

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,¹ 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;

¹ See References in Text note below.

(2) a description of the most significant gaps or insufficiencies in student access to effective teachers, principals, or other school leaders in high-need schools, including gaps or inequities in how effective teachers, principals, or other school leaders are distributed across the local educational agency, as identified using factors such as data on school resources, staffing patterns, school environment, educator support systems, and other school-level factors;

(3) a description and evidence of the support and commitment from teachers, principals, or other school leaders, which may include charter school leaders, in the school (including organizations representing teachers, principals, or other school leaders), the community, and the local educational agency to the activities proposed under the grant;

(4) a description of how the eligible entity will develop and implement a fair, rigorous, valid, reliable, and objective process to evaluate teacher, principal, or other school leader performance under the system that is based in part on measures of student academic achievement, including the baseline performance against which evaluations of improved performance will be made;

(5) a description of the local educational agencies or schools to be served under the grant, including such student academic achievement, demographic, and socioeconomic information as the Secretary may request;

(6) a description of the effectiveness of teachers, principals, or other school leaders in the local educational agency and the schools to be served under the grant and the extent to which the system will increase the effectiveness of teachers, principals, or other school leaders in such schools;

(7) a description of how the eligible entity will use grant funds under this subpart in each year of the grant, including a timeline for implementation of such activities;

(8) a description of how the eligible entity will continue the activities assisted under the grant after the grant period ends;

(9) a description of the State, local, or other public or private funds that will be used to supplement the grant, including funds under part A, and sustain the activities assisted under the grant after the end of the grant period;

(10) a description of—

(A) the rationale for the project;

(B) how the proposed activities are evidence-based; and

(C) if applicable, the prior experience of the eligible entity in developing and implementing such activities; and

(11) a description of how activities funded under this subpart will be evaluated, monitored, and publically reported.

(d) Award basis

(1) Priority

In awarding a grant under this subpart, the Secretary shall give priority to an eligible entity that concentrates the activities proposed to be assisted under the grant on teachers, principals, or other school leaders serving in high-need schools.

(2) Equitable distribution

To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this subpart, including the distribution of such grants between rural and urban areas.

(e) Use of funds

(1) In general

An eligible entity that receives a grant under this subpart shall use the grant funds to develop, implement, improve, or expand, in collaboration with teachers, principals, other school leaders, and members of the public, a performance-based compensation system or human capital management system consistent with this subpart.

(2) Authorized activities

Grant funds under this subpart may be used for one or more of the following:

(A) Developing or improving an evaluation and support system, including as part of a human capital management system as applicable, that—

(i) reflects clear and fair measures of teacher, principal, or other school leader performance, based in part on demonstrated improvement in student academic achievement; and

(ii) provides teachers, principals, or other school leaders with ongoing, differentiated, targeted, and personalized support and feedback for improvement, including professional development opportunities designed to increase effectiveness.

(B) Conducting outreach within a local educational agency or a State to gain input on how to construct an evaluation and support system described in subparagraph (A) and to develop support for the evaluation and support system, including by training appropriate personnel in how to observe and evaluate teachers, principals, or other school leaders.

(C) Providing principals or other school leaders with—

(i) balanced autonomy to make budgeting, scheduling, and other school-level decisions in a manner that meets the needs of the school without compromising the intent or essential components of the policies of the local educational agency or State; and

(ii) authority to make staffing decisions that meet the needs of the school, such as building an instructional leadership team that includes teacher leaders or offering opportunities for teams or pairs of effective teachers or candidates to teach or start teaching in high-need schools together.

(D) Implementing, as part of a comprehensive performance-based compensation system, a differentiated salary structure, which may include bonuses and stipends, to—

(i) teachers who—

(I) teach in—

(aa) high-need schools; or

(bb) high-need subjects;

(II) raise student academic achievement; or

(III) take on additional leadership responsibilities; or

(ii) principals or other school leaders who serve in high-need schools and raise student academic achievement in the schools.

(E) Improving the local educational agency's system and process for the recruitment, selection, placement, and retention of effective teachers, principals, or other school leaders in high-need schools, such as by improving local educational agency policies and procedures to ensure that high-need schools are competitive and timely in—

(i) attracting, hiring, and retaining effective educators;

(ii) offering bonuses or higher salaries to effective educators; or

(iii) establishing or strengthening school leader residency programs and teacher residency programs.

(F) Instituting career advancement opportunities characterized by increased responsibility and pay that reward and recognize effective teachers, principals, or other school leaders in high-need schools and enable them to expand their leadership and results, such as through teacher-led professional development, mentoring, coaching, hybrid roles, administrative duties, and career ladders.

(f) Matching requirement

Each eligible entity that receives a grant under this subpart shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in kind) to carry out the activities supported by the grant.

(g) Supplement, not supplant

Grant funds provided under this subpart shall be used to supplement, not supplant, other Federal or State funds available to carry out activities described in this subpart.

(Pub. L. 89-10, title II, §2212, as added Pub. L. 114-95, title II, §2002, Dec. 10, 2015, 129 Stat. 1932.)

REFERENCES IN TEXT

This subpart, as amended by the Every Student Succeeds Act, referred to in subsec. (b)(3), probably means this subpart as enacted by Pub. L. 114-95, title II, §2002, Dec. 10, 2015, 129 Stat. 1931.

PRIOR PROVISIONS

A prior section 6632, Pub. L. 89-10, title II, §2132, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1633, related to subgrants to eligible partnerships, 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.

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.

§ 6633. Reports

(a) Activities summary

Each eligible entity receiving a grant under this subpart shall provide to the Secretary a summary of the activities assisted under the grant.

(b) Report

The Secretary shall provide to Congress an annual report on the implementation of the program carried out under this subpart, including—

(1) information on eligible entities that received grant funds under this subpart, including—

(A) information provided by eligible entities to the Secretary in the applications submitted under section 6632(c) of this title;

(B) the summaries received under subsection (a); and

(C) grant award amounts; and

(2) student academic achievement and, as applicable, growth data from the schools participating in the programs supported under the grant.

(c) Evaluation and technical assistance

(1) Reservation of funds

Of the total amount reserved for this subpart for a fiscal year, the Secretary may reserve for such fiscal year not more than 1 percent for the cost of the evaluation under paragraph (2) and for technical assistance in carrying out this subpart.

(2) Evaluation

From amounts reserved under paragraph (1), the Secretary, acting through the Director of the Institute of Education Sciences, shall carry out an independent evaluation to measure the effectiveness of the program assisted under this subpart.

(3) Contents

The evaluation under paragraph (2) shall measure—

(A) the effectiveness of the program in improving student academic achievement;

(B) the satisfaction of the participating teachers, principals, or other school leaders; and

(C) the extent to which the program assisted the eligible entities in recruiting and retaining high-quality teachers, principals, or other school leaders, especially in high-need subject areas.

(Pub. L. 89-10, title II, §2213, as added Pub. L. 114-95, title II, §2002, Dec. 10, 2015, 129 Stat. 1935.)

PRIOR PROVISIONS

Prior sections 6633 and 6634 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 6633, Pub. L. 89-10, title II, §2133, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1633, related to subgrant applications.

Section 6634, Pub. L. 89-10, title II, §2134, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1633, related to use of funds.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive pro-