

(B) who can demonstrate a high level of competence through rigorous academic subject area tests or who can demonstrate competence through a high level of performance in relevant content areas;

(5) increasing the percentage of elementary school classes taught by teachers with academic majors in the arts and sciences or who demonstrate competence through a high level of performance in core academic subject areas; and

(6) increasing the number of teachers trained in technology.

**(c) Revocation of grant**

**(1) Report**

Each eligible State or eligible partnership receiving a grant under this subchapter shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this subchapter and the goals, objectives, and measures described in subsections (a) and (b) of this section.

**(2) Revocation**

**(A) Eligible States and eligible applicants**

If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this subchapter, then the grant payment shall not be made for the third year of the grant.

**(B) Eligible partnerships**

If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this subchapter, then the grant payments shall not be made for any succeeding year of the grant.

**(d) Evaluation and dissemination**

The Secretary shall evaluate the activities funded under this subchapter and report the Secretary's findings regarding the activities to the Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this subchapter, and shall broadly disseminate information regarding such practices that were found to be ineffective.

(Pub. L. 89-329, title II, §206, as added Pub. L. 105-244, title II, §201, Oct. 7, 1998, 112 Stat. 1630.)

**PRIOR PROVISIONS**

A prior section 1026, Pub. L. 89-329, title II, §206, Nov. 8, 1965, 79 Stat. 1226, related to the accreditation of educational institutions, prior to the general amendment of this subchapter by Pub. L. 96-374.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 1023 of this title.

**§ 1027. Accountability for programs that prepare teachers**

**(a) Development of definitions and reporting methods**

Within 9 months of October 7, 1998, the Commissioner of the National Center for Education Statistics, in consultation with States and institutions of higher education, shall develop key definitions for terms, and uniform reporting methods (including the key definitions for the consistent reporting of pass rates), related to the performance of elementary school and secondary school teacher preparation programs.

**(b) State report card on quality of teacher preparation**

Each State that receives funds under this chapter shall provide to the Secretary, within 2 years of October 7, 1998, and annually thereafter, in a uniform and comprehensible manner that conforms with the definitions and methods established in subsection (a) of this section, a State report card on the quality of teacher preparation in the State, which shall include at least the following:

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

(2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

(4) The percentage of teaching candidates who passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

(5) The percentage of teaching candidates who passed each of the assessments used by the State for teacher certification and licensure, disaggregated and ranked, by the teacher preparation program in that State from which the teacher candidate received the candidate's most recent degree, which shall be made available widely and publicly.

(6) Information on the extent to which teachers in the State are given waivers of State certification or licensure requirements, including the proportion of such teachers distributed across high- and low-poverty school districts and across subject areas.

(7) A description of each State's alternative routes to teacher certification, if any, and the percentage of teachers certified through alternative certification routes who pass State teacher certification or licensure assessments.

(8) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State, including indicators of teacher candidate knowledge and skills.

(9) Information on the extent to which teachers or prospective teachers in each State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which the teachers provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

**(c) Initial report**

**(1) In general**

Each State that receives funds under this chapter, not later than 6 months of<sup>1</sup> October 7, 1998, and in a uniform and comprehensible manner, shall submit to the Secretary the information described in paragraphs (1), (5), and (6) of subsection (b) of this section. Such information shall be compiled by the Secretary and submitted to the Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives not later than 9 months after October 7, 1998.

**(2) Construction**

Nothing in this subsection shall be construed to require a State to gather information that is not in the possession of the State or the teacher preparation programs in the State, or readily available to the State or teacher preparation programs.

**(d) Report of Secretary on quality of teacher preparation**

**(1) Report card**

The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (9) of subsection (b) of this section. Such report shall identify States for which eligible States and eligible partnerships received a grant under this subchapter. Such report shall be so provided, published and made available not later than 2 years 6 months after October 7, 1998, and annually thereafter.

**(2) Report to Congress**

The Secretary shall report to Congress—

(A) a comparison of States' efforts to improve teaching quality; and

(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

**(3) Special rule**

In the case of teacher preparation programs with fewer than 10 graduates taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

**(e) Coordination**

The Secretary, to the extent practicable, shall coordinate the information collected and pub-

lished under this subchapter among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

**(f) Institutional report cards on quality of teacher preparation**

**(1) Report card**

Each institution of higher education that conducts a teacher preparation program that enrolls students receiving Federal assistance under this chapter, not later than 18 months after October 7, 1998, and annually thereafter, shall report to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established under subsection (a) of this section, the following information:

**(A) Pass rate**

(i) For the most recent year for which the information is available, the pass rate of the institution's graduates on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of completing the program.

(ii) A comparison of the program's pass rate with the average pass rate for programs in the State.

(iii) In the case of teacher preparation programs with fewer than 10 graduates taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

**(B) Program information**

The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the faculty-student ratio in supervised practice teaching.

**(C) Statement**

In States that approve or accredit teacher education programs, a statement of whether the institution's program is so approved or accredited.

**(D) Designation as low-performing**

Whether the program has been designated as low-performing by the State under section 1028(a) of this title.

**(2) Requirement**

The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates.

**(3) Fines**

In addition to the actions authorized in section 1094(c) of this title, the Secretary may impose a fine not to exceed \$25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

<sup>1</sup> So in original. Probably should be "after".

(Pub. L. 89-329, title II, §207, as added Pub. L. 105-244, title II, §201, Oct. 7, 1998, 112 Stat. 1632.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b), (c)(1), and (f)(1), was in the original “this Act”, meaning Pub. L. 89-329, as amended, known as the Higher Education Act of 1965. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

PRIOR PROVISIONS

A prior section 1027, Pub. L. 89-329, title II, §207, Nov. 8, 1965, 79 Stat. 1227; Pub. L. 92-318, title I, §131(d)(2)(B), June 23, 1972, 86 Stat. 260, prohibited grants for library resources to be used for sectarian instruction or religious worship, prior to the general amendment of this subchapter by Pub. L. 96-374.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1023, 1028, 1029 of this title.

**§ 1028. State functions**

**(a) State assessment**

In order to receive funds under this chapter, a State, not later than 2 years after October 7, 1998, shall have in place a procedure to identify, and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at-risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this subchapter. Such assessment shall be described in the report under section 1027(b) of this title.

**(b) Termination of eligibility**

Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State’s approval or terminated the State’s financial support due to the low performance of the institution’s teacher preparation program based upon the State assessment described in subsection (a) of this section—

(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

(2) shall not be permitted to accept or enroll any student that receives aid under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 in the institution’s teacher preparation program.

**(c) Negotiated rulemaking**

If the Secretary develops any regulations implementing subsection (b)(2) of this section, the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

(Pub. L. 89-329, title II, §208, as added Pub. L. 105-244, title II, §201, Oct. 7, 1998, 112 Stat. 1634.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 89-329, as amend-

ed, known as the Higher Education Act of 1965. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

PRIOR PROVISIONS

A prior section 1028, Pub. L. 89-329, title II, §208, Nov. 8, 1965, 79 Stat. 1227, required that institutions inform State agencies of their activities under the college library resources program, prior to the general amendment of this subchapter by Pub. L. 96-374.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1027, 1029 of this title.

**§ 1029. General provisions**

**(a) Methods**

In complying with sections 1027 and 1028 of this title, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods protect the privacy of individuals.

**(b) Special rule**

For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this subchapter from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

(2) notwithstanding any other provision of this subchapter, the Secretary shall use such data to carry out requirements of this subchapter related to assessments or pass rates.

**(c) Limitations**

**(1) Federal control prohibited**

Nothing in this subchapter shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this subchapter.

**(2) No change in State control encouraged or required**

Nothing in this subchapter shall be construed to encourage or require any change in a State’s treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

**(3) National system of teacher certification prohibited**

Nothing in this subchapter shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

(Pub. L. 89-329, title II, §209, as added Pub. L. 105-244, title II, §201, Oct. 7, 1998, 112 Stat. 1635.)