

PUBLIC LAW 107-110-JANUARY 8, 2002
SEC. 2131. DEFINITIONS.

In this subpart:

- (A) **ELIGIBLE PARTNERSHIP-** The term “eligible partnership” means an entity that —
- (1) shall include —
 - (a) a private or State institution of higher education (IHE) and the division of the institution that prepares teachers and principals;
 - (b) a school of arts and sciences; and
 - (c) a high-need local educational agency; and
 - (2) may include another local educational agency, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a pre kindergarten program, a teacher organization, a principal organization, or a business.
- (B) **LOW-PERFORMING SCHOOL-** The term “low-performing school” means an elementary school or secondary school that is identified under section 1116.

SEC. 2132. SUBGRANTS.

- (A) **IN GENERAL-** The State agency for higher education for a State that receives a grant under section 2111, working in conjunction with the State educational agency (if such agencies are separate), shall use the funds reserved under section 2113(a)(2) to make subgrants, on a competitive basis, to eligible partnerships to enable such partnerships to carry out the activities described in section 2134.
- (B) **DISTRIBUTION-** The State agency for higher education shall ensure that —
- (1) such sub grants are equitably distributed by geographic area within a State; or
 - (2) eligible partnerships in all geographic areas within the State are served through the sub grants.
- (C) **SPECIAL RULE-** No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under this section.

SEC. 2133. APPLICATIONS.

To be eligible to receive a sub grant under this subpart, an eligible partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may require.

SEC. 2134. USE OF FUNDS.

- (A) **IN GENERAL-** An eligible partnership that receives a sub grant under section 2132 shall use the sub grant funds for —
- (1) professional development activities in core academic subjects to ensure that —
 - (a) teachers and highly qualified paraprofessionals, and, if appropriate, principals have subject matter knowledge in the academic subjects that the

teachers teach, including the use of computer related technology to enhance student learning; and

(b) principals have the instructional leadership skills that will help such principals work most effectively with teachers to help students master core academic subjects; and

(2) developing and providing assistance to local educational agencies and individuals who are teachers, highly qualified paraprofessionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that —

(a) ensure that the individuals are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement;

(b) may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph (A) to other such individuals within such school; and

(c) may include activities of partnerships between one or more local educational agencies, one or more schools served by such local educational agencies, and one or more institutions of higher education for the purpose of improving teaching and learning at low-performing schools.

(B) COORDINATION- An eligible partnership that receives a sub grant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section 203

DEFINITIONS

ARTS AND SCIENCES:

When referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subjects in which teachers teach; and B) when referring to a specific academic subject, the disciplines or content areas in which an academic major is offered by an organizational unit [*Title II, Part A, section 2102(1)*].

CHARTER SCHOOL:

The term “charter school,” means a public school that:

- A) In accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;
- B) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;
- C) Operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency;
- D) Provides a program of elementary or secondary education, or both;
- E) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
- F) Does not charge tuition;
- G) Complies with the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Title IX of the Education amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;
- H) Is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;
- I) Agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;
- J) Meets all applicable Federal, State, and local health and safety requirements;
- K) Operates in accordance with State law; and

- L) Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school [Title II, Part A, section 5210(1)].

CORE ACADEMIC SUBJECTS:

The term “core academic subjects” means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography [Title IX, Part A, section 9101(1)].

ELIGIBLE PARTNERSHIP:

This term includes a private or State institution of higher education and the division of the institution that prepares teachers and principals; a school of arts and sciences; and a high-need local educational agency; and may include another LEA, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a pre-kindergarten program, a teacher organization, a principal organization, or a business [Title II, Part a, section 2131].

HIGH-NEED LEA:

An LEA that serves not fewer than 10,000 children from families with incomes below the poverty line; or for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing [Title II, Part A, section 2102(3)].

HIGHLY QUALIFIED PARAPROFESSIONAL:

A paraprofessional who has not less than 2 years of experience in a classroom; and post-secondary education or demonstrated competence in a field or academic subject for which there is a significant shortage of qualified teachers [Title II, Part A, section 2102(4)].

HIGHLY QUALIFIED TEACHER:

- A. When the term “highly qualified teacher” is used with respect to any public elementary school or secondary school teacher teaching in a State, it means that:
- The teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when the term is used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the certification or licensing requirements set forth in the State’s public charter school law (*see*

entry below for the definition of a highly qualified charter school teacher); and

- The teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.
- B. When the term “highly qualified teacher” is used with respect to:
1. An elementary school teacher who is new to the profession, it means that the teacher has met the requirements of paragraph (A) above, and:
 - Holds at least a bachelor’s degree; and
 - Has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of basic elementary school curriculum); or
 2. A middle school or secondary teacher who is new to the profession, it means that the teacher has met the requirements of paragraph (A) above, holds at least a bachelor’s degree, and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by:
 - Passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or
 - Successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.
- C. When the term “highly qualified teacher” is used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, it means that the teacher has met the requirements of paragraph (A) above, holds at least a bachelor’s degree, and:
- Has met the applicable standard in the clauses of subparagraph (B), which includes an option for a test; or
 - Demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that-
 - a. Is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;
 - b. Is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principal, and school administrators;

- c. Provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;
- d. Is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;
- e. Takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;
- f. Is made available to the public upon request; and
- g. May involve multiple, objective measures of teacher competency [*Title IX, Part A, section 9101(23)*].

HIGHLY QUALIFIED CHARTER SCHOOL TEACHER:

Charter schoolteachers who teach core academic subjects must comply with any provision in a State's charter school law regarding certification or licensure requirements. A teacher in a charter school does not have to be licensed or certified by the State if the State does not require such licensure or certification. However, teachers of core academic subjects in charter schools must meet the other requirements that apply to public school teachers, including holding a four-year college degree and demonstrating competence in the subject area in which they teach. (See definition above for information on how teachers can demonstrate subject area competence.)

HIGHLY QUALIFIED VOCATIONAL EDUCATION TEACHER:

Only vocational education teachers who teach core academic courses are required to meet the definition of a highly qualified teacher. The term "core academic subjects" is defined in ESEA as "English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography."

For example, a vocational teacher who teaches a course in Applied Physics for which students receive a science credit must hold a 4-year degree, be licensed or certified by the State, and demonstrate subject matter competence in order to be considered highly qualified. Although a vocational teacher teaches the course, it is counted as a science credit; therefore, it is considered a core academic requirement and the teacher must meet the definition of a highly qualified teacher.

HIGH QUALITY PROFESSIONAL DEVELOPMENT:

See the definition for "professional development."

LOW-PERFORMING SCHOOL:

The term "low-performing school" means an elementary school or secondary school that is identified under section 1116 of ESEA.

OUT-OF-FIELD TEACHER:

A teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified [*Title II, Part A, section 2102(5)*].

PARAPROFESSIONAL:

A paraprofessional is an individual with instructional duties. Individuals who work solely in non-instructional roles, such as food service, cafeteria or playground supervision, personal care services, and non-instructional computer assistance are not considered to be paraprofessionals for Title I purposes.

PRINCIPAL:

The term “principal” includes an assistant principal *[Title II, Part A, section 2102(6)]*.

PROFESSIONAL DEVELOPMENT:

The term “professional development:”

A. Includes activities that:

1. Improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;
2. Are an integral part of broad school wide and district wide educational improvement plans;
3. Give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student academic achievement standards;
4. Improve classroom management skills;
5. (a) Are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom and
(b) Are not 1-day or short-term workshops or conferences;
6. Advance teacher understanding of effective instructional strategies that are:
 - (a) Based on scientifically based research (except that this sub clause shall not apply to activities carried out under Part D of Title II); and
 - (b) Strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;
7. Support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification;
8. Are aligned with and directly related to:

- (a) State academic content standards, student academic achievement standards, and assessments; and
 - (b) The curricula and programs tied to the standards described in sub clause (a) [except that this sub clause shall not apply to activities described in clauses (ii) and (iii) of section 2123(3)(B)];
9. Are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act;
 10. Are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
 11. To the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and core academic subjects in which the teachers teach;
 12. As a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;
 13. Provide instruction in methods of teaching children with special needs;
 14. Include instruction in the use of data and assessments to inform and instruct classroom practice; and
 15. Include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and

B. May include activities that:

1. Involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;
2. Create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under Part A of Title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and
3. Provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another clause of this subparagraph that

is designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom *[Title IX, Part A, section 9101(34)]*.

PUPIL SERVICES PERSONNEL; PUPIL SERVICES:

The term “pupil services personnel” means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs. The term “pupil services” means the services provided by pupil services personnel. *[Section 9101(36)]*

SCIENTIFICALLY BASED RESEARCH:

The term “scientifically based research:”

1. Means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and
2. Includes research that--

Employs systematic, empirical methods that draw on observation or experiment;

Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review *[Title IX, Part A, section 9101(37)]*.