

117TH CONGRESS
2D SESSION

S. 3881

To direct the Secretary of Education to award grants to eligible entities to carry out teacher leadership programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2022

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

A BILL

To direct the Secretary of Education to award grants to eligible entities to carry out teacher leadership programs, and for other purposes.

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 “Teachers Leading,
5 Educating, Advancing, and Designing Act of 2022” or the
6 “Teachers LEAD Act of 2022”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Decades of research have shown that teach-
10 ers are the single most important school-based factor

1 in student achievement, and an analysis by the
2 Brookings Institution indicates that a high level of
3 teacher turnover is negatively associated with stu-
4 dent achievement, and is higher in urban schools
5 and schools with more economically disadvantaged
6 students.

7 (2) A report by the National Commission on
8 Teaching and America's Future estimated that dis-
9 tricts spend between \$10,000 and \$17,000 for each
10 teacher who leaves the district, making teacher turn-
11 over and attrition a costly issue for school systems.

12 (3) The United States education system is ex-
13 perienicing an ongoing teacher recruitment, reten-
14 tion, and shortage crisis. According to a National
15 Education Association survey in January of 2022,
16 55 percent of all teachers, 62 percent of Black
17 teachers, and 59 percent of Hispanic or Latino edu-
18 cators said they were more likely to retire early or
19 leave the profession.

20 (4) In the same survey, 74 percent of teachers
21 report having to fill in for colleagues or take on
22 other duties due to staff shortages, while 90 percent
23 of respondents pointed out that teacher burnout is
24 becoming a very serious issue. As a Nation, we face

1 the possibilities of vacancies and educator burnout
2 being exacerbated by educator shortages.

3 (5) An analysis by the Economic Policy Insti-
4 tute of teacher turnover data suggests that low sala-
5 ries, lack of professional development opportunities,
6 and a difficult school climate, including lack of
7 teacher input into school policy, are common factors
8 behind teachers leaving the workforce.

9 (6) According to a report by Teach Plus and
10 the Education Trust, teachers of color, who, on aver-
11 age experience higher turnover rates, report that
12 they have considered leaving the profession because
13 they lack agency, autonomy in decision making, and
14 opportunities for leadership.

15 (7) Studies show that all students benefit from
16 having racially diverse teachers. These benefits are
17 magnified for students of color, who experience im-
18 proved academic performance, higher graduation
19 rates, and increased interest in pursuing higher edu-
20 cation.

21 (8) Teachers of color are underrepresented in
22 schools, with only 20 percent of the teacher work-
23 force identifying as people of color versus over 50
24 percent of public school students. Teachers of color
25 are also more likely to teach in schools that serve a

1 high proportion of students of color, in schools that
2 are underresourced, and in schools that have higher
3 overall teacher turnover rates.

4 (9) Studies show that there is a positive link
5 between professional leadership opportunities, job
6 satisfaction, and retention of classroom teachers,
7 and that compensation for teachers' added leader-
8 ship responsibilities increases teacher retention.

9 (10) In a Gates Foundation Survey, only 12
10 percent of all teachers surveyed reported receiving
11 consistent job-embedded mentorship and professional
12 development from veteran teachers, despite multiple
13 studies showing that consistent mentorship improves
14 student learning.

15 (11) The New Teacher Project found that only
16 26 percent of high-performing teachers agreed that
17 their school leadership identified opportunities or
18 clear paths for teacher leadership roles.

19 (12) According to a report by Teach Plus and
20 the Education Trust, teachers' investment in their
21 schools and their likelihood of retention is greater
22 where opportunities exist to innovate and advocate
23 on behalf of students, especially when a teacher acts
24 in partnership with school and district administra-
25 tion to address student and teacher needs.

1 (13) Structured leadership programs are an ef-
 2 fective way to help combat the nationwide teacher
 3 shortage and improve teacher retention by empow-
 4 ering teachers and establishing formal peer
 5 mentorships between effective and experienced teach-
 6 ers and those just entering the profession, which
 7 also leads to academic and socio-emotional benefits
 8 for students.

9 (14) Federal policies are needed to encourage
 10 and fund the establishment of structured leadership
 11 programs at public schools, especially in high-need
 12 schools and school districts.

13 **SEC. 3. TEACHER LEADERSHIP GRANT PROGRAM.**

14 (a) DEFINITIONS.—In this section:

15 (1) ESEA TERMS.—The terms “educational
 16 service agency”, “elementary school”, “local edu-
 17 cational agency”, “paraprofessional”, “school lead-
 18 er”, “secondary school”, and “Secretary” have the
 19 meanings given such terms in section 8101 of the
 20 Elementary and Secondary Education Act of 1965
 21 (20 U.S.C. 7801).

22 (2) DISTRIBUTED LEADERSHIP.—The term
 23 “distributed leadership” means a range of ap-
 24 proaches wherein the school leadership shares as-
 25 pects of the traditional set of school decisions, orga-

nization, management, and operations with teachers in a manner that is coordinated, agreed to, and led by the teachers and school leadership.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a local educational agency or educational service agency;

(B) a consortium of local educational agencies or educational service agencies; or

(C) a partnership between a local educational agency or educational service agency and—

(i) a nonprofit organization with demonstrated expertise in teacher leadership programs, as determined by the Secretary;

(ii) a State educational agency in the same State as the local educational agency or educational service agency with demonstrated capacity in supporting teacher leadership programs, as determined by the Secretary;

(iii) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that awards postsecondary teacher certifi-

1 cates or degrees and has a demonstrated
 2 capacity in supporting teacher leadership
 3 programs or teacher diversity, as deter-
 4 mined by the Secretary; or

5 (iv) a Minority-Serving Institution,
 6 Tribal College or University, or Histori-
 7 cally Black College or University.

8 (4) HIGH-NEED EDUCATIONAL SERVICE AGEN-
 9 CY OR CONSORTIUM OF HIGH-NEED EDUCATIONAL
 10 SERVICE AGENCIES.—The term “high-need edu-
 11 cational service agency or consortium of high-need
 12 educational service agencies” means an educational
 13 service agency or consortium of educational service
 14 agencies in which each educational service agency
 15 has a census poverty rate of not less than 20 per-
 16 cent.

17 (5) HIGH-NEED LOCAL EDUCATIONAL AGENCY
 18 OR CONSORTIUM OF HIGH-NEED LOCAL EDU-
 19 CATIONAL AGENCIES.—The term “high-need local
 20 educational agency or consortium of high-need local
 21 educational agencies” means a local educational
 22 agency or consortium of local educational agencies in
 23 which each local educational agency has a census
 24 poverty rate of not less than 20 percent.

(6) MINORITY-SERVING INSTITUTION.—The term “Minority-Serving Institution” means any of the following:

(A) An Alaska Native-serving institution, as that term is defined in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

(B) A Native Hawaiian-serving institution, as that term is defined in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

(C) A Hispanic-serving institution, as that term is defined in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

(D) A Predominantly Black institution, as that term is defined in section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c)).

(E) An Asian American and Native American Pacific Islander-serving institution, as that term is defined in section 320(b) of the Higher Education Act of 1965 (20 U.S.C. 1059g(b)).

(F) A Native American-serving, nontribal institution, as that term is defined in section

1 319(b) of the Higher Education Act of 1965
2 (20 U.S.C. 1059f(b)).

3 (7) TRIBAL COLLEGE OR UNIVERSITY.—The
4 term “Tribal College or University” has the meaning
5 given the term in section 316(b)(3) of the Higher
6 Education Act of 1965 (20 U.S.C. 1059c(b)(3)).

7 (8) HISTORICALLY BLACK COLLEGE OR UNI-
8 VERSITY.—The term “Historically Black College or
9 University” has the meaning given the term “part B
10 institution” in section 322 of the Higher Education
11 Act of 1965 (20 U.S.C. 1061).

12 (9) TEACHER LEADER.—The term “teacher
13 leader” means a teacher who is selected to partici-
14 pate in the teacher leadership program under this
15 section.

16 (b) PROGRAM AUTHORIZED.—

17 (1) IN GENERAL.—The Secretary shall award
18 grants, on a competitive basis, to eligible entities to
19 carry out teacher leadership programs.

20 (2) RESERVATIONS.—From the total amount
21 appropriated to carry out this section for a fiscal
22 year, the Secretary—

23 (A) shall reserve not less than 5 percent to
24 carry out subsection (h);

25 (B) may reserve not more than—

1 (i) 3 percent to provide technical as-
2 sistance to, and support the capacity build-
3 ing of, the programs assisted under this
4 section; and

5 (ii) 0.5 percent to complete required
6 reporting under this section; and

7 (C) may reserve not more than 3.5 percent
8 to award planning grants to eligible entities in
9 order to assist those eligible entities in devel-
10 oping a program proposal in accordance with
11 subsection (i).

12 (3) GRANT PERIOD.—The Secretary shall make
13 grant awards for not more than 3 years and may ex-
14 tend grant awards for not more than 2 additional
15 years if the grantee is making progress in achieving
16 program objectives.

17 (c) APPLICATION.—

18 (1) IN GENERAL.—An eligible entity desiring a
19 grant under this section shall submit an application
20 to the Secretary at such time, in such manner, and
21 containing such information as the Secretary may
22 require, including—

23 (A) the program proposal described in
24 paragraph (2); and

1 (B) the data reporting requirement agree-
2 ment described in paragraph (3).

3 (2) PROGRAM PROPOSAL.—The program pro-
4 posal required under this subsection shall include the
5 following:

6 (A) PROGRAM PLAN.—A plan to establish
7 a teacher leadership program that includes not
8 less than 1 of the following:

9 (i) A description of how the eligible
10 entity will ensure that the program offers
11 time and structures for shared decision
12 making, distributed leadership, common
13 planning, and collaboration between teach-
14 er leaders and school leaders.

15 (ii) A description of how the eligible
16 entity will ensure that the program in-
17 cludes the participation of teacher leaders
18 in goal setting, professional learning, or
19 collaboration with content experts, school
20 leadership, colleagues, or leadership of an
21 eligible entity, with respect to—

22 (I) strategic planning or develop-
23 ment at the school level and the level
24 of the eligible entity, including plan-
25 ning and development relating to

1 school climate, community engage-
2 ment, teacher professional develop-
3 ment and mentorship, and student
4 growth; or

5 (II) implementing practices to
6 support children's social, emotional,
7 and cognitive learning, such as—

8 (aa) planning the design of
9 and organizing the physical
10 space, organizational structure,
11 wraparound services, and culture
12 of schools to support positive,
13 healthy, and developmentally ap-
14 propriate relationships among
15 members of the school and com-
16 munity;

17 (bb) creating multi-tiered
18 and integrated systems of sup-
19 port to address student academic
20 and non-academic needs; or

21 (cc) creating and fostering
22 safe and inclusive learning envi-
23 ronments that enable authentic,
24 culturally and linguistically re-

1 sponsive learning in identity-safe
2 settings.

3 (iii) A description of how the eligible
4 entity will ensure that teacher leaders re-
5 ceive training and support to improve skills
6 related to acting as instructional leaders,
7 coaches, mentors, or facilitators of profes-
8 sional learning.

9 (B) PROGRAM REQUIREMENTS.—A de-
10 scription of how the eligible entity will meet
11 each of the following program requirements:

12 (i) Ensuring all teachers with at least
13 3 years of full-time teaching experience
14 that maintain their roles as classroom in-
15 structors and are employed by the partici-
16 pating schools served by the eligible entity
17 may apply to participate in such program
18 as teacher leaders.

19 (ii) Providing the selection criteria for
20 program participation to all eligible teach-
21 ers described in clause (i), which shall in-
22 clude selection based on an eligible teach-
23 er's demonstrated ability in carrying out 5
24 of the 8 criteria described in this clause
25 and a commitment to growth in other cri-

1 teria where an eligible teacher does not
2 have a demonstrated ability. The criteria
3 are:

4 (I) Carrying out leadership re-
5 sponsibilities while maintaining a role
6 as a classroom instructor.

7 (II) Focusing on improving or
8 advancing the vision, goals, and prior-
9 ities of the eligible entity that employs
10 such teacher using evidence-, re-
11 search-, and practice-based data.

12 (III) Collecting and analyzing
13 data of student academic and social-
14 emotional outcomes or teacher profes-
15 sional outcomes, and taking actions to
16 improve student outcomes, teacher
17 outcomes, or professional learning, in-
18 formed by such data.

19 (IV) Facilitating collaborative,
20 evidence-, research-, and practice-
21 based, and sustained professional
22 learning with peers, including
23 mentorship and instruction leadership,
24 that lead to improvements in teaching
25 efficacy, professional outcomes, or

1 student academic achievement and so-
2 cial-emotional learning.

3 (V) Analyzing socioeconomic, cul-
4 tural, and historical contexts of stu-
5 dents, their communities, and the eli-
6 gible entity, including existing peda-
7 gogy, school policies, and school-based
8 outreach to families and community
9 organizations, to create learning envi-
10 ronments that are more inclusive of
11 and responsive to student and teacher
12 needs, cultures, ethnicities, languages,
13 gender and sexual orientations, and
14 socioeconomic statuses.

15 (VI) Implementing and evalu-
16 ating strategies aimed at addressing
17 areas of demonstrated need in the
18 school at which the teacher is em-
19 ployed, including increasing wrap-
20 around services, academic supports,
21 family engagement, and community-
22 based services.

23 (VII) Supporting teachers to ef-
24 fectively serve students with disabil-
25 ities, English learners, and students

1 who are linguistically, racially, and
2 culturally diverse, economically dis-
3 advantaged, or historically underrep-
4 resented to increase their academic
5 achievement or social-emotional learn-
6 ing.

7 (VIII) Using, customizing, or de-
8 veloping lesson materials and instruc-
9 tional resources to meet the unique
10 needs of students and the eligible enti-
11 ty to further students' academic
12 achievement and social-emotional
13 learning.

14 (iii) Ensuring that all teachers and
15 paraprofessionals employed by the partici-
16 pating schools served by the eligible entity
17 are eligible to participate in programming
18 led by a teacher leader, when applicable.

19 (iv) Providing monetary compensation
20 to teacher leaders who participate in such
21 program for the additional responsibilities
22 that are directly related to the teacher
23 leadership program.

24 (v) Allowing the monetary compensa-
25 tion described in clause (iv) to be sub-

stituted for paid time off or satisfaction of
a contract requirement—

(I) at the request of the teacher
leader receiving such compensation;
and

(II) with the authorization and
agreement of the eligible entity that
serves the elementary or secondary
school at which such teacher leader is
employed.

(vi) Requiring teacher leaders to sup-
port their own development and profes-
sional growth by evaluating themselves and
each other using evidence-, research-, and
practice-based rubrics.

(vii) Consulting with other teachers
when developing and implementing the
program as described under this subpara-
graph.

(C) SUPPLEMENTAL MATERIALS.—A de-
scription of the following:

(i) How the eligible entity will develop
and implement the use of evidence-, prac-
tice-, or research-based rubrics that teach-

er leaders will be using for the self-evaluations described in subparagraph (B)(vi).

(ii) How grant funds will be spent, including if and how other Federal, State, Tribal, and local funding sources may be used to supplement grant funds in order to meet the requirements of the teacher leadership program.

(iii) How the eligible entity will continue the teacher leadership activities assisted under the grant after the grant period ends.

(3) DATA REPORTING REQUIREMENT.—Each eligible entity applying for a grant under this section shall include in such application an assurance that the eligible entity will comply with reporting requirements of the Institute of Education Sciences relating to the reports required under this section.

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to—

(1) eligible entities that are or that include—

(A) a high-need educational service agency or consortium of high-need educational service agencies;

1 (B) a high-need local educational agency or
2 consortium of high-need local educational agen-
3 cies;

4 (C) local educational agencies that receive
5 basic support payments under section
6 7003(b)(1) of the Elementary and Secondary
7 Education Act (20 U.S.C. 7703(b)(1));

8 (D) Indian Tribes, Tribal educational de-
9 partments or agencies, or Tribal educational or-
10 ganizations with a successful track record in
11 supporting teacher leadership programs or ad-
12 vancing teacher diversity; or

13 (E) Native Hawaiian community-based or-
14 ganizations or Native Hawaiian educational or-
15 ganizations (as those terms are defined in sec-
16 tion 6207 of the Elementary and Secondary
17 Education Act of 1965 (20 U.S.C. 7517)) or
18 Alaska Native organizations (as defined in sec-
19 tion 6306 of such Act (20 U.S.C. 7546));

20 (2) eligible entities that are or that include local
21 educational agencies or educational service agencies
22 with a teacher turnover rate that is above the na-
23 tional average;

24 (3) eligible entities that are or that include local
25 educational agencies or educational service agencies

1 that demonstrate in their program proposal under
 2 subsection (b)(2) a plan to recruit, retain, and train
 3 teacher leaders who are individuals from underrep-
 4 resented populations in the teaching profession; and

5 (4) eligible entities described in subsection
 6 (a)(3)(C) that include a partner who has a success-
 7 ful track record in supporting teacher leadership
 8 programs and advancing teacher diversity, such as a
 9 Historically Black College or University, a Tribal
 10 College or University, or a Minority-Serving Institu-
 11 tion.

12 (e) USES OF FUNDS.—

13 (1) IN GENERAL.—An eligible entity awarded a
 14 grant under this section shall use—

15 (A) not more than 5 percent of such grant
 16 funds for administrative expenses; and

17 (B) not less than 95 percent of such grant
 18 funds to implement the program proposal de-
 19 scribed in subsection (c)(2) and, at the eligible
 20 entity's option, carry out activities described in
 21 paragraph (2).

22 (2) PERMISSIVE USES OF FUNDS.—In addition
 23 to implementing the program proposal under sub-
 24 section (c)(2), an eligible entity awarded a grant

1 under this section may use such grant funds to fa-
2 cilitate—

3 (A) collaboration between program partici-
4 pants;

5 (B) instructional materials development; or

6 (C) the reallocation of work hours for
7 teacher leaders between classroom responsibil-
8 ities and responsibilities as a teacher leader.

9 (f) REGULATIONS.—The Secretary shall prescribe
10 such regulations as may be necessary to carry out this
11 section, including with respect to the evidence-, research-
12 , and practice-based rubrics and standards described in
13 subsection (c)(2)(B)(vi).

14 (g) REPORTS AND EVALUATION.—

15 (1) REPORTS TO THE SECRETARY.—Not later
16 than 1 year after receiving a grant under this sec-
17 tion, and annually thereafter for the duration of the
18 grant period, an eligible entity shall submit to the
19 Secretary all information necessary for the evalua-
20 tion described in paragraph (2).

21 (2) EVALUATION.—Using the information re-
22 ported by eligible entities, the Secretary, acting
23 through the Director of the Institute of Education
24 Sciences shall carry out an independent evaluation
25 measuring the effectiveness of the activities carried

1 out under grants awarded under this section, includ-
2 ing information about whether participating eligible
3 entities experience greater teacher retention than
4 non-participants. The evaluation shall include the
5 following information, disaggregated by race, eth-
6 nicity, and gender:

7 (A) With respect to all teachers employed
8 by a local educational agency or educational
9 service agency that is, or is part of, an eligible
10 entity—

11 (i) the 3-year retention rate,
12 disaggregated by—

13 (I) teachers who are in their first
14 year of teaching; and

15 (II) teachers who were hired by
16 such eligible entity in the same school
17 year as one another;

18 (ii) the 5-year retention rate,
19 disaggregated by—

20 (I) teachers who are in their first
21 year of teaching; and

22 (II) teachers who were hired by
23 such eligible entity in the same school
24 year as one another; and

1 (iii) the employment status of teach-
2 ers who were hired by such eligible entity,
3 in the same school year in which such eligi-
4 ble entity received a grant under this sec-
5 tion.

6 (B) With respect to each teacher leader
7 participating in a program established using
8 such grant funds, the following:

9 (i) The number of years of teaching
10 experience such teacher leader had at the
11 time of program participation.

12 (ii) Whether such teacher leader is
13 employed by such eligible entity at the
14 time of the report.

15 (iii) If such teacher leader is not em-
16 ployed by such eligible entity, the reason
17 for leaving.

18 (iv) The year in which such teacher
19 leader was first employed as a teacher.

20 (3) PUBLICATION.—The aggregated data sub-
21 mitted under paragraph (1) and the results of the
22 evaluation under paragraph (2) shall be made pub-
23 licly available on the website of the Department of
24 Education, except that such publicly available data

1 and results shall not reveal personally identifiable in-
2 formation.

3 (4) REPORTS TO CONGRESS.—Not later than 3
4 years after the date of the enactment of this Act, the
5 Secretary shall submit to the Committee on Health,
6 Education, Labor, and Pensions of the Senate, the
7 Committee on Education and Labor of the House of
8 Representatives, and the Committee on Indian Af-
9 fairs of the Senate a summary report of the prelimi-
10 nary results and impact of the teacher leadership
11 program. The Secretary shall submit to such com-
12 mittees an annual report of the results and impact
13 of the teacher leadership program for each year of
14 the grant thereafter.

15 (h) BUREAU OF INDIAN EDUCATION TEACHER
16 LEADERSHIP PROGRAMS.—

17 (1) IN GENERAL.—The Secretary, in coordina-
18 tion with the Secretary of the Interior, shall—

19 (A) develop and implement a teacher lead-
20 ership program plan for Bureau schools (as de-
21 fined in section 1141 of the Education Amend-
22 ments of 1978 (25 U.S.C. 2021)); and

23 (B) award grants to Bureau-funded
24 schools described in subparagraphs (B) and (C)

1 of section 1141(3) of the Education Amend-
2 ments of 1978 (25 U.S.C. 2021(3)).

3 (2) SPECIAL RULE.—The Secretary, in con-
4 sultation with the Secretary of the Interior and In-
5 dian Tribes, may waive any requirement under this
6 section or prescribe an alternative or substantially
7 similar requirement if the Secretary finds that the
8 waiver or alternative requirement is necessary for
9 the effective delivery and administration of activities
10 under this section.

11 (i) PLANNING PROPOSAL GRANTS.—

12 (1) IN GENERAL.—The Secretary may award
13 planning grants to eligible entities to enable those el-
14 igible entities to develop a program proposal under
15 subsection (c)(2).

16 (2) APPLICATION.—Each eligible entity that de-
17 sires a planning grant under this subsection shall
18 submit an application to the Secretary at such time,
19 in such manner, and containing such information as
20 the Secretary may require.

21 (3) DURATION.—A planning grant under this
22 subsection shall be for a period of not more than 1
23 year.

24 (j) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to carry out this section,

- 1 \$400,000,000, for fiscal year 2023, and each of the 4 suc-
- 2 ceeding fiscal years.

