

mined by the State or local educational agency;

(2) if funds are used under this part to improve equitable access to teachers for low-income and minority students, consistent with section 6311(g)(1)(B) of this title, a description of how funds have been used to improve such access;

(3) for a State that implements a teacher, principal, or other school leader evaluation and support system, consistent with section 6611(c)(4)(B)(ii) of this title, using funds under this part, the evaluation results of teachers, principals, or other school leaders, except that such information shall not provide personally identifiable information on individual teachers, principals, or other school leaders; and

(4) where available, the annual retention rates of effective and ineffective teachers, principals, or other school leaders, using any methods or criteria the State has or develops under section 6311(g)(2)(A) of this title, except that nothing in this paragraph shall be construed to require any State educational agency or local educational agency to collect and report any data the State educational agency or local educational agency is not collecting or reporting as of the day before December 10, 2015.

**(b) Local educational agency report**

Each local educational agency receiving funds under this part shall submit to the State educational agency such information as the State requires, which shall include the information described in subsection (a) for the local educational agency.

**(c) Availability**

The reports and information provided under subsections (a) and (b) shall be made readily available to the public.

**(d) Limitation**

The reports and information provided under subsections (a) and (b) shall not reveal personally identifiable information about any individual.

(Pub. L. 89-10, title II, §2104, as added Pub. L. 114-95, title II, §2002, Dec. 10, 2015, 129 Stat. 1930.)

PRIOR PROVISIONS

A prior section 2104 of Pub. L. 89-10 was classified to section 3004 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

PART B—NATIONAL ACTIVITIES

**§ 6621. Reservations**

From the amounts appropriated under section 6603(b) of this title for a fiscal year, the Secretary shall reserve—

(1) to carry out activities authorized under subpart 1—

(A) 49.1 percent for each of fiscal years 2017 through 2019; and

(B) 47 percent for fiscal year 2020;

(2) to carry out activities authorized under subpart 2—

(A) 34.1 percent for each of fiscal years 2017 through 2019; and

(B) 36.8 percent for fiscal year 2020;

(3) to carry out activities authorized under subpart 3, 1.4 percent for each of fiscal years 2017 through 2020; and

(4) to carry out activities authorized under subpart 4—

(A) 15.4 percent for each of fiscal years 2017 through 2019; and

(B) 14.8 percent for fiscal year 2020.

(Pub. L. 89-10, title II, §2201, as added Pub. L. 114-95, title II, §2002, Dec. 10, 2015, 129 Stat. 1930.)

PRIOR PROVISIONS

Prior sections 6621 to 6623 were repealed by Pub. L. 114-95, §5, title II, §2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6621, Pub. L. 89-10, title II, §2121, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1627, related to allocations to local educational agencies.

Another prior section 6621, Pub. L. 89-10, title II, §2101, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3614; amended Pub. L. 104-208, div. A, title I, §101(e) [title VII, §709(b)(3)(A)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-313, authorized professional development program, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 2201 of Pub. L. 89-10 was classified to section 6661 of this title, prior to repeal by Pub. L. 114-95.

Another prior section 2201 of Pub. L. 89-10 was classified to section 6641 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

Another prior section 2201 of Pub. L. 89-10 was classified to section 3011 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

Section 6622, Pub. L. 89-10, title II, §2122, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1628, related to local applications and needs assessment.

Another prior section 6622, Pub. L. 89-10, title II, §2102, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3615, related to authorized professional development activities, prior to the general amendment of this subchapter by Pub. L. 107-110.

Section 6623, Pub. L. 89-10, title II, §2123, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1630, related to local use of funds.

Another prior section 6623, Pub. L. 89-10, title II, §2103, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3617, related to National Teacher Training Project, prior to the general amendment of this subchapter by Pub. L. 107-110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

SUBPART 1—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

**§ 6631. Purposes; definitions**

**(a) Purposes**

The purposes of this subpart are—

(1) to assist States, local educational agencies, and nonprofit organizations to develop,

implement, improve, or expand comprehensive performance-based compensation systems or human capital management systems for teachers, principals, or other school leaders (especially for teachers, principals, or other school leaders in high-need schools) who raise student academic achievement and close the achievement gap between high- and low-performing students; and

(2) to study and review performance-based compensation systems or human capital management systems for teachers, principals, or other school leaders to evaluate the effectiveness, fairness, quality, consistency, and reliability of the systems.

**(b) Definitions**

In this subpart:

**(1) Eligible entity**

The term “eligible entity” means—

(A) a local educational agency, including a charter school that is a local educational agency, or a consortium of local educational agencies;

(B) a State educational agency or other State agency designated by the chief executive of a State to participate under this subpart;

(C) the Bureau of Indian Education; or

(D) a partnership consisting of—

(i) 1 or more agencies described in subparagraph (A), (B), or (C); and

(ii) at least 1 nonprofit or for-profit entity.

**(2) High-need school**

The term “high-need school” means a public elementary school or secondary school that is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more.

**(3) Human capital management system**

The term “human capital management system” means a system—

(A) by which a local educational agency makes and implements human capital decisions, such as decisions on preparation, recruitment, hiring, placement, retention, dismissal, compensation, professional development, tenure, and promotion; and

(B) that includes a performance-based compensation system.

**(4) Performance-based compensation system**

The term “performance-based compensation system” means a system of compensation for teachers, principals, or other school leaders—

(A) that differentiates levels of compensation based in part on measurable increases in student academic achievement; and

(B) which may include—

(i) differentiated levels of compensation, which may include bonus pay, on the basis of the employment responsibilities and success of effective teachers, principals, or other school leaders in hard-to-staff schools or high-need subject areas; and

(ii) recognition of the skills and knowledge of teachers, principals, or other school leaders as demonstrated through—

(I) successful fulfillment of additional responsibilities or job functions, such as teacher leadership roles; and

(II) evidence of professional achievement and mastery of content knowledge and superior teaching and leadership skills.

(Pub. L. 89-10, title II, §2211, as added Pub. L. 114-95, title II, §2002, Dec. 10, 2015, 129 Stat. 1931.)

PRIOR PROVISIONS

A prior section 6631, Pub. L. 89-10, title II, §2131, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1633, defined terms in subpart 3 of part A of former subchapter II of this chapter, prior to repeal by Pub. L. 114-95, §5, title II, §2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

A prior section 2211 of Pub. L. 89-10 was classified to section 6651 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

**§ 6632. Teacher and school leader incentive fund grants**

**(a) Grants authorized**

From the amounts reserved by the Secretary under section 6621(1) of this title, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop, implement, improve, or expand performance-based compensation systems or human capital management systems, in schools served by the eligible entity.

**(b) Duration of grants**

**(1) In general**

A grant awarded under this subpart shall be for a period of not more than 3 years.

**(2) Renewal**

The Secretary may renew a grant awarded under this subpart for a period of not more than 2 years if the grantee demonstrates to the Secretary that the grantee is effectively using funds. Such renewal may include allowing the grantee to scale up or replicate the successful program.

**(3) Limitation**

A local educational agency may receive (whether individually or as part of a consortium or partnership) a grant under this subpart, as amended by the Every Student Succeeds Act,<sup>1</sup> only twice.

**(c) Applications**

An eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall include—

(1) a description of the performance-based compensation system or human capital management system that the eligible entity proposes to develop, implement, improve, or expand through the grant;

<sup>1</sup> See References in Text note below.