

107TH CONGRESS
1ST SESSION

S. 101

To improve teacher quality, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

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

A BILL

To improve teacher quality, 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 “Quality Teachers for
5 All Act”.

6 **TITLE I—PARENTAL RIGHTS**

7 **SEC. 101. PARENTAL RIGHT TO KNOW.**

8 Part E of title XIV of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 8891 et seq.) is amend-
10 ed by adding at the end the following:

1 **“SEC. 14515. TEACHER QUALIFICATIONS.**

2 “Any public elementary school or secondary school
3 that receives funds under this Act shall provide to the par-
4 ents of each student enrolled in the school information
5 regarding—

6 “(1) the professional qualifications of each of
7 the student’s teachers, both generally and with re-
8 spect to the subject area in which the teacher pro-
9 vides instruction; and

10 “(2) the minimum professional qualifications
11 required by the State for teacher certification or li-
12 censure.”.

13 **TITLE II—TEACHER QUALITY**

14 **SEC. 201. TEACHER QUALITY.**

15 (a) IN GENERAL.—Section 1111 of the Elementary
16 and Secondary Education Act of 1965 (20 U.S.C. 6311)
17 is amended—

18 (1) by redesignating subsections (c) through (g)
19 as subsections (f) through (j), respectively; and

20 (2) by inserting after subsection (b) the fol-
21 lowing:

22 “(c) TEACHER QUALITY.—

23 “(1) STATE STANDARDS AND POLICIES.—Each
24 State plan shall contain assurances, with respect to
25 schools served under this part, that—

1 “(A) no student in those schools in the
2 State will be taught for more than 1 year by an
3 elementary school teacher, or for more than 2
4 consecutive years in the same subject by a sec-
5 ondary school teacher, who has not dem-
6 onstrated the subject matter knowledge, teach-
7 ing knowledge, and teaching skill necessary to
8 teach effectively in the subject in which the
9 teacher provides instruction;

10 “(B) the State provides incentives for
11 teachers in those schools to pursue and achieve
12 advanced teaching and subject area content
13 standards;

14 “(C) the State has in place effective mech-
15 anisms to ensure that local educational agencies
16 and schools served under this part are able—

17 “(i) to recruit effectively fully quali-
18 fied teachers;

19 “(ii) to reward financially those teach-
20 ers and principals whose students have
21 made significant progress toward high aca-
22 demic performance, such as through per-
23 formance-based compensation systems and
24 access to ongoing professional development

1 opportunities for teachers and administra-
2 tors; and

3 “(iii) to remove expeditiously incom-
4 petent or unqualified teachers consistent
5 with procedures to ensure due process for
6 teachers;

7 “(D) the State aggressively helps those
8 schools, particularly in high need areas, recruit
9 and retain fully qualified teachers;

10 “(E) during the period that begins on the
11 date of enactment of the Quality Teachers for
12 All Act and ends 4 years after such date, ele-
13 mentary school and secondary school teachers
14 in those schools will be at least as well quali-
15 fied, in terms of experience and credentials, as
16 the instructional staff in schools served by the
17 same local educational agency that are not
18 schools served under this part; and

19 “(F) any teacher who meets the standards
20 set by the National Board for Professional
21 Teaching Standards will be considered fully
22 qualified to teach in those schools in any school
23 district or community in the State.

24 “(2) QUALIFICATIONS OF CERTAIN INSTRU-
25 TIONAL STAFF.—

1 “(A) IN GENERAL.—Each State plan shall
2 contain assurances that, not later than 4 years
3 after the date of enactment of the Quality
4 Teachers for All Act—

5 “(i) all instructional staff who provide
6 services to students under section 1114 or
7 1115 will have demonstrated the subject
8 matter knowledge, teaching knowledge, and
9 teaching skill necessary to teach effectively
10 in the subject in which the staff provides
11 instruction, according to the criteria de-
12 scribed in this paragraph; and

13 “(ii) funds provided under this part
14 will not be used to support instructional
15 staff—

16 “(I) who provide services to stu-
17 dents under section 1114 or 1115;
18 and

19 “(II) for whom State qualifica-
20 tion or licensing requirements have
21 been waived or who are teaching
22 under an emergency or other provi-
23 sional credential.

24 “(B) ELEMENTARY SCHOOL INSTRU-
25 TIONAL STAFF.—For purposes of making the

1 demonstration described in subparagraph
2 (A)(i), each member of the instructional staff
3 who teaches elementary school students shall, at
4 a minimum—

5 “(i) have State certification (which
6 may include certification obtained through
7 alternative means) or a State license to
8 teach; and

9 “(ii) hold a bachelor’s degree and
10 demonstrate subject matter knowledge,
11 teaching knowledge, and teaching skill re-
12 quired to teach effectively in reading, writ-
13 ing, mathematics, social studies, science,
14 and other elements of a liberal arts edu-
15 cation.

16 “(C) MIDDLE SCHOOL AND SECONDARY
17 SCHOOL INSTRUCTIONAL STAFF.—For purposes
18 of making the demonstration described in sub-
19 paragraph (A)(i), each member of the instruc-
20 tional staff who teaches in middle schools and
21 secondary schools shall, at a minimum—

22 “(i) have State certification (which
23 may include certification obtained through
24 alternative means) or a State license to
25 teach; and

1 “(ii) hold a bachelor’s degree or high-
2 er degree and demonstrate a high level of
3 competence in all subject areas in which
4 the staff member teaches through—

5 “(I) achievement of a high level
6 of performance on rigorous academic
7 subject area tests;

8 “(II) completion of an academic
9 major (or courses totaling an equiva-
10 lent number of credit hours) in each
11 of the subject areas in which the staff
12 member provides instruction; or

13 “(III) achievement of a high level
14 of performance in relevant subject
15 areas through other professional em-
16 ployment experience.

17 “(D) TEACHER AIDES AND OTHER PARA-
18 PROFESSIONALS.—For purposes of subpara-
19 graph (A) funds provided under this part may
20 be used to employ teacher aides or other para-
21 professionals who do not meet the requirements
22 under subparagraphs (B) and (C) only if such
23 aides or paraprofessionals—

24 “(i) provide instruction only when
25 under the direct and immediate super-

1 vision, and in the immediate presence, of
2 instructional staff who meet the criteria of
3 this paragraph; and

4 “(ii) possess particular skills nec-
5 essary to assist instructional staff in pro-
6 viding services to students served under
7 this Act.

8 “(E) USE OF FUNDS.—Each State plan
9 shall contain assurances that, beginning on the
10 date of enactment of the Quality Teachers for
11 All Act, no school served under this part will
12 use funds received under this Act to hire in-
13 structional staff who do not fully meet all the
14 criteria for instructional staff described in this
15 paragraph.

16 “(F) DEFINITION.—In this paragraph, the
17 term ‘instructional staff’ includes any individual
18 who has responsibility for providing any student
19 or group of students with instruction in any of
20 the core academic subject areas, including read-
21 ing, writing, language arts, mathematics,
22 science, and social studies.

23 “(d) ASSISTANCE BY STATE EDUCATIONAL AGEN-
24 CY.—Each State plan shall describe how the State edu-
25 cational agency will help each local educational agency and

1 school in the State develop the capacity to comply with
2 the requirements of this section.

3 “(e) CORRECTIVE ACTION.—The appropriate State
4 educational agency shall take corrective action consistent
5 with section 1116(c)(5)(B)(i), against any local edu-
6 cational agency that does not make sufficient effort to
7 comply with subsection (c). Such corrective action shall
8 be taken regardless of the conditions set forth in section
9 1116(c)(5)(B)(ii). In a case in which the State fails to
10 take the corrective action, the Secretary shall withhold
11 funds from such State up to an amount equal to that re-
12 served under sections 1003(a) and 1603(c).”.

13 (b) INSTRUCTIONAL AIDES.—Section 1119 of Ele-
14 mentary and Secondary Education Act of 1965 (20 U.S.C.
15 6320) is amended by striking subsection (i).

16 **SEC. 202. FULLY QUALIFIED TEACHER IN EVERY CLASS-**
17 **ROOM.**

18 Title I of the Elementary and Secondary Education
19 Act of 1965 is amended by inserting after section 1119
20 (20 U.S.C. 6320) the following new sections:

21 **“SEC. 1119A. A FULLY QUALIFIED TEACHER IN EVERY**
22 **CLASSROOM.**

23 “(a) GRANTS.—

24 “(1) IN GENERAL.—The Secretary may make
25 grants, on a competitive basis, to States or local

1 educational agencies, to assist schools that receive
2 assistance under this part by carrying out the activi-
3 ties described in paragraph (3).

4 “(2) APPLICATION.—To be eligible to receive a
5 grant under paragraph (1), a State or local edu-
6 cational agency shall submit an application to the
7 Secretary at such time, in such manner, and con-
8 taining such information as the Secretary may re-
9 quire.

10 “(3) USES OF FUNDS.—

11 “(A) STATES.—In order to meet the goal
12 under section 1111(c)(2) of ensuring that all
13 instructional staff in schools served under this
14 part have the subject matter knowledge, teach-
15 ing knowledge, and teaching skill necessary to
16 teach effectively in the subject in which the
17 staff provides instruction, a State may use
18 funds received under this section—

19 “(i) to collaborate with programs that
20 recruit, place, and train fully qualified
21 teachers;

22 “(ii) to provide the necessary edu-
23 cation and training, including establishing
24 continuing education programs and paying
25 the costs of tuition at an institution of

1 higher education and other student fees
2 (for programs that meet the criteria under
3 section 203(b)(2)(A)(i) of the Higher Edu-
4 cation Act of 1965 (20 U.S.C.
5 1023(b)(2)(A)(i))), to help teachers or
6 other school personnel who do not meet the
7 necessary qualifications and licensing re-
8 quirements to meet the requirements, ex-
9 cept that in order to qualify for a payment
10 of tuition or fees under this clause an indi-
11 vidual shall agree to teach for each of at
12 least 2 subsequent academic years after re-
13 ceiving such degree in a school that—

14 “(I) is located in a school district
15 served by a local educational agency
16 that is eligible in that academic year
17 for assistance under this title; and

18 “(II) for that academic year, has
19 been determined by the Secretary to
20 be a school in which the enrollment of
21 children counted under section
22 1124(e) exceeds 50 percent of the
23 total enrollment of that school;

24 “(iii) to establish, expand, or improve
25 alternative means of State certification of

1 teachers for highly qualified individuals
2 with a minimum of a baccalaureate degree,
3 including mid-career professionals from
4 other occupations, paraprofessionals,
5 former military personnel, and recent grad-
6 uates of an institution of higher education
7 with records of academic distinction who
8 demonstrate the potential to become highly
9 effective teachers;

10 “(iv) for projects to increase the port-
11 ability of teacher pensions or credited
12 years of experience or to promote reci-
13 procity of teacher certification or licensure
14 between or among States, except that no
15 reciprocity agreement developed under this
16 clause or developed using funds provided
17 under this part may lead to the weakening
18 of any State teaching certification or li-
19 censing requirement; or

20 “(v) to establish, expand, or improve
21 induction programs designed to support
22 new teachers and promote retention of new
23 teachers in schools served under this part.

24 “(B) LOCAL EDUCATIONAL AGENCIES.—In
25 order to meet the goal described in subpara-

1 graph (A), a local educational agency may use
2 funds received under this section—

3 “(i) to recruit fully qualified teachers,
4 including through the use of signing bo-
5 nuses or other financial incentives; and

6 “(ii) to carry out the activities de-
7 scribed in clauses (i), (ii), and (v) of sub-
8 paragraph (A).

9 “(4) AUTHORIZATION OF APPROPRIATIONS.—

10 There are authorized to be appropriated to carry out
11 this subsection \$500,000,000 for fiscal year 2002
12 and such sums as may be necessary for each subse-
13 quent fiscal year.

14 “(b) OTHER ASSISTANCE.—Notwithstanding any
15 other provision of law, in order to meet the goal described
16 in subsection (a)(3)(A)—

17 “(1) a State receiving assistance under title II,
18 title VI, title II of the Higher Education Act of
19 1965 (20 U.S.C. 1021 et seq.), or the Goals 2000:
20 Educate America Act (20 U.S.C. 5801 et seq.) may
21 use such assistance for the activities described in
22 subsection (a)(3)(A); and

23 “(2) a local educational agency receiving assist-
24 ance under an authority described in paragraph (1)

1 may use such assistance for the activities described
2 in subsection (a)(3)(B).

3 **“SEC. 1119B. CERTIFICATION GRANTS.**

4 “(a) GRANTS.—The Secretary may make grants to
5 State educational agencies, local educational agencies, or
6 schools that receive assistance under this part to pay for
7 the Federal share of the cost of providing financial assist-
8 ance to teachers in such schools who obtain certification
9 from the National Board of Professional Teaching Stand-
10 ards.

11 “(b) APPLICATION.—To be eligible to receive a grant
12 under this section an agency or school shall submit an ap-
13 plication to the Secretary at such time, in such manner,
14 and containing such information as the Secretary may re-
15 quire.

16 “(c) ELIGIBLE TEACHERS.—To be eligible to receive
17 financial assistance under subsection (a), a teacher shall
18 obtain the certification described in subsection (a).

19 “(d) FEDERAL SHARE.—The Federal share of the
20 cost described in subsection (a) shall be 50 percent.

21 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this section
23 \$10,000,000 for fiscal year 2002 and such sums as may
24 be necessary for each subsequent fiscal year.”.

1 **SEC. 203. LIMITATION.**

2 Part E of title XIV of the Elementary and Secondary
3 Education Act of 1965, as amended in section 101, is fur-
4 ther amended by adding at the end the following:

5 **“SEC. 14516. PROHIBITION REGARDING PROFESSIONAL DE-**
6 **VELOPMENT SERVICES.**

7 “None of the funds provided under this Act may be
8 used for any professional development services for a teach-
9 er that are not directly related to the curriculum and sub-
10 jects in which the teacher provides or will provide instruc-
11 tion.”.

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