F) effectively manage a classroom, including the ability to implement positive behavioral interventions and support strategies;*

*(G) communicate and work with parents, and involve parents in their children’s education; and*

*(H) use, in the case of an early childhood educator, age-appropriate and developmentally appropriate strategies and practices for children in early childhood education programs.*

Section 205(c) of the HEA requires the Secretary to regulate in the area of data quality with respect to institutional and State report cards:

*(c) DATA QUALITY. – The Secretary shall prescribe regulations to ensure the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.*

**Proposed regulations:** Please see proposed §612.1 through §612.6 of the proposed new part 612 – Title II Reporting System.

**Session 3 update:** Please see revised §612.1 through §612.6 of the proposed new part 612 – Title II Reporting System.

**TEACHER PREPARATION ISSUES COMMITTEE**  
**Title II, HEA Reporting System/ TEACH Grant Program**

**Issue 4**

**Issue:** Standards for State identification of low-performing or at-risk teacher preparation programs

**Statutory Cite:** HEA Section 207(a)  
HEA Section 205(b)  
HEA Section 205(c)  
HEA Section 206

**Regulatory Cite:** None

**Summary of Issue:** HEA section 207(a) requires States to conduct an assessment to identify low-performing teacher preparation programs within the State. Section 207(a) also requires each State to describe the assessment in its State report card under section 205(b) and to provide the Secretary a list of teacher preparation programs it has found to be either low-performing or at risk of being found to be low-performing. While section 207(a) authorizes States to determine levels of teacher preparation program performance, it anticipates that the State assessments of program performance for which those levels are established will be meaningful. Section 205(c) of the HEA requires the Secretary to prescribe regulations ensuring the reliability, validity, integrity, and accuracy of data submitted to the Department as part of the State report card.

**Summary question(s):** What definitions and minimum criteria should be established to ensure that State identification of low-performing teacher preparation programs is based on a meaningful assessment of program performance? Are there specific areas of program performance that States should have to consider to ensure a meaningful assessment and identification of low-performing or at-risk programs, separate from the question of minimum performance levels in those areas?

**Statute:**

HEA section 207(a) requires States to identify low-performing teacher preparation programs in the State as follows:

*SEC. 207. STATE FUNCTIONS*

*(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall conduct an assessment to identify low-performing teacher preparation programs in the State and to assist such programs through the provision of technical assistance. Each such State shall provide the Secretary with an annual list of low-performing teacher preparation programs and an identification of those programs at risk of being placed on such list, as applicable. Such assessment shall be described in the report under section*

205(b). *Levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part, including progress in meeting the goals of –*

- (1) Increasing the percentage of highly qualified teachers in the State, including, increasing professional development opportunities;*
- (2) Improving student academic achievement for elementary students; and*
- (3) Raising the standards for entry into the teaching profession.*

**Other information:**

Despite the requirement since enactment of the 1998 HEA Amendments that States identify and improve their low-performing teacher preparation programs, States identify less than two percent of teacher preparation programs as “low performing.” In the most recent year for which we have data, States identified only 38 low-performing or at-risk teacher preparation programs at more than 1,400 institutions of higher education, many of which house multiple programs.

Examples, from the 2010 State reports, of the criteria used by States to identify traditional teacher preparation programs as "low performing" or "at risk of being low performing" include:

State A: Pre-teaching Experiences in Elementary/Secondary Schools (15% of total grade): (a) Hours required prior to the full time student teaching (5%), (b) Research-based indicators of high quality pre-teaching experiences (10%), Partnerships with [State Name] Elementary/Secondary Schools (15% of total grade). [State Name] Prospective Teacher Testing Program (25% of total grade): (a) three basic skills tests (5%), and (b) Praxis II content knowledge tests (20%). On-the-Job Performance (45% of total grade): (a) Professional Education Personnel Evaluation Program (PEPE) Scores (35%); (b) New teacher/instructional support/administrator satisfaction survey (5%); and (c) Local school systems' satisfaction survey (5%).

State B: Fewer than 80 percent of program completers pass any of the required certification tests.

State C: Low performing is defined as meeting all three of the following conditions: a. Three years of unit level aggregated Content Assessment pass rates are not at or above 80%; and b. PAAR and/or Title II reports were not submitted, verified, and finalized by the published deadlines for one or more of the previous three years; and c. A significant discrepancy exists between the number of program completers and the number of completers who attempt and do not pass the Content Assessment in their field of preparation.

State D: None.

State E: Standards will be developed during RTT period.

State F: Any program that has been granted a 2 year approval is considered low performing

State G: A traditional or alternative route teacher education program Professional Education Unit is designated “low performing” if the professional education unit: •  
receives state or NCATE non-approval status based upon the findings of the review or failure to meet conditions of the “at risk” designation. The unit, including all teacher preparation program areas, is designated as “low performing” accreditation/approval for less than five years based on the NCATE/SATE unit review and fails to correct deficiencies and gain full approval within three years; or the institution received an approval status of “Accreditation Revoked” on their Continuing Accreditation Review from NCATE or Non-Approval status on a HTSB SATE Review; or the institution’s summary pass rate on PRAXIS II falls below 70% for a three year average.

State H: Institutions that are NOT recommended to the State Board of Education for continuing approval status will be designated as "low-performing." Any programs recommended to the State Board for less than the full seven-year approval period due to performance will be designated as "at risk of being considered low-performing."

**Proposed regulations:** Please see proposed §612.1 through §612.6 of the proposed new part 612 – Title II Reporting System.

**Session 3 update:** Please see revised §612.1 through §612.6 of the proposed new part 612 – Title II Reporting System.

**TEACHER PREPARATION ISSUES COMMITTEE**  
**Title II, HEA Reporting System/ TEACH Grant Program**

**Issue 5**

**Issue:** Termination of eligibility of teacher preparation programs to enroll students receiving Title IV student assistance in cases where the State has withdrawn its approval or terminated its financial support based on the program's poor performance

**Statutory Cite:** HEA Section 207(b)

**Regulatory Cite:** None

**Summary of Issue:** HEA section 207(b) of the HEA describes the consequences of a low-performing teacher preparation program's loss of State approval or financial support. Low-performing teacher preparation programs that have lost State approval or financial support are ineligible for funding for professional development activities awarded by the Department. In addition, these teacher preparation programs may not accept or enroll any student who receives Title IV student financial assistance. Further, the affected teacher preparation program must provide transitional support, including remedial services if necessary, for students enrolled when the loss of State approval or financial support occurred.

Once a State determines that a low-performing teacher preparation program has sufficiently improved its performance, the teacher preparation program may regain its eligibility for funding for professional development activities and to enroll students receiving Title IV student assistance.

**Summary question(s):** What regulations should we establish relating to termination of eligibility of teacher preparation programs to enroll students receiving Title IV student financial assistance in cases where the State withdraws its approval or terminates its financial support for the program, due to the program's low-performance on the HEA section 207(a) State assessment? What regulations should we establish related to eligibility of teacher preparation programs to enroll students receiving Title IV student financial assistance in cases where a State reinstates approval or financial support to a program upon demonstration of improved performance?

**Statute:**

HEA section 207(b) describes the consequences to an institution that loses its State approval, including loss of Federal student aid funds (e.g., TEACH Grants, Pell Grants and Federal Student Loans). The provision states:

*(b) TERMINATION OF ELIGIBILITY. – Any teacher preparation program from which the State has withdrawn the State's approval, or terminated the State's financial support, due*

*to low performance of the program based upon the State assessment described in subsection (a) –*

- (1) Shall be ineligible for funding for professional development activities awarded by the Department;*
- (2) May not be permitted to accept or enroll any student who receives aid under title IV in the institution's teacher preparation program;*
- (3) Shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval; and*
- (4) Shall be reinstated upon demonstration of improved performance, as determined by the State.*

**Other information:**

None.

**Proposed regulations:** Please see proposed §612.7 and §612.8 of the proposed new part 612 – Title II Reporting System.

**Session 3 update:** Please see revised §612.7 and §612.8 of the proposed new part 612 – Title II Reporting System.

**TEACHER PREPARATION ISSUES COMMITTEE**  
**Title II, HEA Reporting System/ TEACH Grant Program**

**Issue 6**

**Issue:** Definition of “high quality teacher preparation program”

**Statutory Cite:** HEA Section 101  
HEA Section 102  
HEA Section 420L(1)(A)

**Regulatory Cite:** None.

**Summary of Issue:** HEA section 420L(1)(A) of the HEA describes several criteria that an institution of higher education (as defined in HEA section 102) must meet to be eligible to participate in the TEACH Grant Program. One of the criteria is that the institution of higher education provide a “high quality teacher preparation” and professional development services, including extensive clinical experience as part of pre-service preparation, as determined by the Secretary. However, the term “high quality teacher preparation” is not currently defined in either the statute or in regulation with the result that grants are awarded at more than 800 of some 1,400 institutions of higher education that house a teacher preparation program and without a specific determination of teacher preparation program quality. Nearly two-thirds of the relatively small number of teacher preparation programs identified by states as low-performing or at-risk participate in the TEACH Grant program.

**Summary question(s):** How should we define the term “high quality teacher preparation program” to ensure that TEACH Grant funds are directed to institutions that produce high quality teachers? What regulations should be established to ensure that a State’s assessment of teacher preparation programs and identification of low-performing or at-risk teacher preparation programs under Title II is consistent with a determination of a “high quality teacher preparation program” for TEACH Grant Program participation purposes?

**Statute:**

**SEC. 101. GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.**

(a) INSTITUTION OF HIGHER EDUCATION.—For purposes of this Act, other than title IV, the term “institution of higher education” means an educational institution in any State that—

- (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who meet the requirements of section 484(d)(3);
- (2) is legally authorized within such State to provide a program of education beyond secondary education;
- (3) provides an educational program for which the institution awards a bachelor’s degree or provides not less than a 2- year program that is acceptable for full credit

toward such a degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary;

(4) is a public or other nonprofit institution; and

(5) is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

(b) **ADDITIONAL INSTITUTIONS INCLUDED.**—For purposes of this Act, other than title IV, the term “institution of higher education” also includes—

(1) any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (1), (2), (4), and (5) of subsection (a); and

(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students individuals—

(A) who are beyond the age of compulsory school attendance in the State in which the institution is located;

or

(B) who will be dually or concurrently enrolled in the institution and a secondary school.

(c) **LIST OF ACCREDITING AGENCIES.**—For purposes of this section and section 102, the Secretary shall publish a list of nationally recognized accrediting agencies or associations that the Secretary determines, pursuant to subpart 2 of part H of title IV, to be reliable authority as to the quality of the education or training offered.

## Section 102

(a) **DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.**—

(1) **INCLUSION OF ADDITIONAL INSTITUTIONS.**—Subject to paragraphs (2) through (4) of this subsection, the term “institution of higher education” for purposes of title IV includes, in addition to the institutions covered by the definition in section 101—

(A) a proprietary institution of higher education (as defined in subsection (b) of this section);

(B) a postsecondary vocational institution (as defined in subsection (c) of this section); and

(C) only for the purposes of part D of title IV, an institution outside the United States that is comparable to an institution of higher education as defined in section 101 and that has been approved by the Secretary for the purpose of part D of title IV, consistent with the requirements of section 452(d).

(b) **PROPRIETARY INSTITUTION OF HIGHER EDUCATION.**—

(1) **PRINCIPAL CRITERIA.**—For the purpose of this section, the term

- “proprietary institution of higher education” means a school that—
- (A)(i) provides an eligible program of training to prepare students for gainful employment in a recognized occupation; or
  - (ii)(I) provides a program leading to a baccalaureate degree in liberal arts, and has provided such a program since January 1, 2009; and
  - (II) is accredited by a recognized regional accrediting agency or association, and has continuously held such accreditation since October 1, 2007, or earlier;
  - (B) meets the requirements of paragraphs (1) and (2) of section 101(a);
  - (C) does not meet the requirement of paragraph (4) of section 101(a);
  - (D) is accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part H of title IV; and
  - (E) has been in existence for at least 2 years.
- (2) ADDITIONAL INSTITUTIONS.—The term “proprietary institution of higher education” also includes a proprietary educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students individuals—
- (A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or
  - (B) who will be dually or concurrently enrolled in the institution and a secondary school.

*Subpart 9--TEACH Grants*

**SEC. 420L. DEFINITIONS.**

*For the purposes of this subpart:*

- (1) **ELIGIBLE INSTITUTION**- *The term ‘eligible institution’ means an institution of higher education, as defined in section 102, that the Secretary determines--*
- (A) provides high quality teacher preparation and professional development services, including extensive clinical experience as a part of pre-service preparation;*
  - (B) is financially sound;*
  - (C) provides pedagogical course work, or assistance in the provision of such coursework, including the monitoring of student performance, and formal instruction related to the theory and practices of teaching; and*
  - (D) provides supervision and support services to teachers, or assistance in the provision of such services, including mentoring focused on developing effective teaching skills and strategies.*

**Existing Regulatory Definitions Related to the Issue:**

In 34 CFR 686.2(d), the regulations define a “TEACH Grant-eligible institution” as

*An eligible institution as defined in 34 CFR part 600 that meets financial responsibility standards established in 34 CFR part 668, subpart L, or that qualified under an alternative standard in 34 CFR 668.175 and—*

- (1) Provides a high-quality teacher preparation program at the baccalaureate or master's degree level that –*
  - (i)(A) Is accredited by a specialized accrediting agency recognized by the Secretary for accreditation of professional teacher education programs;*
  - (B) Is approved by a state and includes a minimum of 10 weeks of full-time pre-service clinical experience, or its equivalent, and provides either pedagogical coursework or assistance in the provision of such coursework; and*
  - (ii) Provides supervision and support services to teachers, or assists in the provision of services to teachers, such as –*
    - (A) Identifying and making available information on effective teaching skills or strategies;*
    - (B) Identifying and making available information on effective practices in the supervision and coaching of novice teachers; and*
    - (C) Mentoring focused on developing effective teaching skills and strategies;*
- (2) Provides a two-year program that—*
  - (i) Is acceptable for full credit in a baccalaureate teacher preparation program of study offered by an institution described in paragraph (1) of this definition, as demonstrated by the institutions; or*
  - (ii) Is acceptable for full credit in a baccalaureate degree program in a high-need field at an institution described in paragraph (3) of this definition, as demonstrated by the institutions;*
- (3) Offers a baccalaureate degree that, in combination with other training or experience, will prepare an individual to teach in a high-need field as defined in this part and has entered into an agreement with an institution described in paragraphs (1) or (4) of this definition to provide courses necessary for its students to begin a career in teaching, or*
- (4) Provides a post-baccalaureate program of study.*

“TEACH-grant eligible program” is defined in 34 CFR 686.2(d) as:

*A program of study that is designed to prepare an individual to teach as a highly-qualified teacher in a high-need field and leads to a baccalaureate or master's degree, or is a post-baccalaureate program of study. A two-year program of study that is acceptable for full credit toward a baccalaureate degree is considered to be a program of study that leads to a baccalaureate degree.*

And, in 34 CFR 686.2(d), “teacher preparation program” is defined as:

*A State-approved course of study, the completion of which signifies that an enrollee has met all the State's educational or training requirements for initial certification or licensure to teach in the State's elementary or secondary schools. A teacher preparation program may be a regular program or an alternative route to certification, as defined by*

*the State. For purposes of a TEACH Grant, the program must be provided by an institution of higher education.*

**Other non-regulatory guidance:**

The 2011-2012 Federal Student Aid Handbook provides the following information with respect to institutional participation in the Teach Grant Program:

*Eligibility for the Teacher Education Assistance for College and Higher Education (TEACH) Grant program is not automatically extended to an FSA-eligible postsecondary school. A school qualifies as a “TEACH Grant-eligible institution” if it offers a high-quality teacher preparation program at either the baccalaureate or masters level and provides supervision and support services to teachers (or assists in the provision of such services). The teacher preparation program must be—*

- Accredited by a specialized accrediting agency recognized by the Department for the accreditation of professional teacher education programs, or*
- Approved by a state and must provide extensive pre-service clinical experience.*

*If a school does not have a teacher preparation program, it can qualify for TEACH grants if it—*

- Provides one or more 2-year programs of study that are acceptable for full credit to either a baccalaureate teacher preparation degree program or a baccalaureate degree program in a high-need field at another TEACH-eligible school with which it has an agreement;*
- Offers a baccalaureate degree that, in combination with other training or experience, will prepare a student to teach in a high-need field and has an agreement with another institution that offers a teacher preparation program or a post-baccalaureate program that prepares students to teach; or*
- Offers a post-baccalaureate program that will prepare a student to teach.*

*Recognized agencies for the accreditation of professional teacher education programs include the Teacher Education Accreditation Council (TEAC) and National Council for Accreditation of Teacher Education (NCATE). (Note: On October 22, 2010, TEAC and NCATE agreed to merge as the Council for the Accreditation of Educator Preparation (CAEP)).*

*Further information is also available in Dear Colleague Letter GEN-08-07. Specific regulations can be found in 34 CFR 686.2 and 34 CFR 686.4.*

*To qualify as an eligible program for TEACH Grants, an educational program must be a program of study that*

- Is designed to prepare an individual to teach as a highly-qualified teacher in a high-need field and leads to a baccalaureate or master’s degree (including 2-year programs of study that are acceptable for full credit toward a baccalaureate degree), or*
- Is a post-baccalaureate program of study for students who have completed a baccalaureate degree but need to take additional state-required courses for teacher certification or licensure.*

*A post-baccalaureate program consists of courses required by a state in order for a student to receive a professional certification or licensing credential that is required for employment as a*

teacher in an elementary school or secondary school in that state. It must be a program that is treated as an undergraduate program for FSA purposes, and may not lead to a graduate degree. In addition, note that a program of instruction offered by a TEACH Grant-eligible institution that offers a baccalaureate degree in education cannot be considered a postbaccalaureate program.

The preamble to the June 23, 2008 TEACH regulations draws a distinction between program eligibility (where the school may identify, within the parameters of the regulations, the scope of school programs that are TEACH Grant-eligible) and student eligibility (where the school must adhere to the eligibility criteria in the regulations). The preamble further states: Ultimately, it is up to the institution to decide, based on regulatory requirements, what programs are TEACH Grant-eligible and when a student is considered to be accepted into a TEACH Grant-eligible program. For instance, a school can determine that only some of the programs for which it currently awards other FSA funds are also eligible for TEACH, even if some programs it does not wish to make TEACH Grant-eligible meet the regulatory definition.

### **Other information:**

In *Our Future, Our Teachers: The Obama Administration's Plan for Teacher Education Reform and Improvement*, Secretary Arne Duncan stated that “We want every teacher to receive the high-quality preparation and support they need, so that every student can have the effective teachers they deserve.”

Unfortunately, data indicate that in some cases, teacher preparation programs are not preparing tomorrow's teachers adequately. For example, as reported in *Our Future, Our Teachers*:

- Teacher preparation programs are not always attracting the strongest candidates – only 23% of all teachers, and only 14% of teachers in high-poverty schools, come from the top third of college graduates;<sup>1</sup>
- More than three in five education school alumni report that their education school did not prepare them for “classroom realities;”<sup>2</sup> and
- Over half of all districts report difficulty recruiting highly qualified teachers in science and special education, and over 90% of high-minority districts report difficulty in attracting highly qualified math and science teachers.<sup>3</sup>

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<sup>1</sup> Byron Auguste, Pall Kihn, Matt Miller, *Closing the talent gap: Attracting and retaining top-third graduates to careers in teaching* (Washington, DC: McKinsey & Company, 2010), 5, [http://www.mckinsey.com/client-service/Social\\_Sector/our\\_practices/Education/Knowledge\\_Highlights/~/\\_media/Reports/SSO/closing\\_the\\_talent\\_gap.ashx](http://www.mckinsey.com/client-service/Social_Sector/our_practices/Education/Knowledge_Highlights/~/_media/Reports/SSO/closing_the_talent_gap.ashx)

<sup>2</sup> Arthur Levine, *Educating School Teachers* (Washington, D.C.: The Education Schools Project, 2006), 32, [http://www.edschools.org/teacher\\_report.htm](http://www.edschools.org/teacher_report.htm)

<sup>3</sup> U.S. Department of Education, *Policy and Program Studies Service Report Highlights: State and Local Implementation of the No Child Left Behind Act Volume VIII—Teacher Quality Under NCLB: Final Report* (Washington, DC: 2009), 3, <http://www2.ed.gov/rschstat/eval/teaching/nclb-final/highlights.pdf>.

Additionally, superintendents and principals have reported that:

- 79% of their teachers were not prepared to work with parents;
- 72% were not prepared to address the needs of students from diverse cultural backgrounds;
- 70% were not prepared to address the needs of students with disabilities;
- 84% were not prepared to address the needs of students with limited English language proficiency; and
- 67% were not prepared to maintain order and discipline in the classroom.<sup>4</sup>

Despite these challenges, in many cases, States have not historically held teacher preparation programs to a high standard. Because there is no statutory or regulatory definition of “high quality teacher preparation program,” each State has defined the term in its own way. “In the most recent year for which data is available, states identified only 37 low-performing programs at the over 1,400 institutions of higher education that prepare teachers – and 39 states identified no low-performing programs at all.”<sup>5</sup> And, of the programs identified as at-risk or low-performing, nearly two-thirds continue to receive funds under the TEACH grant program.

Section 420L(1)(A) of the HEA provides that in order to be eligible to participate in the TEACH Grant program, an institution of higher education must, among other requirements, provide “high quality teacher preparation and professional development services, including extensive clinical experience as part of pre-service preparation” as determined by the Secretary. “High quality teacher preparation” is not currently defined in either statute or regulation.

The current definition of a teacher preparation program that is used by the HEA Title II accountability system is: A State-approved course of study, the completion of which signifies that an enrollee has met all the State’s educational and/or training requirements for initial certification or licensure to teach in the State’s elementary, middle or secondary schools. A teacher preparation program may be either a traditional program or an alternative route to certification, as defined by the State. Also, it may be within or outside an institution of higher education. (For the purpose of reporting, all traditional teacher preparation programs at a single IHE are considered to be a single program.) The 2000 definition adapted for the TEACH Grant Program stated that the teacher preparation program may be a regular program or an alternative

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<sup>4</sup> Arthur Levine, *Educating School Teachers* (Washington, DC: The Education Schools Project, 2006), 32. Primary data from the market research firm Synovate.

<sup>5</sup> Chad Aldeman, et al., *A Measured Approach to Improving Teacher Preparation* (Washington, DC: Education Sector 2011), 4-16, <http://www.educationsector.org/publications/measured-approach-improving-teacher-preparation>

route to certification. The current Title II reporting system definition uses the word “traditional” instead of “regular.”

For purposes of a TEACH Grant, the teacher preparation program must be provided by an institution of higher education. The current definition in the Title II reporting manual indicates that an alternative route teacher preparation program may be within or outside an institution of higher education. Thus, there are some inconsistencies between the current Title II reporting system definition and that used in the TEACH Grant program.

The preamble to the final regulations (73 FR 35476) states that institutions whose programs are accredited by one of the specialized accrediting agencies recognized by the Secretary for the accreditation of professional teacher education programs listed on the Departments website at [http://www.ed.gov/admins/finaid/accred/accreditation\\_pg8html#ed](http://www.ed.gov/admins/finaid/accred/accreditation_pg8html#ed) meet the pre-service clinical experience and pedagogical coursework requirements.

The Department did not initially specify a minimum length of time for pre-service clinical experience, but a standard was determined to be necessary to ascertain if an institution whose teacher preparation program is not accredited is meeting the clinical experience requirement. A review of State requirements showed that a majority of States require at least 10 weeks of pre-service clinical experience. The American Association of Colleges for Teacher Education (AACTE) also recommended 10 weeks.

Presently, “clinical experience” is addressed in section 686.2(d) under TEACH Grant-eligible institution (1)(i)(B) as one of the requirements to be a TEACH Grant-eligible institution through one of the “high-quality teacher preparation program” pathways that is accredited, approved by a State and includes a minimum of 10 weeks of full-time pre-service clinical experience, or its equivalent, and provides either pedagogical coursework or assistance in the provision of such coursework and provides supervision and support services to teachers, or assists in the provision of services to teachers. Services to teachers includes identifying and making available information on effective teaching skills or strategies; identifying and making available information on effective practices in the supervision and coaching of novice teachers; and mentoring focused on developing effective teaching skills and strategies.

**Proposed regulations:** Please see proposed new definition in section §686.2 – “High Quality Teacher Preparation Program.”

**Session 3 update:** Please see revised §686.2 – “High Quality Teacher Preparation Program” and corresponding changes to the definitions of “TEACH Grant-eligible institution,” “TEACH Grant-eligible program,” and “teacher preparation program.”

Language for grandfathering of TEACH Grant recipients is also proposed under §686.3, “Duration of student eligibility.”

**TEACHER PREPARATION ISSUES COMMITTEE**  
**Title II, HEA Reporting System/ TEACH Grant Program**

**Issue 7**

**Issue:** Service and repayment obligations for the TEACH Grant Program:  
Teaching service performed for an Educational Service Agency

**Statutory Cite:** HEA sections 420N(b)(1)(B) and 465(a)(2)(A)

Additional Related  
Statutory Provision: Section 9101(17) of the Elementary and Secondary Education Act (ESEA)

**Regulatory Cite:** 34 CFR 686.2  
34 CFR 686.12(b)(1)

**Summary of Issue:** HEA section 420N(b)(1)(B) requires a TEACH Grant recipient to serve as a full-time highly-qualified teacher in a high-need field at an elementary or secondary school serving low-income children. An elementary or secondary school serving low-income children is defined in section 465(a)(2)(A) of the HEA.

The Higher Education Opportunity Act of 2008 (Public Law 110-315) (HEOA), amended HEA section 465(a)(2)(A) to include educational service agencies in the definition of elementary and secondary schools serving low-income children. Therefore, TEACH Grant recipients can now fulfill their teaching service obligation by teaching for an “educational service agency.” The ESEA defines an educational service agency as “a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.” The regulations governing the TEACH Grant Program have not been updated to include educational service agencies as satisfying the program’s agreement to serve.

**Summary Question(s):** How should we amend 34 CFR 686.12(b) to provide that a TEACH Grant recipient may satisfy his or her service obligation by teaching for an “educational service agency” that serves low-income students?

**Statute:**

Section 420N(b)(1)(B) of the HEA requires that a student in order to fulfill the TEACH Grant service obligation must serve as a full-time teacher in the following manner:

*(b) AGREEMENTS TO SERVE.—Each application under subsection (a) shall contain or be accompanied by an agreement by the applicant that—*

*(1) the applicant will—*

\*\*\*

*(B) teach in a school described in section 465(a)(2)(A);*

HEA Section 465(a)(2)(A) now specifically includes teachers who are employed by educational service agencies:

- (A) *as a full-time teacher for service in an academic year (**including such a teacher employed by an educational service agency**)*
- (i) *in a public or other nonprofit private elementary school or secondary school, which, for the purpose of this paragraph and for that year—*
    - (I) *has been determined by the Secretary (pursuant to regulations of the Secretary and after consultation with the State educational agency of the State in which the school is located) to be a school in which the number of children meeting a measure of poverty under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965[20 U.S.C. 6313 (a)(5)], exceeds 30 percent of the total number of children enrolled in such school; and*
    - (II) *is in the school district of a local educational agency which is eligible in such year for assistance pursuant to part A of title I of the Elementary and Secondary Education Act of 1965[20 U.S.C. 6311 et seq.]; or*
  - (iii) *in one or more public, or nonprofit private, elementary schools or secondary schools or locations operated by an educational service agency that have been determined by the Secretary (pursuant to regulations of the Secretary and after consultation with the State educational agency of the State in which the educational service agency operates) to be a school or location at which the number of children taught who meet a measure of poverty under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6313 (a)(5)], exceeds 30 percent of the total number of children taught at such school or location;*

[Emphasis added.]

Section 9101(17) of the ESEA defines Educational Service Agency as the following:

- (17) *EDUCATIONAL SERVICE AGENCY- The term educational service agency means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.*

### **Regulations:**

34 CFR 686.12 describes the TEACH Grant agreement to serve:

§ 686.12 *Agreement to serve.*

- (b) *Contents of the agreement to serve. The agreement provides that, for each TEACH Grant-eligible program for which the student received TEACH Grant funds, the grant*

*recipient must fulfill a service obligation by performing creditable teaching service by—*

*(1) Serving as a full-time teacher for a total of not less than four elementary or secondary academic years within eight calendar years after completing the program or otherwise ceasing to be enrolled in the program for which the recipient received the TEACH Grant—*

*(i) In a low-income school;*

*(ii) As a highly-qualified teacher; and*

*(iii) In a high-need field in the majority of classes taught during each elementary and secondary academic year.*

## **Issue 7**

### **Change:**

#### **§686.2 Definitions**

(d) \* \* \*

*Educational Service Agency* means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies, as defined in section 9101 of the Elementary and Secondary Education Act of 1965, as amended. *School or educational service agency serving low-income students (low-income school):* An elementary or secondary school or educational service agency that—

(1) Is in the school district of an LEA that is eligible for assistance pursuant to title I of the ESEA;

(2) Has been determined by the Secretary to be a school or educational service agency in which more than 30 percent of the school's or educational service agency's total enrollment is made up of children who qualify for services provided under title I of the ESEA; and

(3) Is listed in the Department's Annual Directory of Designated Low-Income Schools for Teacher Cancellation Benefits. The Secretary considers all elementary and secondary schools and educational service agencies operated by the Bureau of Indian Education (BIE) in the Department of the Interior or operated on Indian reservations by Indian tribal groups under contract or grant with the BIE to qualify as schools or educational service agencies serving low-income students.

**§686.12 Agreement to serve.**

(a) \* \* \*

(b) *Contents of the agreement to serve.* The agreement provides that, for each TEACH Grant-eligible program for which the student received TEACH Grant funds, the grant recipient must fulfill a service obligation by performing creditable teaching service by—

(1) Serving as a full-time teacher for a total of not less than four elementary or secondary academic years within eight calendar years after completing the program or otherwise ceasing to be enrolled in the program for which the recipient received the TEACH Grant—

(i) In a low-income school or a low income educational service agency;

(ii) As a highly-qualified teacher; and

(iii) In a high-need field in the majority of classes taught during each elementary and secondary academic year.

(2) Submitting, upon completion of each year of service, documentation of the service in the form of a certification by a chief administrative officer of the school or educational service agency; and

(3) Complying with the terms, conditions, and other requirements consistent with §§686.40-686.43 that the Secretary determines to be necessary.

\* \* \* \* \*

**§ 686.32 Counseling requirements.**

(a) \* \* \*

(3) The initial counseling must—

(i) Explain the terms and conditions of the TEACH Grant agreement to serve as described in §686.12;

(ii) Provide the student with information about how to identify low-income schools and low-income educational service agencies, and documented high-need fields;

(iii) Inform the grant recipient that, in order for the teaching to count towards the recipient's service obligation, the high-need field in which he or she has prepared to teach must be—

(A) One of the six high-need fields listed in §686.2; or

(B) A high-need field listed in the Nationwide List at the time and for the State in which the grant recipient begins teaching in that field or when the grant recipient received the grant.

(iv) Inform the grant recipient of the opportunity to request a suspension of the eight-year period for completion of the agreement to serve and the conditions under which a suspension may be granted in accordance with §686.41;

(v) Explain to the student that conditions, such as conviction of a felony, could preclude the student from completing the service obligation;

(vi) Emphasize to the student that if the student fails or refuses to complete the service obligation contained in the agreement to serve or any other condition of the agreement to serve—

(A) The TEACH Grant must be repaid as a Federal Direct Unsubsidized Loan; and

(B) The TEACH Grant recipient will be obligated to repay the full amount of each grant and the accrued interest from each disbursement date;

(vii) Explain the circumstances, as described in §686.43, under which a TEACH Grant will be converted to a Federal Direct Unsubsidized Loan;

(viii) Emphasize that, once a TEACH Grant is converted to a Federal Direct Unsubsidized Loan, it cannot be reconverted to a grant;

(ix) Review for the grant recipient information on the availability of the Department's Student Loan Ombudsman's office;

(x) Describe the likely consequences of loan default, including adverse credit reports, garnishment of wages, Federal offset, and litigation; and

(xi) Inform the student of sample monthly repayment amounts based on a range of student loan indebtedness.

(b) \* \* \*

(c) \* \* \*

(4) The exit counseling must—

(i) Inform the grant recipient of the four-year service obligation that must be completed within the first eight calendar years after completing a TEACH Grant-eligible program in accordance with §686.12;

(ii) Inform the grant recipient of the opportunity to request a suspension of the eight-year period for completion of the service obligation and the conditions under which a suspension may be granted in accordance with §686.41;

(iii) Provide the grant recipient with information about how to identify low-income schools and low-income educational service agencies, and documented high-need fields;

(iv) Inform the grant recipient that, in order for the teaching to count towards the recipient's service obligation, the high-need field in which he or she has prepared to teach must be—

(A) One of the six high-need fields listed in §686.2; or

(B) A high-need field listed in the Nationwide List at the time and for the State in which the grant recipient begins teaching in that field or when the grant recipient received the grant.

(v) Explain that the grant recipient will be required to submit to the Secretary each year written documentation of his or her status as a highly-qualified teacher in a high-need field at a low-income school or for a low-income educational service agency or of his or her intent to complete the four-year service obligation until the date that the service obligation has been met or the date that the grant becomes a Federal Direct Unsubsidized Loan, whichever occurs first;

(vi) Explain the circumstances, as described in §686.43, under which a TEACH Grant will be converted to a Federal Direct Unsubsidized Loan;

(vii) Emphasize that once a TEACH Grant is converted to a Federal Direct Unsubsidized Loan it cannot be reconverted to a grant;

(viii) Inform the grant recipient of the average anticipated monthly repayment amount based on a range of student loan indebtedness if the TEACH Grants convert to a Federal Direct Unsubsidized Loan;

(ix) Review for the grant recipient available repayment options if the TEACH Grant converts to a Federal Direct Unsubsidized Loan, including the standard repayment, extended repayment, graduated repayment, income-contingent and income-based repayment plans, and loan consolidation;

(x) Suggest debt-management strategies to the grant recipient that would facilitate repayment if the TEACH Grant converts to a Federal Direct Unsubsidized Loan;

(xi) Explain to the grant recipient how to contact the Secretary;

(xii) Describe the likely consequences of loan default, including adverse credit reports, garnishment of wages, Federal offset, and litigation;

(xiii) Review for the grant recipient the conditions under which he or she may defer or forbear repayment, obtain a full or partial discharge, or receive teacher loan forgiveness if the TEACH Grant converts to a Federal Direct Unsubsidized Loan;

(xiv) Review for the grant recipient information on the availability of the Department's Student Loan Ombudsman's office; and

(xv) Inform the grant recipient of the availability of title IV loan information in the National Student Loan Data System (NSLDS).

**§ 686.40 Documenting the service obligation.**

(a) \* \* \*

(b) If a grant recipient is performing full-time teaching service in accordance with the agreement to serve, or agreements to serve if more than one agreement exists, the grant recipient must, upon completion of each of the four required elementary or

secondary academic years of teaching service, provide to the Secretary documentation of that teaching service on a form approved by the Secretary and certified by the chief administrative officer of the school or educational service agency in which the grant recipient is teaching. The documentation must show that the grant recipient is teaching in a low-income school or low-income educational service agency. If the school or educational service agency at which the grant recipient is employed meets the requirements of a low-income school or low-income educational service agency in the first year of the grant recipient's four elementary or secondary academic years of teaching and the school or educational service agency fails to meet those requirements in subsequent years, those subsequent years of teaching qualify for purposes of this section for that recipient.

\* \* \*

(f) A grant recipient who taught in more than one qualifying school or more than one qualifying educational service agency during an elementary or secondary academic year and demonstrates that the combined teaching service was the equivalent of full-time, as supported by the certification of one or more of the chief administrative officers of the schools or educational service agencies involved, is considered to have completed one elementary or secondary academic year of qualifying teaching.

\* \* \* \* \*

#### **§ 686.43 Obligation to repay the grant.**

(a) The TEACH Grant amounts disbursed to the recipient will be converted into a Federal Direct Unsubsidized Loan, with interest accruing from the date that each grant disbursement was made and be collected by the Secretary in accordance with the relevant provisions of subpart A of 34 CFR part 685 if—

(1) The grant recipient, regardless of enrollment status, requests that the TEACH Grant be converted into a Federal Direct Unsubsidized Loan because he or she has decided not to teach in a qualified school or educational service agency, or in a high-need field, or for any other reason;

(2) Within 120 days of ceasing enrollment in the institution prior to completing the TEACH Grant-eligible program, the grant recipient has failed to notify the Secretary in accordance with §686.40(a);

(3) Within one year of ceasing enrollment in the institution prior to completing the TEACH Grant-eligible program, the grant recipient has not—

(i) Been determined eligible for a suspension of the eight-year period for completion of the service obligation as provided in §686.41;

(ii) Re-enrolled in a TEACH Grant-eligible program; or

(iii) Begun creditable teaching service as described in §686.12(b);

\* \* \* \* \*

**TEACHER PREPARATION ISSUES COMMITTEE**  
**Title II, HEA Reporting System/ TEACH Grant Program**

**Issue 8**

**Issue:** Teaching in a high-need field to fulfill the TEACH Grant Agreement to Serve

**Statutory Cite:** HEA Section 420N(b)(1)(C)

**Regulatory Cite:** 34 CFR 686.12(d)

**Summary of Issue:** Prior to the enactment of the HEOA, and as reflected in the current TEACH Grant regulations, a TEACH Grant recipient was required to teach in a high-need field that was designated by the Secretary as such at the time the recipient began teaching. Because the list of high-need fields is subject to change at any time during a student's studies, the HEOA amended HEA section 420N(d)(1) to provide that a TEACH Grant recipient may fulfill his or her service obligation by teaching in a field that was designated as high-need when the recipient applied for the grant, even if the field is no longer designated as high-need when the recipient begins teaching. This change became effective July 1, 2010.

In accordance with the change made by the HEOA, a TEACH Grant recipient who otherwise meets the requirements of 34 CFR 686.12 may satisfy the requirement to teach in a high-need field if the grant recipient:

- Teaches in a field that is designated as high-need *by the State* in which the grant recipient is teaching at the time the grant recipient begins qualifying teaching service (even if that field subsequently loses its high-need designation for that State); or
- Beginning with the 2010-2011 school year, teaches in a field that was designated as high-need *by the State* in which the grant recipient is teaching for any award year in which the student received a TEACH Grant, even if the high-need field is no longer designated as high-need for that State when the grant recipient begins qualifying teaching service.

**Summary Question:** How should we amend the TEACH Grant regulations to comply with a statutory change that was implemented on July 1, 2010 and otherwise change?

**Statute:**

HEA section 420N(d)(1) of the HEA provides that a TEACH Grant recipient may fulfill his or her service obligation by teaching in a field designated as high-need when the recipient applied for the grant:

*(d) ADDITIONAL ADMINISTRATIVE PROVISIONS.—*

*(1) CHANGE OF HIGH-NEED DESIGNATION.—If a recipient of an initial grant under this subpart has acquired an academic degree, or expertise, in a field that was, at the time of the recipient’s application for that grant, designated as high need in accordance with subsection (b)(1)(C)(vii), but is no longer so designated, the grant recipient may fulfill the service obligation described in subsection (b)(1) by teaching in that field.*

**Regulations:**

34 CFR 686.12 provides the regulatory requirements regarding a TEACH Grant Agreement to Serve, including the provisions for majoring in a high need field, which have not been updated to reflect the HEA, as amended:

§ 686.12 *Agreement to serve.*

\*\*\*

*(d) Majoring and serving in a high-need field. A grant recipient who completes a TEACH Grant-eligible program in a field that is listed in the Nationwide List cannot satisfy his or her service obligation to teach in that high-need field unless the high-need field in which he or she has prepared to teach is listed in the Nationwide List for the State in which the grant recipient begins teaching at the time the recipient begins teaching in that field.*

**Other Information:**

The Department published a Dear Colleague Letter on August 13, 2009 containing the following guidance:

*... Under 34 CFR 686.12(d), a TEACH Grant recipient may satisfy his or her service obligation by teaching in a high-need field that is listed in the Nationwide List only if that field is designated by a State as high-need at the time the recipient begins qualifying teaching in that field in that State.*

*The Higher Education Opportunity Act (the HEOA), Pub. L. 110-315, amended section 420N(d)(1) of the HEA to allow the recipient of an initial TEACH Grant who has acquired an academic degree, or expertise, in a field that was designated as high-need at the time of the recipient’s application for the grant (rather than at the time of teaching as provided in the Department’s regulations), but is no longer so designated, to fulfill the service obligation associated with the TEACH Grant by teaching in that high-need field. This change is effective on July 1, 2010.*

*In accordance with the change made by the HEOA, a TEACH Grant recipient who otherwise meets the requirements of 34 CFR 686.12 may satisfy the requirement to teach in a high-need field if the grant recipient:*

- *Teaches in a field that is designated as high-need by the State in which the grant recipient is teaching at the time the grant recipient begins qualifying teaching service (even if that field subsequently loses its high-need designation for that State); or*

- *Beginning with the 2010-2011 school year, teaches in a field that was designated as high-need by the State in which the grant recipient is teaching for any award year in which the student received a TEACH Grant, even if the high-need field is no longer designated as high-need for that State when the grant recipient begins qualifying teaching service.*

Change

**§ 686.12 Agreement to serve.**

\* \* \*

(d) *Majoring and serving in a high-need field.* In order for a grant recipient's teaching service in a high-need field listed in the Nationwide List to count toward satisfying the recipient's service obligation, the high-need field in which he or she prepared to teach must be listed in the Nationwide List for the State in which the grant recipient begins teaching in that field-

(1) At the time the grant recipient begins teaching in that field; or

(2) For teaching service performed on or after July 1, 2010, at the time the grant recipient begins teaching in that field or when the grant recipient signed the agreement to serve or received the grant.

\* \* \* \* \*

**TEACHER PREPARATION ISSUES COMMITTEE**  
**Title II, HEA Reporting System/ TEACH Grant Program**

**Issue 9**

**Issue:** Eligibility for a new TEACH Grant after receiving a discharge of the TEACH Grant agreement to serve based on total and permanent disability

**Statutory Cite:** None

**Regulatory Cite:** 34 CFR 686.11  
34 CFR 682.200(b)

**Summary of Issue:** Recipients of Federal student financial aid may be eligible to have their loans discharged if they are determined to have a “total and permanent disability,” which broadly refers to an inability to engage in employment for a period of at least 60 months. Similarly, recipients of TEACH Grants who have yet to complete the requirements of their agreements to serve are eligible to have their agreements discharged if they are determined to have a total and permanent disability. There are certain circumstances where an individual, having recovered from such a disability, wishes to receive additional loan or grant funding. The regulations governing most types of Federal student financial aid contain procedures that students must follow to regain eligibility for such aid. The current TEACH Grant regulations do not contain parallel rules governing the method by which a student can receive a TEACH grant following a determination of total and permanent disability. The TEACH Grant eligibility requirements should be consistent with and conform to those governing other types of Federal student financial aid.

**Summary Question(s):** How should 34 CFR 686.11 of the TEACH Grant program regulations be amended to add eligibility requirements for TEACH Grant recipients who wish to obtain a TEACH Grant after receiving a discharge on a previous agreement to serve or Federal student loan?

**Regulations:**

34 CFR 682.200(b) provides the definition of a total and permanent disability:

*Totally and permanently disabled. The condition of an individual who—*

- (1) Is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that—*
  - (i) Can be expected to result in death;*
  - (ii) Has lasted for a continuous period of not less than 60 months; or*
  - (iii) Can be expected to last for a continuous period of not less than 60 months; or*
- (2) Has been determined by the Secretary of Veterans Affairs to be unemployable due to a service-connected disability.*

The Perkins, FFEL and Direct Loan program regulations (broadly referred to here as the “title IV loan program regulations”)<sup>6</sup> as well as §686.42 of the TEACH Grant regulations provide for the discharge of a title IV loan or a TEACH Grant agreement to serve based on a borrower or grant recipient’s total and permanent disability. However, while the title IV loan program regulations address the conditions that a student must meet to establish eligibility for a new title IV loan after a receiving such a discharge, the TEACH Grant regulations do not address this issue.

By way of example, 34 CFR 685.200(a)(iv)(A) provides the eligibility requirements for a Direct loan borrower who had a TEACH Grant service obligation discharged due to total and permanent disability:

*(a) Student Direct Subsidized or Direct Unsubsidized borrower. (1) A student is eligible to receive a Direct Subsidized Loan, a Direct Unsubsidized Loan, or a combination of these loans, if the student meets the following requirements:*

*\*\*\**

*(iv) In the case of a borrower whose previous loan or TEACH Grant service obligation was cancelled due to total and permanent disability, the student—*

*(A) In the case of a borrower whose prior loan under title IV of the Act or TEACH Grant service obligation was discharged after a final determination of total and permanent disability, the borrower—*

*( 1 ) Obtains a certification from a physician that the borrower is able to engage in substantial gainful activity;*

*( 2 ) Signs a statement acknowledging that the Direct Loan the borrower receives cannot be discharged in the future on the basis of any impairment present when the new loan is made, unless that impairment substantially deteriorates; and*

*( 3 ) If the borrower receives a new Direct Loan, other than a Direct Consolidation Loan, within three years of the date that any previous title IV loan or TEACH Grant service obligation was discharged due to a total and permanent disability in accordance with §685.213(b)(4), 34 CFR 674.61(b)(3)(i), 34 CFR 682.402(c), or 34 CFR 686.42(b) based on a discharge request received on or after July 1, 2010, resumes repayment on the previously discharged loan in accordance with §685.213(b)(3)(ii)(A), 34 CFR 674.61(b)(5), or 34 CFR 682.402(c)(5), or acknowledges that he or she is once again subject to the terms of the TEACH Grant agreement to serve before receiving the new loan.*

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<sup>6</sup> 34 CFR sections 674.61, 682.402(c), and 685.213, respectively.

**Issue 9**

**Change:**

**§ 686.11 Eligibility to receive a grant.**

\* \* \* \* \*

(d) *Students who received a total and permanent disability discharge on a TEACH Grant Agreement to Serve or a title IV, HEA loan.* (1) If a student's previous TEACH Grant service obligation or title IV, HEA loan was discharged based on total and permanent disability, the student is eligible to receive a TEACH Grant if the student—

(i) Obtains a certification from a physician that the student is able to engage in substantial gainful activity as defined in 34 CFR 685.102(b);

(ii) Signs a statement acknowledging that **neither the new service obligation for the TEACH Grant the student receives nor any previously discharged service agreement on which the grant recipient is required to resume repayment in accordance with paragraph (d)(1)(iii) of this section** can be discharged in the future on the basis of any impairment present when the new grant is awarded, unless that impairment substantially deteriorates and the grant recipient applies for and meets the eligibility requirements for a discharge in accordance with 34 CFR 685.213; and

(iii) If the student receives a new TEACH Grant within three years of the date that any previous TEACH Grant service obligation or title IV loan was discharged due to a total and permanent disability in accordance with §686.42(b), 34 CFR 685.213(b)(2)(ii), 34 CFR 674.61(b)(3)(i), or 34 CFR 682.402(c), acknowledges that he or she is once again subject to the terms of the **previously discharged** TEACH Grant agreement to serve in accordance with §686.42(b)(5) before receiving the new grant or resumes repayment on the previously discharged loan in accordance with §685.213(b)(4), 34 CFR 674.61(b)(5), or 34 CFR 682.402(c)(5) unless the grant recipient's impairment substantially deteriorates and the grant recipient applies for and meets the eligibility requirements for a discharge in accordance with 34 CFR 685.213\*.

\*The cites in this paragraph will change as a result of negotiations on the TPD provisions to the loan programs.

**TEACHER PREPARATION ISSUES COMMITTEE**  
**Title II, HEA Reporting System/ TEACH Grant Program**

**Issue 10**

**Issue:** Discharge of the TEACH Grant agreement to serve based on the total and permanent disability of a TEACH Grant recipient

**Statutory Cite:** HEA Section 420N(d)(2)

**Regulatory Cite:** 34 CFR 686.42(b)  
34 CFR 682.200(b)

**Summary of Issue:** 34 CFR 686.42(b) provides that a TEACH Grant recipient’s agreement to serve is discharged if the recipient becomes totally and permanently disabled, as defined in 34 CFR 682.200(b), and the grant recipient applies for and satisfies the eligibility requirements for a total and permanent disability discharge in accordance with 34 CFR 685.213. The current TEACH Grant regulations include several references to a “conditional discharge” process as described in 34 CFR 685.213 that is no longer in effect. Final regulations published on October 29, 2009 and effective July 1, 2010 amended the Direct Loan Program total and permanent disability discharge regulations by replacing the conditional discharge process with a different process.

This issue concerns a regulatory change being proposed to conform the TEACH Grant Program regulations to changes already made to the Direct Loan Program regulations and put into practice by the higher education community. Instead of receiving a three-year conditional discharge, individuals now receive a discharge immediately, with possible reinstatement of the obligation to repay or serve under certain circumstances. These circumstances include earning an annual income in excess of 100 percent of the poverty guideline for a family of two or receiving a new TEACH Grant or certain types of Federal student aid.

**Summary Question(s):** How should we amend the TEACH Grant regulations to reflect the current total and permanent disability discharge process?

**Statute:**

Section 420N(d)(2) of the Higher Education Act of 1965 (HEA) provides the Secretary of Education with regulatory authority to provide for the circumstances under which a grant recipient can receive a discharge of his or her obligations under the agreement to serve:

*(d) ADDITIONAL ADMINISTRATIVE PROVISIONS.—*

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*(2) EXTENUATING CIRCUMSTANCES.—The Secretary shall establish, by regulation, categories of extenuating circumstances under which a recipient of a grant under this subpart who is unable to fulfill all or part of the*

*recipient's service obligation may be excused from fulfilling that portion of the service obligation.*

**Regulations:**

34 CFR 686.42(b) provides the circumstances under which a TEACH Grant recipient can receive a discharge of his or her obligations under the agreement to serve based on total and permanent disability. This section refers to the conditional discharge period described in 34 CFR 685.213(c)(2), which no longer exists.

§ 686.42 *Discharge of agreement to serve.*

*(b) Total and permanent disability.*

- (1) A grant recipient's agreement to serve is discharged if the recipient becomes totally and permanently disabled, as defined in 34 CFR 682.200(b), and the grant recipient applies for and satisfies the eligibility requirements for a total and permanent disability discharge in accordance with 34 CFR 685.213.*
- (2) The eight-year time period in which the grant recipient must complete the service obligation remains in effect during the conditional discharge period described in 34 CFR 685.213(c)(2) unless the grant recipient is eligible for a suspension based on a condition that is a qualifying reason for leave under the FMLA in accordance with §686.41(a)(1)(ii)(D).*
- (3) Interest continues to accrue on each TEACH Grant disbursement unless and until the TEACH Grant recipient's agreement to serve is discharged.*
- (4) If the grant recipient satisfies the criteria for a total and permanent disability discharge during and at the end of the three-year conditional discharge period, the Secretary discharges the grant recipient's service obligation.*
- (5) If, at any time during or at the end of the three-year conditional discharge period, the Secretary determines that the grant recipient does not meet the eligibility criteria for a total and permanent disability discharge, the Secretary ends the conditional discharge period and the grant recipient is once again subject to the terms of the agreement to serve.*

**Changes:**

§ 686.42 Discharge of agreement to serve

(a) \* \* \*

*(b) Total and permanent disability. (1) A grant recipient's agreement to serve is discharged if the recipient becomes totally and permanently disabled, as defined in 34 CFR 682.200(b), and the grant recipient applies for and satisfies the eligibility requirements for a total and permanent disability discharge in accordance with 34 CFR 685.213.*

2) If, at any time the Secretary determines that the grant recipient does not meet the requirements of the three-year period following the discharge in 34 CFR 685.213(b)(7), the Secretary notifies the grant recipient that the grant recipient's obligation to satisfy the terms of the agreement to serve is reinstated.

(3) The Secretary's notification under paragraph (b)(2) of this section will –

(i) Include the reason or reasons for reinstatement;

(ii) Provide information on how the grant recipient may contact the Secretary if the grant recipient has questions about the reinstatement or believes that the agreement to serve was reinstated based on incorrect information;

(iii) Inform the grant recipient that interest accrual will resume on TEACH Grant disbursements made prior to the date of the discharge; and

(iv) Inform the TEACH Grant recipient that he or she must satisfy the service obligation within the portion of the eight year period that remained after the date of the discharge.