
4B

Information

Legislative Committee

Final Federal Title II Regulations of the Higher Education Act (HEA)

AGENDA INSERT

Executive Summary: Staff will present information on the final version of the new Federal Title II regulations for postsecondary teacher preparation programs for Commission consideration and discussion.

Recommended Action: For information only

Presenters: Joshua Speaks, Legislative Representative, Office of Governmental Relations; Teri Clark, Director, Professional Services Division

Strategic Plan Goal

III Communication and Engagement

- d) Advise the Governor, Legislature, and other policy makers regarding issues affecting the quality, preparation, certification, and discipline of the education workforce.

Final Federal Title II Regulations of the Higher Education Act (HEA)

Summary

On December 3, 2014, the United States Department of Education (DOE) issued a Notice of Proposed Rulemaking (NPRM) for Title II of the Higher Education Act of 1965, as amended (79 FR 71820). These proposed regulations underwent extensive public input, and final regulations were released on October 12, 2016 and have been submitted to the Federal Register for official publication. The rules will take effect 30 days after their official publication. The regulations require specified information to be collected and reported by state education agencies to the DOE. The DOE states that these final regulations will address shortcomings with the existing data collection and reporting processes. Through these regulations, the DOE hopes to provide teacher preparation programs, local educational agencies, prospective teachers, and the general public with access to more meaningful indicators of teacher preparation program performance.

The full text of the regulations can be found on the DOE's [website](#).

Background

Section 207, Title II of the Higher Education Act, requires teacher preparation institutions to submit annual reports to state agencies on the quality of their teacher preparation programs. States are required to collect the information contained in these institutional reports and submit annual “report cards” to the DOE that detail the outcomes of teacher preparation programs and describe efforts to improve teacher quality. These report cards are also intended to inform the public of the status of teacher preparation programs. The new reporting requirements for Title II impact: (1) the sponsors of all teacher preparation programs; and (2) the state agencies that certify new teachers for service in public schools. The most current annual report is presented to the Commission for approval and transmission to the DOE in [Item 2E](#) of this agenda.

New Requirements Major provisions of the final regulations include:

- Establishing the definitions and requirements for Institutions of Higher Education (IHEs) and states related to the quality of teacher preparation programs.
- Requiring states to develop measures for assessing teacher preparation performance with a focus on outcomes-based metrics.
- In addition to identifying low performing programs, assigning annual ratings to all preparation programs, using at least three categories – Effective, At-Risk and Low Performing.

- Establishing the areas states must consider in identifying low-performing and at-risk teacher preparation programs, and the actions states must take with respect to those programs.
- Creating a link between teacher preparation program performance ratings and access to federal TEACH grants for students attending these programs.
- An invitation to states to pilot teacher preparation accountability systems in the 2017-18 school year.
- Institutions must submit data for each program rather than the institution as a whole.

Existing requirements that will remain in effect are listed in Appendix A, page 5.

New Requirements for Teacher Preparation Programs and States

The final regulations impose new requirements on both teacher preparation programs and institutions through their Institutional Report Card (IRC), and the States, through the State Report Card (SRC).

Programs: Each institution will be required to submit their IRC annually in October, providing data from the prior academic year. Institutions will be required to report their data at the program level rather than the institutional level. The current regulations already require the institution to post the IRC online; however the new regulations require it to be immediately and prominently posted not only on the institution’s web site but, if applicable, on the teacher preparation program’s portion of the institution’s web site. Data required on the IRC would continue to be specified by the U.S. Secretary of Education. Appendix A of this item provides a table describing current data requirements under Title II, HEA and those of the final regulations.

States: The final regulations require that States:

- Consult with stakeholders (as specified) to devise a “fair and equitable” teacher preparation program rating system based on federally defined indicators (student learning growth, placement and retention rates of program graduates and survey data from past graduates and their employers) that includes at least the following performance levels: effective, at-risk, and low-performing.
- Assess individual teacher preparation programs on indicators of content knowledge and teaching skills of new teachers. Indicators must include at a minimum:
 - Student learning (based on “student growth,” “teacher evaluation measures” which include student learning growth, other measures of professional practice, or another state-determined measure that is relevant to student learning outcomes and meaningfully differentiates between teachers);
 - New teacher employment, based on placement and retention data (a state may, at its discretion, exclude teachers who take positions out of state, private school teachers, those who enter the military, and teachers who are not retained due to budget cuts);
 - Surveys (both new teacher and employer surveys); and

- Program characteristics (whether a program is accredited by a DOE-recognized entity; or produces candidates with content and pedagogical knowledge, quality clinical preparation, and have met rigorous teacher candidate exit qualifications).
- Provide technical assistance to programs determined to be low-performing.
- Beginning October of 2018 and annually thereafter, report to the DOE for each teacher preparation program on the quality of all teacher preparation programs in the State based on the indicators listed above.
- Beginning October of 2019 and annually thereafter, report to the DOE:
 - The classification of all teacher preparation programs in the State as effective, at-risk, or low-performing based on the indicators listed above;
 - The indicator data used for the classification of each program in the state. Programs producing less than 25 graduates a year may aggregate data across similar programs run by the same institution, across multiple reporting years, or use a combination of both in order to reach the 25 graduate threshold; and
 - Any state-level rewards or consequences associated with the three program classifications.

Consequences for Programs Designated as Low-Performing

Any teacher preparation program for which the State has withdrawn approval or terminated financial support as a result of the program's identification as a low-performing teacher preparation program would:

- Be ineligible for federal professional development funding;
- Be prohibited from enrolling new candidates who receive aid under Title IV, HEA programs; and
- Need to notify their current candidates who receive federal aid of this status and provide transition support for them.

These programs are also required to notify the Secretary of this designation, and disclose the designation on their web site and in promotional materials.

TEACH Grants in California

Any program designated as low-performing or at risk of low-performing in two out of three reporting years loses eligibility for TEACH grants. This restriction only applies to the program itself; the sponsoring institution remains eligible. In addition, the regulations define a "high-quality teacher preparation program" by reference to its classification as an effective program. Therefore, any state that fails to comply with these regulations will forfeit TEACH grant eligibility for all programs in the state. In 2015-16, California Institutions of Higher Education (IHE) teacher preparation program candidates received a total of 2,586 TEACH grants for a total of \$7,081,396, which constitutes 8.6% of all grants nationwide and 8.1% of the nationwide funding.

Readiness to Meet the Final Title II Regulations Requirements

Many of the final Title II regulations requirements relate directly to policy changes the Commission has enacted over the past several years, including work done to:

- Develop and implement program completer and employer surveys as a source of outcome data for use in program improvement and accreditation;
- Update, strengthen and streamline standards and performance expectations with a focus on examining program impact and outcomes;
- Strengthen clinical practice in teacher preparation;
- Update Teaching Performance Assessments and develop new performance assessments for administrators, providing another source of performance data related to program quality;
- Develop a data warehouse and dashboard system, including institutional profile and program quality dashboards that capture essential program information and performance indicators; and
- Develop a streamlined system for collecting annual performance data from programs for use in accreditation and presentation on dashboards.

The requirement that the State verify that each program is either accredited by a specialized agency, or produces teacher candidates with content and pedagogical knowledge and quality clinical preparation who have met rigorous entry and exit qualifications is addressed because the Commission sets credential requirements and requires all of California's educator preparation programs to participate in the Commission's accreditation system.

The move from reporting at the institutional level to the programmatic level will significantly increase the complexity of the required State Report Card. Currently, California has 91 institutions who submit 143 IRCs (82 Traditional, 52 University Intern, 9 District Intern). When these institutions have to submit at the program level, the number of report cards will expand dramatically. Separate reports for multiple subject, single subject, and education specialist programs, as well as by pathways will result in 499 report cards being submitted to the Commission.

With respect to assessing teacher preparation programs on the extent to which program completers contribute to K-12 student learning, the Commission's recently revised and adopted [Common Standards](#) call for institutions to develop and implement comprehensive continuous improvement processes that identify both program and institutional effectiveness. The continuous improvement process must include multiple sources of data, including 1) the extent to which candidates are prepared to enter professional practice; and 2) feedback from key stakeholders such as employers and community partners about the quality of the preparation. Further, the Commission now requires institutions to evaluate and demonstrate that they are having a positive impact on both candidate learning and on teaching and learning in the schools that serve California's students. While the Commission's approach in these standards is moving in the direction called for in the Title II regulations, more study is needed to determine specific needs for additional work in this area.

The Commission does not currently collect or report on employment and retention rates for program completers, so this will be an area for further research and development.

Appendix A Current and New Requirements

Key Issues that would impact TPP and State	Requirements Under Current HEA Regulations	Requirements Under New HEA Regulations
Annual Reporting - Data elements reported	Pass Rate Data for Assessments (submitted at the individual level, but reported at the aggregate): <ul style="list-style-type: none"> • Basic Skills • Subject Matter • RICA 	No Changes* to what is required to be reported, but reporting will now be at the program level rather than the institution level. *New required data elements are listed on the next page of this chart.
	Institutional and Program Data (aggregate level): <ul style="list-style-type: none"> • Teacher Quality Partnership • Admission data (GPA, Enrollment, Clinical Experience, Teachers Prepared by Subject Area, Teachers Prepared by Academic Major) • Annual Goals and Assurances • Assessment Pass Rates (individual and summary) • Low Performing • Use of Technology • Teacher Training • Contextual Information (optional) 	
Reporting timeframe for TPP	Submission of IRC to the State – April 30	No Changes
Reporting timeframe for State	Submission of SRC to USDOE – October 31	No Changes
Penalty for TPP	\$27,500 if accurate data was not submitted in a timely manner by	Loss of TEACH Grant eligibility for low-performing or at-risk programs
Penalty for State	None	None
Reporting level	Data are reported for all initial teacher preparation offered by the sponsor (Entity Level)	Data will be reported for each teacher preparation program

Key Issues that would impact TPP and State	Requirements Under Current HEA Regulations	Requirements Under New HEA Regulations
New requirements		<p>Indicator #1: Student Learning Outcomes</p> <ul style="list-style-type: none"> - Data on the aggregate learning outcomes of student taught by new teachers trained by each teacher preparation program in the State. - State must calculate the data on student learning outcomes using measures of student growth, teacher evaluation measures, other measures of professional practice, or another measure relevant to student growth.
New Requirements		<p>Indicator #2: Employment Outcomes</p> <ul style="list-style-type: none"> - Teacher placement rate - Teacher placement rate calculated for high-needs schools - Teacher retention rate - Teacher retention rate calculated for high-needs schools <p><i>(Note – States may calculate employment outcomes differently for alternative route teacher preparation programs, provided the differences are transparent and result in equal levels of accountability)</i></p>
New Requirements		<p>Indicator #3: Survey Outcomes</p> <p>Qualitative and Quantitative data collected through survey instruments, including, but not limited to, a teacher survey and an employer survey, designed to capture perceptions of whether new teachers who are employed as teachers in their first year of teaching in the State where the teacher preparation program is located have the skills needed to succeed in the classroom.</p>

Key Issues that would impact TPP and State	Requirements Under Current HEA Regulations	Requirements Under New HEA Regulations
Low-performing TPP	<p>Currently there are two categories for Low-Performing institutions (At risk and Low Performing).</p> <p>California has defined At-Risk as an institution with an accreditation decision of Accreditation with Major Stipulations and Low Performing institution as an institution with an accreditation decision of Accreditation with Probationary Stipulations.</p>	<p>Indicator #4: Program Characteristics</p> <ul style="list-style-type: none"> - An assurance that the program is accredited by a specialized accreditation agency recognized by the Secretary for accreditation of professional teacher education programs - Program produces teacher candidates with content and pedagogical knowledge, produces teacher candidates with quality clinical preparation, produces teacher candidates who have met rigorous teacher candidate entry and exit qualifications - Three distinct categories of teacher preparation programs: Low-Performing,

Appendix B

Final Regulations Definitions

At-risk teacher preparation program: A teacher preparation program that is identified as at-risk of being low-performing by a State based on the State’s assessment of teacher preparation program performance under §612.4.

Candidate accepted into the teacher preparation program: An individual who has been admitted into a teacher preparation program but who has not yet enrolled in any coursework that the institution has determined to be part of that teacher preparation program.

Candidate enrolled in the teacher preparation program: An individual who has been accepted into a teacher preparation program and is in the process of completing coursework but has not yet completed the teacher preparation program.

Content and pedagogical knowledge: An understanding of the central concepts and structures of the discipline in which a teacher candidate has been trained, and how to create effective learning experiences that make the discipline accessible and meaningful for all students, including a distinct set of instructional skills to address the needs of English learners and students with disabilities, in order to assure mastery of the content by the students, as described in applicable professional, State, or institutional standards.

Effective teacher preparation program: A teacher preparation program with a level of performance higher than a low-performing teacher preparation program or an at-risk teacher preparation program.

Employer survey: A survey of employers or supervisors designed to capture their perceptions of whether the novice teachers they employ or supervise who are in their first year of teaching were effectively prepared.

High-need school: A school that, based on the most recent data available, meets one or both of the following:

(i) The school is in the highest quartile of schools in a ranking of all schools served by a local educational agency (LEA), ranked in descending order by percentage of students from low-income families enrolled in such schools, as determined by the LEA based on one of the following measures of poverty:

(A) The percentage of students aged 5 through 17 in poverty counted in the most recent Census data approved by the Secretary.

(B) The percentage of students eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.].

(C) The percentage of students in families receiving assistance under the State program funded under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.].

(D) The percentage of students eligible to receive medical assistance under the Medicaid program.

(E) A composite of two or more of the measures described in paragraphs (i)(A) through (D) of this definition.

(ii) In the case of--

(A) An elementary school, the school serves students not less than 60 percent of whom are eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act; or

(B) Any school other than an elementary school, the school serves students not less than 45 percent of whom are eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act.

Low-performing teacher preparation program: A teacher preparation program that is identified as low-performing by a State based on the State's assessment of teacher preparation program performance under §612.4.

Novice teacher: A teacher of record in the first three years of teaching who teaches elementary or secondary public school students, which may include, at a State's discretion, preschool students.

Quality clinical preparation: Training that integrates content, pedagogy, and professional coursework around a core of pre-service clinical experiences. Such training must, at a minimum--

(i) Be provided by qualified clinical instructors, including school and LEA-based personnel, who meet established qualification requirements and who use a training standard that is made publicly available;

(ii) Include multiple clinical or field experiences, or both, that serve diverse, rural, or underrepresented student populations in elementary through secondary school, including English learners and students with disabilities, and that are assessed using a performance-based protocol to demonstrate teacher candidate mastery of content and pedagogy; and

(iii) Require that teacher candidates use research-based practices, including observation and analysis of instruction, collaboration with peers, and effective use of technology for instructional purposes.

Recent graduate: An individual whom a teacher preparation program has documented as having met all the requirements of the program in any of the three title II reporting years preceding the current reporting year, as defined in the report cards prepared under §§612.3 and 612.4. Documentation may take the form of a degree, institutional certificate, program credential, transcript, or other written proof of having met the program's requirements. For the purposes of this definition, a program may not use either of the following criteria to determine if an individual has met all the requirements of the program:

(a) Becoming a teacher of record; or

(b) Obtaining initial certification or licensure.

Rigorous teacher candidate exit qualifications: Qualifications of a teacher candidate established by a teacher preparation program prior to the candidate's completion of the

program using an assessment of candidate performance that relies, at a minimum, on validated professional teaching standards and measures of the candidate's effectiveness in curriculum planning, instruction of students, appropriate plans and modifications for all students, and assessment of student learning.

Student growth: The change in student achievement between two or more points in time, using a student's scores on the State's assessments under section 1111(b)(2) of the ESEA or other measures of student learning and performance, such as student results on pre-tests and end-of-course tests; objective performance-based assessments; student learning objectives; student performance on English language proficiency assessments; and other measures that are rigorous, comparable across schools, and consistent with State guidelines.

Teacher evaluation measure: A teacher's performance level based on an LEA's teacher evaluation system that differentiates teachers on a regular basis using at least three performance levels and multiple valid measures in assessing teacher performance. For purposes of this definition, multiple valid measures must include data on student growth for all students (including English learners and students with disabilities) and other measures of professional practice (such as observations based on rigorous teacher performance standards, teacher portfolios, and student and parent surveys).

Teacher of record: A teacher (including a teacher in a co-teaching assignment) who has been assigned the lead responsibility for student learning in a subject or area.

Teacher placement rate: (i) The percentage of recent graduates who have become novice teachers (regardless of retention) for the grade level, grade span, and subject area in which they were prepared.

(ii) At the State's discretion, the rate calculated under paragraph (i) of this definition may exclude one or more of the following, provided that the State uses a consistent approach to assess and report on all of the teacher preparation programs in the State:

- (A) Recent graduates who have taken teaching positions in another State.
- (B) Recent graduates who have taken teaching positions in private schools.
- (C) Recent graduates who have enrolled in graduate school or entered military service.

(iii) For a teacher preparation program provided through distance education, a State calculates the rate under paragraph (i) of this definition using the total number of recent graduates who have obtained certification or licensure in the State during the three preceding title II reporting years as the denominator.

Teacher preparation entity: An institution of higher education or other organization that is authorized by the State to prepare teachers.

Teacher preparation program: A program, whether traditional or alternative route, offered by a teacher preparation entity that leads to initial State teacher certification or licensure in a specific field. Where some participants in the program are in a traditional route to certification or licensure in a specific field, and others are in an alternative route to certification or licensure

in that same field, the traditional and alternative route components are considered to be separate teacher preparation programs. The term teacher preparation program includes a teacher preparation program provided through distance education.

Teacher preparation program provided through distance education: A teacher preparation program at which at least 50 percent of the program's required coursework is offered through distance education.

Teacher retention rate: The percentage of individuals in a given cohort of novice teachers who have been continuously employed as teachers of record in each year between their first year as a novice teacher and the current reporting year.

(i) For the purposes of this definition, a cohort of novice teachers includes all teachers who were first identified as a novice teacher by the State in the same title II reporting year.

(ii) At the State's discretion, the teacher retention rates may exclude one or more of the following, provided that the State uses a consistent approach to assess and report on all teacher preparation programs in the State:

(A) Novice teachers who have taken teaching positions in other States.

(B) Novice teachers who have taken teaching positions in private schools.

(C) Novice teachers who are not retained specifically and directly due to budget cuts.

(D) Novice teachers who have enrolled in graduate school or entered military service.

Teacher survey: A survey administered to all novice teachers who are in their first year of teaching that is designed to capture their perceptions of whether the preparation that they received from their teacher preparation program was effective.

Title II reporting year: A period of twelve consecutive months, starting September 1 and ending August 31.