

HR 3990

Encouraging Innovation and Effective Teachers Act

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Education

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Sponsor

Name: Rep. Kline, John [R-MN-2]

Party: Republican • State: MN • Chamber: House

Cosponsors (10 total)

Cosponsor	Party / State	Role	Date Joined
Rep. DesJarlais, Scott [R-TN-4]	R · TN		Feb 9, 2012
Rep. Heck, Joseph J. [R-NV-3]	R · NV		Feb 9, 2012
Rep. Hunter, Duncan D. [R-CA-52]	R · CA		Feb 9, 2012
Rep. Noem, Kristi L. [R-SD-At Large]	R · SD		Feb 9, 2012
Rep. Petri, Thomas E. [R-WI-6]	R · WI		Feb 9, 2012
Rep. Roby, Martha [R-AL-2]	R · AL		Feb 9, 2012
Rep. Roe, David P. [R-TN-1]	R · TN		Feb 9, 2012
Rep. Wilson, Joe [R-SC-2]	R · SC		Feb 9, 2012
Rep. Kelly, Mike [R-PA-3]	R · PA		Feb 27, 2012
Rep. Barletta, Lou [R-PA-11]	R · PA		Apr 26, 2012

Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	House	Referred to	Feb 23, 2012
Education and Workforce Committee	House	Reported By	Apr 27, 2012
Financial Services Committee	House	Referred to	Feb 23, 2012

Subjects & Policy Tags

Policy Area:

Education

Related Bills

Bill	Relationship	Last Action
112 HR 3896	Related bill	<b>Mar 29, 2012:</b> Referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education.
112 HR 2094	Related bill	<b>Sep 8, 2011:</b> Referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education.
112 S 595	Related bill	<b>Mar 16, 2011:</b> Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Encouraging Innovation and Effective Teachers Act - (Sec. 6) Authorizes appropriations for FY2013 under titles II, III, and IV of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by this Act. Matches increases in those amounts for FY2014-FY2018 to increases in the inflation rate.

**Title I: Teacher Preparation and Effectiveness** - (Sec. 101) Replaces title II (Preparing, Training, and Recruiting High Quality Teachers and Principals) of the Elementary and Secondary Education Act of 1965 (ESEA) with a new title II (Teacher Preparation and Effectiveness).

Directs the Secretary of Education, under part A (Supporting Effective Instruction) of title II, to make formula grants to states and, through them, subgrants to local educational agencies (LEAs) to develop and implement a teacher evaluation system that: (1) uses student achievement data derived from a variety of sources as a significant factor in determining a teacher's evaluation, with the weight given to such data defined by the LEA; (2) uses multiple measures of evaluation; (3) uses more than two categories for rating teachers; (4) is used by the LEA to make personnel decisions; and (5) is based on input from parents and school staff.

Allows LEAs to use subgrants funds to: (1) train school leaders to evaluate teachers; (2) provide training to teachers and school leaders that is evidence-based, job-embedded, and continuous; (3) partner with public or private organizations to develop and implement the teacher evaluation system; (4) carry out activities under part B of title II; or (5) reduce class size, though they are not to use more than 10% of the subgrant to do so.

Allocates part A grants to states and, through them, subgrants to LEAs pursuant to a formula that apportions: (1) 50% of the funding to states and LEAs on the basis of their share of students aged 5-17 on the national and state level, respectively; and (2) 50% of such funding on the basis of their share of impoverished students in that age group.

Requires states to use 95% of their part A grant for subgrants to LEAs, with the remainder being used for specified state activities that include the provision of technical assistance and training to LEAs.

Requires the Secretary to reserve 75% of title II's appropriations for the part A program.

Requires LEAs to report annually to their state the number and percentage of its teachers in each rating category.

Directs the Secretary, under part B (Teacher and School Leader Flexible Grant) of title II, to make formula grants to states and, through them, competitive matching subgrants to LEAs, institutions of higher education, and business or nonprofit entities to develop, implement, and evaluate comprehensive programs and activities that may include: (1) initiatives to assist in recruiting, hiring, and retaining highly effective teachers and school leaders; (2) support for the establishment or expansion of teacher or school leader preparation academies; (3) the recruitment of qualified individuals from other fields; (4) model instructional programs in the core academic subjects; (5) high-quality professional development for teachers and school leaders; and (6) programs that are based on the current science of learning.

Allots part B grants to states based on their proportion of the country's school-age population.

Requires states to use at least 92% of their part B grant for subgrants to LEAs.

Requires states to reserve up to 4% of their part B grant for innovative teacher and school leader activities that include: (1) certification, recertification, licensing, and tenure system reforms; (2) alternative routes for state certification or licensure; (3) pay incentives; and (4) induction, mentoring, and training programs.

Allows state to reserve up to 3% of their part B grant to support: (1) the establishment or expansion of teacher or school leader preparation academies; and (2) state authorizers for such academies.

Requires the state to evaluate periodically the effectiveness of those academies and part B subgrantees.

Requires the Secretary to reserve 25% of title II's appropriations for the part B program.

Directs the Secretary to: (1) provide technical assistance to states and subgrantees in carrying out activities under parts A and B of title II; and (2) conduct national evaluations of those activities through the Institute of Education Sciences.

Preserves the teacher liability protection provisions under part C (Innovation for Teacher Quality) of title II, but eliminates the other programs under part C.

Replaces part D (Enhancing Education through Technology) of title II with a new part D (General Provisions).

Treats charter schools as LEAs under title II.

Requires LEAs receiving grants under title II to notify parents, at the beginning of each school year, of the availability of the results of the evaluations of their children's teachers.

**Title II: Parental Engagement and Local Flexibility** - (Sec. 201) Replaces title III (Language Instruction for Limited English Proficient and Immigrant Students) of the ESEA with a new title III (Parental Engagement and Local Flexibility).

Expresses the sense of the House of Representatives that part B of title V (Promoting Informed Parental Choice and Innovative Programs) of the ESEA be: (1) reauthorized as it was amended by the Empowering Parents through Quality Charter Schools Act (H.R. 2218), as passed by the House of Representatives on September 13, 2011; and (2) transferred to a new subpart 1 (Charter School Program) of part A (Parental Engagement) of title III.

Amends part C of title V of the ESEA and transfers it to a new subpart 2 (Magnet Schools Assistance) of part A of title III.

Directs the Secretary, when using appropriations for subpart 2 that exceed a specified amount, to give grant priority to LEAs or consortia of LEAs that did not receive a grant under the program for the preceding fiscal year.

Establishes a subpart 3 (Family Engagement in Education Programs) of part A of title III. Authorizes the Secretary to award grants to statewide organizations to establish Statewide Family Engagement Centers that provide comprehensive training and technical assistance to states, LEA, schools, and organizations that support family engagement in education.

Requires grantees to use: (1) at least 65% of their part A grant to serve LEAs, schools, and community-based organizations that serve high concentrations of disadvantaged students; and (2) at least 30% of their grant to establish or expand technical assistance for evidence-based parent education programs.

Directs the Secretary of the Interior to establish, or enter into agreements with, local Indian nonprofit parent organizations to establish and operate Family Engagement Centers.

Establishes a part B (Local Academic Flexible Grant) of title III under which the Secretary allots funds to states for: (1) state activities that include developing or administering state educational assessments and standards; (2) competitive grants to LEAs, community-based organizations, and businesses to improve student academic achievement through student support programs; and (3) competitive matching grants to nongovernmental entities to improve academic achievement.

Allots part B grants to states based on their proportion of the school improvement funds awarded to all states under title I of the ESEA.

Requires the grant-funded student support programs to focus on: (1) supplemental student support activities, such as before, after, or summer school activities, tutoring, and expanded learning time; and (2) activities designed to support students, such as academic subject specific programs, adjunct teacher programs, extended learning time programs, and parent engagement.

Requires states to reserve: (1) at least 75% of their part B grant for the competitive grants to LEAs, community-based organizations, and businesses; and (2) at least 10% of the grant for the competitive matching grants to nongovernmental entities.

**Title III: Impact Aid** - (Sec. 301) Repeals title IV (21st Century Schools), as amended by the Student Success Act which was introduced on February 9, 2012, and replaces it with the Impact Aid program currently under title VIII of the ESEA. (The Impact Aid program compensates LEAs for the financial burden of federal activities affecting their areas.)

Amends the Impact Aid program to alter methods used and considerations made in determining whether LEAs are eligible for Impact Aid payments, as well as formulae used in determining the amounts they are owed.

(Sec. 302) Updates the formula for determining the payments due LEAs for federal ownership of property within their jurisdiction that cannot be taxed.

Allows the use of original records, reproductions of those records, or other records that the Secretary determines to be reliable in calculating the value of the federal property.

Alters the formula for determining the payments due LEAs for federal ownership of property when appropriations for a fiscal year are insufficient to provide them with full compensation. Sets their initial payment under that formula at 90% of their payment for FY2006.

(Sec. 303) Alters the formula for determining the payments due LEAs for eligible federally-connected children.

Includes not only federally-connected children in average daily attendance, but also those enrolled pursuant to a state open enrollment policy. Excludes children engaged in a distance education program at an LEA but residing outside the LEA's area.

Extends, from three to four fiscal years, the timeline during which an LEA may count children relocated at off-base housing due to authorized Department of Defense (DOD) housing renovations and demolitions.

Alters eligibility requirements for heavily impacted LEAs, which are those that serve high percentages of military, Native American, or other federally-connected children.

Deems an LEA to be heavily impacted if: (1) at least 45% (currently, 35%) of its students are federally-connected; (2) it meets specified per pupil expenditure requirements that are now based on state average expenditures, rather than national average expenditures; and (3) it has a tax rate of at least 95% of the average tax rate for general fund purposes of comparable LEAs in the state.

(Sec. 306) Makes heavily impacted LEAs eligible for Impact Aid construction payments.

Makes LEAs that are eligible for payments due to federally-connected children eligible for emergency school repair and

modernization grants if at least 10% of the property in their area is exempt from state and local taxation under federal law.

(Sec. 309) Requires the Secretary to complete Impact Aid payments to eligible LEAs within three fiscal years of their appropriation.

**Title IV: Troops-To-Teachers Program** - (Sec. 401) Transfers responsibility for the operation and administration of the Troops-to-Teachers program (currently under title II of the ESEA) from the Department of Education to the Department of Defense (DOD), and amends the program. (The Troops-to-Teachers program provides veterans with teacher certification stipends in exchange for three years of service in an elementary or secondary school.)

Authorizes the Secretary of Defense to provide counseling and referral services to members of the Armed Forces who are eligible to participate in the program.

**Title V: Repeal** - (Sec. 501) Repeals title VI (Flexibility and Accountability) of the ESEA.

**Title VI: Homeless Education** - (Sec. 601) Amends the McKinney-Vento Homeless Assistance Act's program of grants to states and, through them, subgrants to local educational agencies (LEAs) for the education of homeless youth. Includes amendments that: (1) require student-centered factors to be considered before an LEA places a homeless youth in a school, (2) require schools to enroll homeless youth immediately despite missed application or enrollment deadlines, (3) protect the privacy of information about a homeless youth's living situation, and (4) focus on the identification of homeless youth.

Requires states to develop and implement professional development programs for LEA personnel and liaisons for homeless youth to assist them in identifying homeless youth and satisfying their needs.

Requires the LEA liaisons to ensure that: (1) school personnel providing services to homeless youth receive professional development and other support; and (2) unaccompanied youth are enrolled in school, have opportunities to meet the same state academic standards to which other students are held, and are informed of their status as independent students for financial aid purposes.

Requires states, through their Coordinator for Education of Homeless Children and Youths, to inform homeless youth and their parents or guardians of the duties of the LEA liaisons, and annually publish an updated list of the liaisons.

(Sec. 603) Allows LEAs to use subgrant funds: (1) on activities designed to increase the meaningful involvement of parents or guardians in the education of homeless youth, or (2) to address the particular needs of homeless youth that may arise from parental mental health or substance abuse problems.

(Sec. 604) Directs the Secretary to provide support and technical assistance to states in areas in which barriers to a free appropriate public education persist.

(Sec. 606) Authorizes appropriations for that program for FY2013, with increases matching the inflation rate for FY2014-FY2018.

## Actions Timeline

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- **Apr 27, 2012:** Reported (Amended) by the Committee on Education and the Workforce. H. Rept. 112-459, Part I.
- **Apr 27, 2012:** Committee on Armed Services discharged.
- **Apr 27, 2012:** Committee on Financial Services discharged.
- **Apr 27, 2012:** Placed on the Union Calendar, Calendar No. 321.
- **Feb 28, 2012:** Committee Consideration and Mark-up Session Held.
- **Feb 28, 2012:** Ordered to be Reported (Amended).
- **Feb 23, 2012:** Referred to the Subcommittee on Military Personnel.
- **Feb 23, 2012:** Referred to the Subcommittee on Insurance, Housing and Community Opportunity.
- **Feb 9, 2012:** Introduced in House
- **Feb 9, 2012:** Referred to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.