

112TH CONGRESS
1ST SESSION

S. 1716

A bill to amend the Elementary and Secondary Education Act of 1965 to improve teacher quality and increase access to effective teachers.

IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2011

Mr. SANDERS introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

A bill to amend the Elementary and Secondary Education Act of 1965 to improve teacher quality and increase access to effective teachers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Assuring Successful
5 Students through Effective Teaching Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 (1) Teacher quality is the most important
8 school-related factor influencing student achieve-
9 ment. Compared to fully certified teachers, teachers
10 who have not completed a certification process had

1 significant negative effects on student achievement
2 on 5 of the 6 tests included in a large-scale longitu-
3 dinal study conducted in Houston, Texas. Teachers
4 who have not completed a certification process were
5 primarily assigned to teach African-American and
6 Latino students. Such teachers' attrition rates were
7 nearly double those of certified teachers.

8 (2) Large-scale studies in New York and North
9 Carolina found that teachers were significantly more
10 effective when they were fully prepared and certified
11 prior to entry, had strong academic backgrounds,
12 and had more than 2 years of experience. The North
13 Carolina study found that these factors, together
14 with National Board Certification, accounted for
15 more of the difference in student achievement gains
16 than race and parent education combined.

17 (3) A study of elementary school students in
18 Arizona found that students of certified teachers
19 performed significantly better than students of
20 under-certified teachers on all 3 subtests of the SAT
21 9, including reading, mathematics, and language
22 arts. Students of certified teachers out-performed
23 students of under-certified teachers in reading by
24 about 4 months on a grade equivalent scale, and in
25 mathematics and language arts by about 3 months.

1 (4) A national study of 4,400 early educators
2 found that teacher certification was particularly in-
3 fluential in predicting achievement for African-
4 American students. Having fully certified teachers
5 helped to narrow the achievement gap between Afri-
6 can-American and White students in early elemen-
7 tary grades.

8 (5) A statewide study in Florida found that
9 teachers with pre-service preparation and certifi-
10 cation in special education were significantly more
11 effective in teaching special education students in
12 both mainstream and special education classes.

13 (6) In 2001, students in California's most seg-
14 regated minority schools were more than 5 times
15 more likely to have uncertified teachers than stu-
16 dents in predominantly White schools, and in some
17 schools a majority of teachers were uncertified.
18 Since teacher credential standards were lowered in
19 the 1990s, nearly 50 percent of the State's new
20 teachers entered the teaching profession without
21 training, and almost all of these teachers were as-
22 signed to teach in high-need schools. Half of Califor-
23 nia's current interns-in-training are teaching special
24 education students.

1 (7) The achievement gap between White stu-
2 dents with college-educated parents and Black stu-
3 dents with high-school educated parents would be
4 much reduced if low-income minority students were
5 routinely assigned highly qualified teachers, rather
6 than the poorly qualified teachers that such students
7 most often encounter.

8 (8) A national study found that students in
9 high-minority schools had less than a 50 percent
10 chance of being taught by a mathematics or science
11 teacher who has a degree or a license in the field
12 that the teacher teaches.

13 (9) As teachers increase their experience in
14 schools, their increased individual and collective
15 knowledge of pedagogy and practice directly and
16 positively impacts student achievement. Teacher re-
17 tention also results in cost-savings for distressed
18 school districts, reducing the need to constantly re-
19 cruit, hire, and mentor new teachers. The National
20 Commission on Teaching and America's Future esti-
21 mates that growing teacher dropout rates cost over
22 \$7,300,000,000 annually.

23 (10) A nationwide study by the National Center
24 for Education Statistics found that among recent
25 college graduates, 49 percent of those entering the

1 teaching profession without certification left the pro-
 2 fession within 5 years, compared to only 14 percent
 3 of teachers who were certified.

4 (11) In special education fields, as in other
 5 fields, uncertified teachers are twice as likely to
 6 leave their positions, compared to beginning teachers
 7 who have greater teaching preparation. According to
 8 the United States Office of Special Education Pro-
 9 grams, more than 12,000 special educator openings
 10 were left vacant or filled with substitute teachers
 11 who were not certified in special education.

12 **SEC. 3. DEFINITIONS.**

13 Section 9101 of the Elementary and Secondary Edu-
 14 cation Act of 1965 (20 U.S.C. 7801) is amended—

15 (1) by redesignating paragraphs (18) through
 16 (36) and (37) through (43), as paragraphs (19)
 17 through (37) and (39) through (46), respectively;

18 (2) by inserting the following after paragraph
 19 (17):

20 “(18) **EFFECTIVE.**—The term ‘effective’ when
 21 used with respect to any public elementary school or
 22 secondary school teacher teaching in a State, means
 23 that the teacher, as determined by the State—

1 “(A) is a highly qualified teacher who is
2 teaching in a field for which the teacher is fully
3 licensed or certified;

4 “(B) has demonstrated effectiveness based
5 on not less than 3 years of evidence, as meas-
6 ured by a comprehensive teacher evaluation and
7 support system that—

8 “(i) is developed by the local edu-
9 cational agency that serves the school in
10 which the teacher teachers, in conjunction
11 with teachers or their representatives;

12 “(ii) includes evidence of proficient
13 classroom performance and contributions
14 to individual student learning over a period
15 of time;

16 “(iii) is based on multiple measures
17 and shall include multiple classroom obser-
18 vations over a period of time by trained as-
19 sessors with the relevant knowledge and
20 experience in the teacher’s subject area,
21 and on the basis of professional teaching
22 standards; and

23 “(iv) may include—

24 “(I) examination of other evi-
25 dence of teaching (such as curricula

1 plans, assignments, feedback to stu-
2 dents, and support for students); and

3 “(II) multiple forms of formative
4 and summative student assessment,
5 which may include—

6 “(aa) student performance
7 on standardized assessments that
8 are valid and appropriate meas-
9 ures for the students and cur-
10 riculum taught;

11 “(bb) student performance
12 on measures that demonstrate
13 student accomplishment and
14 learning, such as exhibitions of
15 mastery, portfolios, and perform-
16 ance tasks; and

17 “(cc) students’ perceptions
18 of the instructional practices and
19 learning environment;

20 “(C) has demonstrated the teaching skills
21 to teach diverse students in the relevant subject
22 area, including—

23 “(i) teaching students how to develop
24 higher order thinking skills;

1 “(ii) teaching literacy skills that are
2 essential to the content areas in which the
3 teacher teaches; and

4 “(iii) diagnosing and assessing stu-
5 dent needs in formative ways, such as
6 through scaffolding learning and differen-
7 tiating instruction;

8 “(D) has demonstrated knowledge about
9 working with students who are children with
10 disabilities;

11 “(E) has specialized expertise in sup-
12 porting language development and instructional
13 strategies for enhancing academic language pro-
14 ficiency;

15 “(F) has demonstrated strong manage-
16 ment and organizational skills, and the ability
17 to create an engaging learning environment;

18 “(G) has demonstrated skills that support
19 the social and emotional development of stu-
20 dents;

21 “(H) has made efforts to connect in-school
22 and out-of-school learning through the use of
23 strategies designed to increase the engagement
24 of parents and families in their child’s learning;

1 “(I) has the necessary skills to work in
2 multicultural settings and communities and is
3 able to interact effectively in a range of cultural
4 environments;

5 “(J) contributes to the overall improve-
6 ment of the school in the areas of student
7 achievement and school climate through such
8 activities as participating in grade-level or sub-
9 ject teams to support students and collaborative
10 professional development, mentoring teachers,
11 developing curricula, and offering professional
12 learning opportunities to other teachers in an
13 effort to advance student learning and school
14 performance;

15 “(K) may be Nationally Board Certified;
16 and

17 “(L) if applicable, incorporates appropriate
18 technologies in learning and teaching.”;

19 (3) in paragraph (24), as redesignated by para-
20 graph (1), by striking subparagraph (A) and insert-
21 ing the following:

22 “(A) when used with respect to any public
23 elementary school or secondary school teacher
24 teaching in a State, means that the teacher, as
25 determined by the State—

1 “(i)(I) has fully completed a State-ap-
 2 proved traditional or alternative teacher
 3 preparation program, where available; or

4 “(II) has passed a rigorous State-ap-
 5 proved teacher performance assessment;
 6 and

7 “(ii) has obtained full State certifi-
 8 cation, including subject matter com-
 9 petence in the fields taught;” and

10 (4) by inserting after paragraph (37), as redese-
 11 gnated by paragraph (1), the following:

12 “(38) RIGOROUS STATE-APPROVED TEACHER
 13 PERFORMANCE ASSESSMENT.—The term ‘rigorous
 14 State-approved teacher performance assessment’
 15 means an assessment used to measure teacher per-
 16 formance that has been approved by the State and—

17 “(A) is based on professional teaching
 18 standards;

19 “(B) is used to document the effectiveness
 20 of a teacher’s—

21 “(i) curriculum planning;

22 “(ii) instruction of students, including
 23 appropriate plans and modifications for
 24 students who are limited English proficient

1 and students who are children with disabili-
 2 ties; and

3 “(iii) assessment of students, includ-
 4 ing analysis of student learning evidence;

5 “(C) is validated based on professional as-
 6 sessment standards;

7 “(D) is reliably scored by trained eval-
 8 uators, with appropriate oversight of the proc-
 9 ess to ensure consistency; and

10 “(E) the results of which are used to sup-
 11 port continuous improvement of educator prac-
 12 tice.”.

13 **SEC. 4. STATE PLANS.**

14 Section 1111 of the Elementary and Secondary Edu-
 15 cation Act of 1965 (20 U.S.C. 6311) is amended—

16 (1) in subsection (b)—

17 (A) by striking subparagraph (C) of para-
 18 graph (8) and inserting the following:

19 “(C) the specific steps the State edu-
 20 cational agency will take to ensure that both
 21 schoolwide programs and targeted assistance
 22 schools provide instruction by highly qualified
 23 and effective instructional staff, as required by
 24 sections 1114(b)(1)(C) and 1115(c)(1)(E), in-

1 including steps that the State educational agency
2 will take—

3 “(i) to ensure that poor or minority
4 students, students who are limited English
5 proficient, or students who are children
6 with disabilities are not taught at higher
7 rates than other students by teachers who
8 are inexperienced, not highly qualified, out-
9 of-field, or who have not yet demonstrated
10 effectiveness as defined by section
11 9101(18);

12 “(ii) to ensure that schools with high
13 concentrations of poor or minority students
14 are staffed by a similar ratio of highly
15 qualified and effective teachers as schools
16 in the State that do not have high con-
17 centrations of such students;

18 “(iii) to decrease teacher attrition and
19 build capacity within schools that serve a
20 high concentration of poor or minority stu-
21 dents, students who are limited English
22 proficient, or students who are children
23 with disabilities; and

24 “(iv) to evaluate and publicly report
25 the progress of the State educational agen-

1 cy with respect to the activities described
2 in this subparagraph; and”); and

3 (B) by inserting after paragraph (10) the
4 following:

5 “(11) SUPPORT FOR EQUITABLE DISTRIBUTION
6 REQUIREMENTS.—

7 “(A) IN GENERAL.—If a local educational
8 agency in the State is unable to meet the equi-
9 table distribution requirements described in sec-
10 tion 1112(c)(1)(L), the State shall provide ad-
11 ditional supports to assist the local educational
12 agency in making continuous progress towards
13 meeting the equitable distribution requirements.

14 “(B) INABILITY TO MEET EQUITABLE DIS-
15 TRIBUTION REQUIREMENTS.—In order to re-
16 ceive the support described in subparagraph
17 (A), the local educational agency’s inability to
18 meet the equitable distribution requirements de-
19 scribed in section 1112(c)(1)(L) shall be based
20 on a demonstrable hardship particular to the
21 local educational agency, such as geographic
22 isolation of the schools served by the local edu-
23 cational agency or difficulty in attracting a suf-
24 ficient number of teachers who can meet the re-
25 quirements to teach students who are children

1 with disabilities or students who are limited
2 English proficient.

3 “(C) STATE SUPPORTS.—The State sup-
4 ports described in subparagraph (A) shall in-
5 clude resources directed toward the goals of en-
6 suring that professional development resources
7 are directed to alleviate the demonstrable hard-
8 ship described in subparagraph (B), by—

9 “(i) strengthening recruitment efforts,
10 especially for teachers from underrep-
11 resented backgrounds and teachers for
12 hard-to-staff subjects and classrooms;

13 “(ii) increasing teacher retention, and

14 “(iii) providing additional ongoing
15 professional development to support teach-
16 ers in meeting the requirements to become
17 highly qualified or effective.”; and

18 (2) in subsection (h)—

19 (A) in paragraph (1)(C)(viii), by striking
20 “not taught by highly qualified teachers” and
21 inserting “not taught by highly qualified teach-
22 ers and not taught by effective teachers”;

23 (B) in paragraph (2)(B)—

24 (i) in clause (i)—

1 (I) in subclause (I), by striking
2 “and” after the semicolon; and

3 (II) by adding at the end the fol-
4 lowing:

5 “(III) the percentage of highly
6 qualified teachers and the percentage
7 of effective teachers; and”; and

8 (ii) in clause (ii)—

9 (I) in subclause (I), by striking
10 “and” after the semicolon;

11 (II) in subclause (II), by striking
12 the period and inserting “; and”; and

13 (III) by adding at the end the
14 following:

15 “(III) the percentage of highly
16 qualified teachers and the percentage
17 of effective teachers.”;

18 (C) in paragraph (4)(G), by striking “high-
19 ly qualified teachers” and inserting “highly
20 qualified teachers and effective teachers”; and

21 (D) by striking paragraph (6) and insert-
22 ing the following:

23 “(6) PARENT’S RIGHT-TO-KNOW.—At the begin-
24 ning of each school year, a local educational agency
25 that receives funds under this part shall automati-

1 cally, regardless of any specific request by a parent,
2 provide, in a timely manner, and in a fully accessible
3 and understandable format, the parents of each stu-
4 dent attending any school receiving funds under this
5 part, with information regarding the professional
6 qualifications of the teachers who teach at their
7 child’s school, including, at a minimum—

8 “(A) timely notice that the parent’s child
9 has been assigned to, or had access to, a highly
10 qualified teacher for 4 or more consecutive
11 weeks, and in the case where the child has not
12 had a highly qualified teacher for 4 or more
13 weeks, notice of who shall be responsible for su-
14 pervising the teacher;

15 “(B) whether the student’s teacher—

16 “(i) has fully met State certification
17 and licensing criteria for the grade levels
18 and subject areas in which the teacher pro-
19 vides instruction; and

20 “(ii) has, if applicable, fully met State
21 certification and licensing criteria to work
22 with students who are children with dis-
23 abilities and students who are limited
24 English proficient;

1 “(C) whether the student’s teacher is
2 teaching under emergency, intern, or other pro-
3 visional status through which full State certifi-
4 cation or licensing criteria have been waived or
5 otherwise excused, and if so, who shall be re-
6 sponsible for supervising the teacher;

7 “(D) whether the student is being provided
8 services by a paraprofessional and, if so, a de-
9 scription of those services and the paraprofes-
10 sional’s qualifications;

11 “(E) the number and percent of teachers
12 who are highly qualified, and the number and
13 percent of teachers who are effective, within the
14 student’s school as compared to—

15 “(i) the average number and percent
16 of teachers who are highly qualified, and
17 the average number and percent of teach-
18 ers who are effective—

19 “(I) within the same local edu-
20 cational agency; and

21 “(II) within the State;

22 “(ii) other schools that are eligible to
23 receive funds under title I; and

24 “(iii) other schools that are not eligi-
25 ble to receive funds under title I; and

1 “(F) information on the level of achieve-
2 ment of the parent’s child in each of the State
3 academic assessments as required under this
4 part.”.

5 **SEC. 5. LOCAL EDUCATIONAL AGENCY PLANS.**

6 Section 1112(c)(1) of the Elementary and Secondary
7 Education Act of 1965 (20 U.S.C. 6312(c)(1)) is amended
8 by striking subparagraph (L) and inserting the following:

9 “(L) ensure, through incentives for vol-
10 untary transfers, the provision of professional
11 development, recruitment programs, or other ef-
12 fective strategies, that—

13 “(i) low-income students, minority
14 students, students who are limited English
15 proficient, and students who are children
16 with disabilities are not taught at higher
17 rates than other students by teachers who
18 are not highly qualified, out-of-field teach-
19 ers, inexperienced teachers, or teachers
20 who have not less than 3 years of experi-
21 ence and who have not demonstrated effec-
22 tiveness as defined in section 9101; and

23 “(ii) low-income students, minority
24 students, students who are limited English
25 proficient, and students who are children

1 with disabilities are taught by highly quali-
2 fied and effective teachers at similar rates
3 and ratios as other students;”.

4 **SEC. 6. QUALIFICATIONS FOR TEACHERS AND PARA-**
5 **PROFESSIONALS.**

6 Section 1119(a) of the Elementary and Secondary
7 Education Act of 1965 (20 U.S.C. 6319(a)) is amended—

8 (1) in paragraph (2)—

9 (A) in the matter preceding subparagraph
10 (A), by striking “2005–2006” and inserting
11 “2013–2014”;

12 (B) by striking subparagraph (A) and in-
13 serting the following:

14 “(A) shall include an annual increase in
15 the percentage of teachers who are either highly
16 qualified or effective and the ratio of effective
17 to highly qualified teachers, at each local edu-
18 cational agency and school, to ensure that all
19 teachers teaching in core academic subjects in
20 each public elementary school and secondary
21 school are highly qualified not later than 3
22 years after the date of enactment of the Assur-
23 ing Successful Students through Effective
24 Teaching Act of 2011;”;

25 (C) in subparagraph (B)—

1 (i) by inserting “, ongoing evidence-
2 based” after “high-quality”; and

3 (ii) by striking “highly qualified” and
4 inserting “effective”;

5 (2) in paragraph (3), by striking “highly quali-
6 fied not later than the end of the 2005–2006 school
7 year” and inserting “highly qualified not later than
8 3 years after the date of enactment of the Assuring
9 Successful Students through Effective Teaching Act
10 of 2011”; and

11 (3) by adding at the end the following:

12 “(4) PERCENTAGE OF TEACHERS THAT ARE
13 NEITHER HIGHLY QUALIFIED NOR EFFECTIVE.—

14 “(A) IN GENERAL.—Each local educational
15 agency receiving assistance under this Act shall
16 ensure that no public school in such agency has
17 a disproportionate percentage of teachers that
18 are neither highly qualified nor effective.

19 “(B) DEFINITION.—For the purposes of
20 this paragraph, ‘disproportionate percentage’
21 means a difference of more than 5 percent
22 when such percentage is higher than the per-
23 centage of all teachers, as compared to the per-
24 centage of all teachers in the State who are not
25 highly qualified.

1 “(5) SUPERVISION.—

2 “(A) IN GENERAL.—Each local educational
3 agency receiving assistance under this Act shall
4 ensure that all teachers who are not highly
5 qualified are closely mentored and overseen by
6 an effective mentor teacher who has full certifi-
7 cation and has been deemed effective in the
8 subject area taught by the teacher who is not
9 highly qualified.

10 “(B) LOCAL EDUCATIONAL AGENCY SUP-
11 PORT FOR THE SUPERVISING TEACHER.—Such
12 local educational agency shall provide the men-
13 tor teacher described in subparagraph (A) with
14 release time from the mentor teacher’s other re-
15 sponsibilities and training in how to mentor and
16 oversee a teacher who is not highly qualified.

17 “(C) SUPERVISION.—Such local edu-
18 cational agency shall ensure that the mentor
19 teacher will, for each teacher who is not highly
20 qualified and is under the mentor teacher’s su-
21 pervision, provide ongoing and regular super-
22 vision, support, and structured guidance that
23 includes—

24 “(i) coaching and classroom observa-
25 tion;

1 “(ii) review and approval of lesson
2 plans and assessment plans;

3 “(iii) opportunities to participate in
4 collaborative evidence-based professional
5 development;

6 “(iv) tracking of the academic
7 progress of students;

8 “(v) ensuring that the needs of all
9 students, including students who are chil-
10 dren with disabilities and students who are
11 limited English proficient, are being met;
12 and

13 “(vi) developing skills in engaging
14 families and the community in support of
15 students.”.

16 **SEC. 7. CONFORMING AMENDMENTS.**

17 (1) Section 1114(b)(1) of the Elementary and
18 Secondary Education Act of 1965 (20 U.S.C.
19 6314(b)(1)) is amended—

20 (A) in subparagraph (C), by striking
21 “highly qualified teachers” and inserting “high-
22 ly qualified and effective teachers”; and

23 (B) in subparagraph (E), by striking
24 “high-quality highly qualified teachers” and in-

1 serting “highly qualified and effective teach-
2 ers”;

3 (2) Section 1115(c)(1)(E) of the Elementary
4 and Secondary Education Act of 1965 (20 U.S.C.
5 6315(c)(1)(E)) is amended by striking “highly quali-
6 fied teachers” and inserting “ highly qualified and
7 effective teachers”;

8 (3) Section 1117(a)(5)(A)(i) of the Elementary
9 and Secondary Education Act of 1965 (20 U.S.C.
10 6317(a)(5)(A)(i)) is amended by striking “highly
11 qualified or distinguished” and inserting “highly
12 qualified, effective, or distinguished teachers and
13 principals”; and

14 (4) Section 1119(l) of the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C. 6319(l))
16 is amended by striking “for professional develop-
17 ment activities” through the period at the end and
18 inserting “for professional development activities to
19 ensure that teachers who are not highly qualified be-
20 come highly qualified not later than the end of the
21 2014–2015 school year.”.

○