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113TH CONGRESS
1ST SESSION

S. 1063

To improve teacher quality, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2013

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

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A BILL

To improve teacher quality, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Effective Teaching and Leading Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Teacher quality is the single most important in-school factor influencing student learning and achievement.

(2) A 2003 study by Richard Ingersoll found that new teachers, not just those in hard-to-staff

schools, face such challenging working conditions that nearly one-half leave the profession within their first 5 years, one-third leave within their first 3 years, and 14 percent leave by the end of their first year.

(3) A report by the National Commission on Teaching and America's Future estimated that the nationwide cost of replacing public school teachers who have dropped out of the profession is $7,300,000,000 annually.

(4) A randomized controlled trial of comprehensive teacher induction, sponsored by the Institute of Education Sciences found that beginning teachers who received 2 years of induction support produced greater student learning gains as a result, the equivalent of a student moving from the 50th to 58th percentile in mathematics achievement and from the 50th to 54th percentile in reading achievement.

(5) Research by Thomas Smith, Richard Ingersoll, Michael Strong, Anthony Villar, and Jonah Rockoff has shown that comprehensive mentoring and induction reduces teacher attrition by as much as one-half and strengthens new teacher effectiveness.

(6) A recent School Redesign Network at Stanford University and National Staff Development Council report by Linda Darling-Hammond, Ruth Chung Wei, Alethea Andree, Nikole Richardson, and Stelios Orphanos found that—

(A) a set of programs that offered substantial contact hours of professional development (ranging from 30 to 100 hours in total) spread over 6 to 12 months showed a positive and significant effect on student achievement gains; and

(B) intensive professional development, especially when it includes applications of knowledge to teachers' planning and instruction, has a greater chance of influencing teacher practices, and in turn, leading to gains in student learning, and such intensive professional development has shown a positive and significant effect on student achievement gains, in some cases by approximately 21 percentile points.

(7) Teachers can acquire and use new knowledge and skills in their instruction when provided with adequate opportunities to learn, according to "Student Achievement Through Staff Development" published by ASCD, which found that more than 90

percent of participants attained skill proficiency if it includes theory presentation, demonstration, practice, and peer coaching.

(8) Recent reports from the Center for American Progress, Education Sector, Hope Street Group, and the New Teacher Project have collectively demonstrated the significant flaws in current teacher evaluation and implementation, and the necessity for redesigning these systems and linking such evaluation to individualized feedback and substantive targeted support in order to ensure effective teaching.

(9) Research by Kenneth Leithwood, Karen Seashore Louis, Stephen Anderson, and Kyla Wahlstrom found that—

(A) leadership is second only to classroom instruction among school-related factors that influence student outcomes; and

(B) direct and indirect leadership effects account for about one-quarter of total school effects on student learning.

(10) Research by Charles Clotfelter, Helen Ladd, Kenneth Leithwood, Anthony Milanowski, and the New Teacher Center has shown that the quality of working conditions, particularly supportive school

leadership, impacts student academic achievement and teacher recruitment, retention, and effectiveness.

(11) Since 1965, more than 60 education and library studies have produced clear evidence that school libraries staffed by qualified librarians have a positive impact on student academic achievement, with a recent analysis of reading scores from 2004–2009 showing that fewer librarians translated to lower performance, or a slower rise in scores, on standardized tests.

(b) PURPOSES.—The purposes of this Act are to build capacity for developing effective teachers and principals in our Nation's schools through—

(1) the redesign of teacher and principal evaluation and assessment systems;

(2) comprehensive, high-quality, rigorous, multi-year induction and mentoring programs for beginning teachers, principals, and other school leaders;

(3) systematic, sustained, and coherent professional development for all teachers that is team-based and job-embedded;

(4) systematic, sustained, and coherent professional development for school principals, other school

leaders, school librarians, paraprofessionals, and other staff; and

(5) increased teacher leadership opportunities, including compensation for teacher leaders who take on new roles in providing school-based professional development, mentoring, rigorous evaluation, and instructional coaching.

SEC. 3. DEFINITIONS.

Section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) is amended—

(1) by striking paragraph (34) and inserting the following:

"(34) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means comprehensive, sustained, and intensive support, provided for teachers, principals, school librarians, other school leaders, and other instructional staff, that—

"(A) fosters collective responsibility for improved student learning;

"(B) is designed and implemented in a manner that increases teacher, principal, school librarian, other school leader, paraprofessional, and other instructional staff effectiveness in improving student learning and strengthening classroom practice;

"(C) analyzes and uses—

"(i) real-time data and information collected from—

"(I) evidence of student learning;

"(II) evidence of classroom practice; and

"(III) the State's longitudinal data system; and

"(ii) other relevant data collected by the school or local educational agency;

"(D) is aligned with—

"(i) rigorous State student academic achievement standards developed under section 1111(b)(1);

"(ii) related academic and school improvement goals of the school, local educational agency, and statewide curriculum;

"(iii) statewide and local curricula; and

"(iv) rigorous standards of professional practice and development;

"(E) includes frequently scheduled, significant blocks of time during the regular school day among established collaborative teams of teachers, principals, school librarians, other

school leaders, and other instructional staff, by grade level and content area (to the extent applicable and practicable), which teams engage in a continuous cycle of professional learning and improvement that—

"(i) identifies, reviews, and analyzes—

"(I) evidence of student learning; and

"(II) evidence of classroom practice;

"(ii) defines a clear set of educator learning goals to improve student learning and strengthen classroom practice based on the rigorous analysis of evidence of student learning and evidence of classroom practice;

"(iii) develops and implements coherent, sustained, and evidenced-based professional development strategies to meet such goals (including through instructional coaching, lesson study, and study groups organized at the school, team, or individual levels);

"(iv) provides learning opportunities for teachers to collectively develop and re-

fine student learning goals and the teachers' instructional practices and the use of formative assessment;

"(v) provides an effective mechanism to support the transfer of new knowledge and skills to the classroom (including utilizing teacher leaders, instructional coaches, school librarians, and content experts to support such transfer); and

"(vi) provides opportunities for follow-up, observation, and formative feedback and assessment of the teacher's classroom practice, on a regular basis and in a manner that allows each such teacher to identify areas of classroom practice that need to be strengthened, refined, and improved;

"(F) regularly assesses the effectiveness of the support, and uses such assessments to inform ongoing improvements, in—

"(i) improving student learning; and

"(ii) strengthening classroom practice; and

"(G) supports the recruiting, hiring, and training of highly qualified teachers, including teachers who become highly qualified through

State and local alternative routes to certification or licensure.'';

(2) by adding at the end the following:

''(44) EVIDENCE OF CLASSROOM PRACTICE.—The term 'evidence of classroom practice' means evidence of practice gathered from a classroom through multiple formats and sources, including some or all of the following:

''(A) Demonstration of effective teaching skills.

''(B) Classroom observations based on rigorous teacher performance standards or rubrics.

''(C) Student work.

''(D) Teacher portfolios.

''(E) Videos of teacher practice.

''(F) Lesson plans.

''(G) Information on the extent to which the teacher collaborates and shares best practices with other teachers and instructional staff.

''(H) Information on the teacher's successful use of research and data.

''(I) Parent, student, and peer feedback.

''(45) EVIDENCE OF STUDENT LEARNING.—The term 'evidence of student learning' means multiple

measures of student learning that shall include the following:

"(A) Valid and reliable student assessment data, which may include data—

"(i) based on—

"(I) student learning gains on State student academic assessments under section 1111(b)(3); or

"(II) student academic achievement assessments used at the national, state, or district levels, where available and appropriate for the curriculum and students taught;

"(ii) from classroom-based formative assessments;

"(iii) from classroom-based summative assessments; and

"(iv) from objective performance-based assessments.

"(B) At least 1 of the following additional measures:

"(i) Student work, including measures of performance criteria and evidence of student growth.

"(ii) Teacher-generated information about student goals and growth.

"(iii) Parental feedback about student goals and growth.

"(iv) Student feedback about learning and teaching supports.

"(v) Assessments of affective engagement and self-efficacy.

"(vi) Other appropriate measures, as determined by the State.

"(46) LOWEST ACHIEVING SCHOOL.—The term 'lowest achieving school' means a school served by a local educational agency that—

"(A) is failing to make adequate yearly progress as described in section 1111(b)(2), for the greatest number of subgroups described in section 1111(b)(2)(C)(v) and by the greatest margins, as compared to the other schools served by the local educational agency; and

"(B) in the case of a secondary school, has a graduation rate of less than 65 percent.

"(47) SCHOOL LEADER.—The term 'school leader' means an individual who—

"(A) is an employee or officer of a school; and

"(B) is responsible for—

"(i) the school's performance; and

"(ii) the daily instructional and managerial operations of the school.

"(48) 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) actively engage students and personalize learning;

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

"(E) develop and effectively apply new knowledge, skills, and practices;

"(F) 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;

"(iii) focus on the identification of students' specific learning needs, (including children with disabilities, English language learners, students who are gifted and talented, and students with low literacy levels), and the tailoring of academic instruction to such needs; and

"(iv) enable effective inclusion of children with disabilities and English language learners, including the utilization of—

"(I) response to intervention;

"(II) positive behavioral supports;

"(III) differentiated instruction;

"(IV) universal design of learning;

"(V) appropriate accommodations for instruction and assessments;

"(VI) collaboration skills;

"(VII) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act; and

"(VIII) evidence-based strategies to meet the linguistic and academic needs of English language learners;

"(G) 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);

"(H) effectively manage a classroom, including the ability to implement positive behavioral support strategies;

"(I) communicate and work with parents, and involve parents in their children's education; and

"(J) use age-appropriate and developmentally appropriate strategies and practices.

"(49) FORMATIVE ASSESSMENT.—The term 'formative assessment' means a process used by teachers and students during instruction that provides feedback to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes."; and

(3) by redesignating paragraphs (1) through (39), the undesignated paragraph following paragraph (39), and paragraphs (41) through (49) (as amended by this section) as paragraphs (1) through (18), (21), (22), (24) through (29), (31) through (40), (42) through (47), (49), (19), (20), (30), (41), (48), and (23), respectively.

SEC. 4. SCHOOL IMPROVEMENT.

Section 1003(g)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6303(g)(5)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(D) permitted to be used to supplement the activities required under section 2502.''.

SEC. 5. TEACHER AND PRINCIPAL PROFESSIONAL DEVELOPMENT AND SUPPORT.

(a) IN GENERAL.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"PART E—BUILDING SCHOOL CAPACITY FOR EFFECTIVE TEACHING AND LEADERSHIP

"SEC. 2501. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.

"(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) GRANTS.—From amounts made available under section 2505, the Secretary shall award grants, through allotments under paragraph (3)(A), to States to enable the States to award subgrants to local educational agencies under this part.

"(2) RESERVATIONS.—A State that receives a grant under this part for a fiscal year shall—

"(A) reserve 95 percent of the funds made available through the grant to make subgrants, through allocations under paragraph (3)(B), to local educational agencies; and

"(B) use the remainder of the funds for—

"(i) administrative activities and technical assistance in helping local educational agencies carry out this part;

"(ii) statewide capacity building strategies to support local educational agencies in the implementation of the required activities under section 2502; and

"(iii) conducting the evaluation required under section 2504.

"(3) FORMULAS.—

"(A) ALLOTMENTS.—The allotment provided to a State under this section for a fiscal year shall bear the same relation to the total amount available under this part for such allotments for the fiscal year, as the allotment provided to the State under section 2111(b) for such year bears to the total amount available under such section 2111(b) for such allotments for such year.

"(B) ALLOCATIONS.—The allocation provided to a local educational agency under this section for a fiscal year shall bear the same relation to the total amount available under this part for such allocations for the fiscal year, as the allocation provided to the local educational agency under section 2121(a) for such year bears to the total amount available for such allocations for such year.

"(4) SCHOOLS FIRST SUPPORTED.—A local educational agency receiving a subgrant under this part shall first use such funds to carry out the activities described in section 2502(a) in each lowest achieving school served by the local educational agency—

"(A) that demonstrates the greatest need for subgrant funds based on the data analysis described in subsection (b)(3); and

"(B) in which not less than 40 percent of the students enrolled in the school are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(b) LOCAL EDUCATIONAL AGENCY APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a subgrant under this part, a local educational agency shall submit to the State educational agency an application described in paragraph (2), and a summary of the data analysis conducted under paragraph (3), at such time, in such manner, and containing such information as the State educational agency may reasonably require.

"(2) CONTENTS OF APPLICATION.—Each application submitted pursuant to paragraph (1) shall include—

"(A) a description of how the local educational agency will assist the lowest achieving schools served by the local educational agency in carrying out the requirements of section 2502, including—

"(i) developing and implementing the teacher and principal evaluation system pursuant to section 2502(a)(3);

"(ii) implementing teacher induction programs pursuant to section 2502(a)(1);

"(iii) providing effective professional development in accordance with section 2502(a)(2);

"(iv) implementing mentoring, coaching, and sustained professional development for school principals and other school leaders pursuant to section 2502(a)(4); and

"(v) providing significant and sustainable teacher stipends, pursuant to section 2502(a)(6);

"(B) a description of how the local educational agency will—

"(i) conduct and utilize valid and reliable surveys pursuant to section 2502(b); and

"(ii) ensure that such programs are integrated and aligned pursuant to section 2502(c);

"(C)(i) a description of how the local educational agency will use subgrant funds to target and support the lowest achieving schools described in subsection (a)(4) before using funds for other lowest achieving schools; and

"(ii) a list that identifies all of the lowest achieving schools that will be assisted under the subgrant;

"(D) a description of how the local educational agency will enable effective inclusion of children with disabilities and English language learners, including through utilization by the teachers, principals, and other school leaders of the local educational agency of—

"(i) response to intervention;

"(ii) positive behavioral supports;

"(iii) differentiated instruction;

"(iv) universal design of learning;

"(v) appropriate accommodations for instruction and assessments;

"(vi) collaboration skills;

"(vii) skill in effectively participating in individualized education program meetings required under section 614 of the In-

dividuals with Disabilities Education Act; and

"(viii) evidence-based strategies to meet the linguistic and academic needs of English language learners;

"(E) a description of how the local educational agency will assist the lowest achieving schools in utilizing real-time student learning data, based on evidence of student learning and evidence of classroom practice, to—

"(i) inform instruction; and

"(ii) inform professional development for teachers, mentors, principals, and other school leaders;

"(F) a description of how the programs and assistance provided under section 2502 will be managed and designed, including a description of the division of labor and different roles and responsibilities of local educational agency central office staff members, school leaders, teacher leaders, coaches, mentors, and evaluators; and

"(G) a description of how the local educational agency will work with institutions of higher education and local teacher and principal

preparation programs to improve the performance of beginning teachers and principals, improve induction programs, and strengthen professional development.

"(3) DATA ANALYSIS.—A local educational agency desiring a subgrant under this part shall, prior to applying for the subgrant, conduct a data analysis of each school served by the local educational agency, based on data and information collected from evidence of student learning, evidence of classroom practice, and the State's longitudinal data system, in order to—

"(A) determine which schools have the most critical teacher, principal, school librarian, and other school leader quality, effectiveness, and professional development needs; and

"(B) allow the local educational agency to identify the specific needs regarding the quality, effectiveness, and professional development needs of the school's teachers, principals, librarians, and other school leaders, including with respect to instruction provided for individual student subgroups (including children with disabilities and English language learners) and specific grade levels and content areas.

"(4) JOINT DEVELOPMENT AND SUBMISSION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a local educational agency shall—

"(i) jointly develop the application and data analysis framework under this subsection with local organizations representing the teachers, principals, and other school leaders in the local educational agency; and

"(ii) submit the application and data analysis in partnership with such local teacher, principal, and school leader organizations.

"(B) EXCEPTION.—A State may, after consultation with the Secretary, consider an application from a local educational agency that is not jointly developed and submitted in accordance with subparagraph (A) if the application includes documentation of the local educational agency's extensive attempt to work jointly with local teacher, principal, and school leader organizations.

"SEC. 2502. USE OF FUNDS.

"(a) INDUCTION, PROFESSIONAL DEVELOPMENT, AND EVALUATION SYSTEM.—A local educational agency that receives a subgrant under this part shall use the subgrant funds to improve teaching and school leadership through a system of teacher and principal induction, professional development, and evaluation. Such system shall be developed, implemented, and evaluated in collaboration with local teacher, principal, and school leader organizations and local teacher, principal, and school leader preparation programs and shall provide assistance to each school that the local educational agency has identified under section 2501(b)(2)(C)(ii), to—

"(1) implement a comprehensive, coherent, high-quality formalized induction program for beginning teachers during not less than the teachers' first 2 years of full-time employment as teachers with the local educational agency, that shall include—

"(A) rigorous mentor selection by school or local educational agency leaders with mentoring and instructional expertise, including requirements that the mentor demonstrate—

"(i) a proven track record of improving student learning;

"(ii) strong interpersonal skills;

"(iii) exemplary teaching skills, particularly with diverse learners, including children with disabilities and English language learners;

"(iv) not less than 5 years teaching experience;

"(v) commitment to personal and professional growth and learning, such as National Board for Professional Teaching Standards certification;

"(vi) willingness and experience in using real-time data, as well as school and classroom level practices that have demonstrated the capacity to—

"(I) improve student learning and classroom practice; and

"(II) inform instruction and professional growth;

"(vii) a commitment to participate in professional development throughout the year to develop the knowledge and skills related to effective mentoring; and

"(viii) the ability to improve the effectiveness of the mentor's mentees, as as-

sessed by the evaluation system described in paragraph (3);

"(B) a program of high-quality, intensive, and ongoing mentoring and mentor-teacher interactions that—

"(i) ensures that new teachers are supported in ways that help improve content-specific knowledge and pedagogy, including by matching mentors with beginning teachers by grade level and content area;

"(ii) assists each beginning teacher in—

"(I) analyzing data based on the beginning teacher's evidence of student learning and evidence of classroom practice, and utilizing research-based instructional strategies, including differentiated instruction, to inform and strengthen such practice;

"(II) developing and enhancing effective teaching skills;

"(III) enabling effective inclusion of children with disabilities and

English language learners, including through the utilization of—

"(aa) response to intervention;

"(bb) positive behavioral supports;

"(cc) differentiated instruction;

"(dd) universal design of learning;

"(ee) appropriate accommodations for instruction and assessments;

"(ff) collaboration skills;

"(gg) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act; and

"(hh) evidence-based strategies to meet the linguistic and academic needs of English language learners;

"(IV) using formative evaluations to—

"(aa) collect and analyze classroom-level data;

"(bb) foster evidence-based discussions;

"(cc) provide opportunities for self assessment;

"(dd) examine classroom practice; and

"(ee) establish goals for professional growth; and

"(V) achieving the goals of the school, district, and statewide curricula;

"(iii) provides regular and ongoing opportunities for beginning teachers to observe exemplary teaching in classroom settings during the school day;

"(iv) aligns with the mission and goals of the local educational agency and school;

"(v)(I) acts as a vehicle for a beginning teacher to establish short- and long-term planning and professional goals and

to improve student learning and classroom practice; and

"(II) guides, monitors, and assesses the beginning teacher's progress toward such goals;

"(vi) assigns not more than 12 beginning teacher mentees to a mentor who is released full-time from classroom teaching, and reduces such maximum number of mentees proportionately for a mentor who works on a part-times basis;

"(vii) provides joint professional development opportunities for mentors and beginning teachers;

"(viii) may include the use of master teachers to support mentors or other teachers; and

"(ix) improves student learning and classroom practice, as measured by the evaluation system described in paragraph (3);

"(C) paid school release time that allows for at least weekly high-quality mentoring and mentor-teacher interactions;

"(D) foundational training and ongoing professional development for mentors that support the high-quality mentoring and mentor-teacher interactions described in subparagraph (B);

"(E) use of research-based teaching standards, formative assessments, teacher portfolio processes (such as the National Board for Professional Teaching Standards certification process), and teacher development protocols that support the high-quality mentoring and mentor-teacher interactions described in subparagraph (B); and

"(F) feedback on the performance of beginning teachers to local teacher preparation programs and recommendations for improving such programs;

"(2) implement high-quality effective professional development for teachers, principals, school librarians, and other school leaders serving the schools targeted for assistance under the subgrant;

"(3) develop and implement a rigorous, transparent, and equitable teacher and principal evaluation system for all schools served by the local educational agency that—

"(A)(i) provides formative individualized feedback to teachers and principals on areas for improvement;

"(ii) provides for substantive support and interventions targeted specifically on such areas of improvement; and

"(iii) results in summative evaluations;

"(B) differentiates the effectiveness of teachers and principals using multiple rating categories that take into account evidence of student learning;

"(C) shall be developed, implemented, and evaluated in partnership with local teacher and principal organizations; and

"(D) includes—

"(i) valid, clearly defined, and reliable performance standards and rubrics for teacher evaluation based on multiple performance measures, which shall include a combination of—

"(I) evidence of classroom practice; and

"(II) evidence of student learning as a significant factor;

"(ii) valid, clearly defined, and reliable performance standards and rubrics for principal evaluation based on multiple performance measures of student learning and leadership skills, which standards shall include—

"(I) planning and articulating a shared and coherent schoolwide direction and policy for achieving high standards of student performance;

"(II) identifying and implementing the activities and rigorous curriculum necessary for achieving such standards of student performance;

"(III) supporting a culture of learning, collaboration, and professional behavior and ensuring quality measures of instructional practice;

"(IV) communicating and engaging parents, families, and other external communities; and

"(V) collecting, analyzing, and utilizing data and other tangible evidence of student learning and evi-

dence of classroom practice to guide decisions and actions for continuous improvement and to ensure performance accountability;

''(iii) multiple and distinct rating options that allow evaluators to—

''(I) conduct multiple classroom observations throughout the school year;

''(II) examine the impact of the teacher or principal on evidence of student learning and evidence of classroom practice;

''(III) specifically describe and compare differences in performance, growth, and development; and

''(IV) provide teachers or principals with detailed individualized feedback and evaluation in a manner that allows each teacher or principal to identify the areas of classroom practice that need to be strengthened, refined, and improved;

''(iv) implementing a formative and summative evaluation process based on the

performance standards established under clauses (i) and (ii);

"(v) rigorous training for evaluators on the performance standards established under clauses (i) and (ii) and the process of conducting effective evaluations, including how to provide specific feedback and improve teaching and principal practice based on evaluation results;

"(vi) regular monitoring and assessment of the quality and fairness of the evaluation system and the evaluators' judgements, including with respect to—

"(I) inter-rater reliability, including independent or third-party reviews;

"(II) student assessments used in the evaluation system;

"(III) the performance standards established under clauses (i) and (ii);

"(IV) training and qualifications of evaluators; and

"(V) timeliness of teacher and principal evaluations and feedback;

"(vii) a plan and substantive targeted support for teachers and principals who fail to meet the performance standards established under clauses (i) and (ii);

"(viii) a streamlined, transparent, fair, and objective due process for documentation and removal of teachers and principals who fail to meet such performance standards, as governed by any applicable collective bargaining agreement or State law and after substantive targeted and reasonable support has been provided to such teachers and principals; and

"(ix) in the case of a local educational agency in a State that has a State evaluation framework, the alignment of the local educational agency's evaluation system with, at a minimum, such framework and the requirements of this paragraph;

"(4) implement ongoing high-quality support, coaching, and professional development for principals and other school leaders serving the schools targeted for assistance under such subgrant, which shall—

"(A) include a comprehensive, coherent, high-quality formalized induction program outside the supervisory structure for beginning principals and other school leaders, during not less than the principals' and other school leaders' first 2 years of full-time employment as a principal or other school leader in the local educational agency, to develop and improve the knowledge and skills described in subparagraph (B), including—

"(i) a rigorous mentor or coach selection process based on exemplary administrative expertise and experience;

"(ii) a program of ongoing opportunities throughout the school year for the mentoring or coaching of beginning principals and other school leaders, including opportunities for regular observation and feedback;

"(iii) foundational training and ongoing professional development for mentors or coaches; and

"(iv) the use of research-based leadership standards, formative and summative assessments, or principal and other school

leader protocols (such as the National Board for Professional Teaching Standards Certification for Educational Leaders program or the 2008 Interstate School Leaders Licensure Consortium Standards);

''(B) improve the knowledge and skills of school principals and other school leaders in—

''(i) planning and articulating a shared and clear schoolwide direction, vision, and strategy for achieving high standards of student performance;

''(ii) identifying and implementing the activities and rigorous student curriculum and assessments necessary for achieving such standards of performance;

''(iii) managing and supporting a collaborative culture of ongoing learning and professional development and ensuring quality evidence of classroom practice (including shared or distributive leadership and providing timely and constructive feedback to teachers to improve student learning and strengthen classroom practice);

''(iv) communicating and engaging parents, families, and local communities

and organizations (including engaging in partnerships among elementary schools, secondary schools, and institutions of higher education to ensure the vertical alignment of student learning outcomes);

"(v) collecting, analyzing, and utilizing data and other tangible evidence of student learning and classroom practice (including the use of formative and summative assessments) to—

"(I) guide decisions and actions for continuous instructional improvement; and

"(II) ensure performance accountability;

"(vi) managing resources and school time to ensure a safe and effective student learning environment; and

"(vii) designing and implementing strategies for differentiated instruction and effectively identifying and educating diverse learners, including children with disabilities and English language learners; and

"(C) provide feedback on the performance of beginning principals and other school leaders to local principal and leader preparation programs and recommendations for improving such programs;

"(5)(A) create or enhance opportunities for teachers and school librarians to assume new school leadership roles and responsibilities, including—

"(i) serving as mentors, instructional coaches, or master teachers; or

"(ii) assuming increased responsibility for professional development activities, curriculum development, or school improvement and leadership activities; and

"(B) provide training for teachers who assume such school leadership roles and responsibilities; and

"(6) provide significant and sustainable stipends above a teacher's base salary for teachers that serve as mentors, instructional coaches, teacher leaders, or evaluators under the programs described in this subsection.

"(b) SURVEY.—A local educational agency receiving a subgrant under this part shall conduct a valid and reliable full population survey of teaching and learning, at the school and local educational agency level, and include,

as topics in the survey, not less than the following elements essential to improving student learning and retaining effective teachers:

"(1) Instructional planning time.

"(2) School leadership.

"(3) Decisionmaking processes.

"(4) Professional development.

"(5) Facilities and resources, including the school library.

"(6) Beginning teacher induction.

"(7) School safety and environment.

"(c) INTEGRATION AND ALIGNMENT.—The system described in subsection (a) shall—

"(1) integrate and align all of the activities described in such subsection;

"(2) be informed by, and integrated with, the results of the survey described in subsection (b);

"(3) be aligned with the State's school improvement efforts under sections 1116 and 1117; and

"(4) be aligned with the programs funded under title II of the Higher Education Act of 1965 and other professional development programs authorized under this Act.

"(d) ELIGIBLE ENTITIES.—The assistance required to be provided under this section may be provided—

"(1) by the local educational agency; or

"(2) by the local educational agency, in collaboration with—

"(A) the State educational agency;

"(B) an institution of higher education;

"(C) a nonprofit organization;

"(D) a teacher organization;

"(E) a principal or school leader organization;

"(F) an educational service agency;

"(G) a teaching residency program; or

"(H) another nonprofit entity with experience in helping schools improve student achievement.

"SEC. 2503. RULE OF CONSTRUCTION.

"Nothing in this part shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

"SEC. 2504. PROGRAM EVALUATION.

"(a) IN GENERAL.—Each program required under section 2502(a) shall include a formal evaluation system

to determine, at a minimum, the effectiveness of each such program on—

"(1) student learning;

"(2) retaining teachers and principals, including differentiating the retainment data by profession and by the level of performance of the teachers and principals, based on the evaluation system described in section 2502(a)(3);

"(3) teacher, principal, and other school leader practice, which shall include, for teachers and principals, practice measured by the teacher and principal evaluation system described in section 2502(a)(3);

"(4) student graduation rates, as applicable;

"(5) teaching, learning, and working conditions;

"(6) parent, family, and community involvement and satisfaction;

"(7) student attendance rates;

"(8) teacher and principal satisfaction; and

"(9) student behavior.

"(b) LOCAL EDUCATIONAL AGENCY AND SCHOOL EFFECTIVENESS.—The formal evaluation system described in subsection (a) shall also measure the effectiveness of the local educational agency and school in—

"(1) implementing the comprehensive induction program described in section 2502(a)(1);

"(2) implementing high-quality professional development described in section 2502(a)(2);

"(3) developing and implementing a rigorous, transparent, and equitable teacher and principal evaluation system described in section 2502(a)(3);

"(4) implementing mentoring, coaching, and professional development for school principals and other school leaders described in section 2502(a)(4);

"(5) ensuring that mentors, teachers, and schools are using data to inform instructional practices; and

"(6) ensuring that the comprehensive induction and high-quality mentoring required under section 2502(a)(1) and the high impact professional development required under section 2502(a)(2) are integrated and aligned with the State's school improvement efforts under sections 1116 and 1117.

"(c) CONDUCT OF EVALUATION.—The evaluation described in subsection (a) shall be—

"(1) conducted by the State, an institution of higher education, or an external agency that is experienced in conducting such evaluations; and

"(2) developed in collaboration with groups such as—

"(A) experienced educators with track records of success in the classroom;

"(B) institutions of higher education involved with teacher induction and professional development located within the State; and

"(C) local teacher, principal, and school leader organizations.

"(d) DISSEMINATION.—

"(1) IN GENERAL.—The results of the evaluation described in subsection (a) shall be submitted to the Secretary.

"(2) DISSEMINATION.—The Secretary shall make the results of each evaluation described in subsection (a) available to States, local educational agencies, and the public.

"SEC. 2505. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2014 and each succeeding fiscal year.".

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 2441 the following:

"PART E—BUILDING SCHOOL CAPACITY FOR EFFECTIVE TEACHING AND LEADERSHIP

"SEC. 2501. Local school improvement activities.
"SEC. 2502. Use of funds.
"SEC. 2503. Rule of Construction.
"SEC. 2504. Program evaluation.
"SEC. 2505. Authorization of appropriations.".

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