On October 31, 2016, the U.S. Department of Education (ED) published final regulations regarding teacher preparation programs, implementing the accountability provisions of Title II of the Higher Education Act (HEA) and amending regulations relating to the federal Teacher Education Assistance for College and Higher Education (TEACH) Grant program. ED explained that “the goal of every teacher preparation program is to effectively prepare aspiring teachers to step into a classroom and teach all of their students well... [T]he regulations are intended to help States determine whether each teacher preparation program is meeting this goal.” ED expressed hope that collecting additional data on novice teachers will provide more transparency to higher education institutions, prospective teachers, and elementary and secondary schools on teacher preparation program effectiveness. Programs that do not measure up—as determined by the states—risk losing access to federal student financial aid under Title IV of the HEA (Title IV).

The final regulations establish baseline requirements for the collection and dissemination of data on teacher preparation program quality. They also define to some degree the indicators to be used by states in assessing program quality. Teacher preparation programs that are designated as “low-performing” and consequently lose state approval or state financial support will be ineligible for ED professional development funding and will lose eligibility to accept or enroll students receiving Title IV aid. In addition, a teacher preparation program will not be eligible to participate in the TEACH Grant program if it is designated as “low-performing” or “at-risk” for two out of three consecutive years.

Full implementation of the final regulations will take several years. The accountability regulations became effective on November 30, 2016, require institutions of higher education to submit "report cards" on their teacher preparation programs to their respective states by April 30, 2018, and require states to issue "report cards" on teacher preparation programs by October 31, 2018. The state report cards must designate programs as "low-performing," "at-risk," or "effective", but the "pilot" designations in the 2018 report will not have legal consequences. The amendments to the TEACH Grant program regulations are scheduled to become effective on July 1, 2017, except for certain provisions that are scheduled to become effective on July 1, 2021. "Low-performing" and "at risk" teacher preparation programs could lose TEACH Grant eligibility
in the 2021–2022 academic year.

The regulations relating to teacher preparation programs took several years to develop\(^5\) and have been controversial.\(^6\) The teacher preparation program regulations are among those identified by certain members of Congress for potential revocation. For example, the House Freedom Caucus has criticized the rules as "unfunded mandates" on higher education institutions, states, and elementary and secondary schools and an "encroach[ment] on both local and state decision making, as well as on the academic autonomy of higher education."\(^7\) It remains to be seen whether the new Congress or ED in the Trump Administration will permit the regulations to take effect as scheduled.

This advisory addresses frequently asked questions about the final regulations.

**What types of teacher preparation programs do the final regulations cover?**

The final regulations cover teacher preparation programs—including traditional, alternative, and distance education programs—that lead to initial state teacher certification or licensure in a specific field. Thus, a liberal arts program that does not include "some additional education-related coursework" is not considered a teacher preparation program, but a nondegree program that prepares individuals for initial state certification or licensure is a teacher preparation program. Where programs allow students to pursue either a traditional route or alternative route to certification or licensure, the traditional and alternative paths are considered to be separate teacher preparation programs.

States must report to ED and the public data on programs with at least 25 graduates, but states have discretion to set a program size threshold for reporting that is lower than the federal minimum. For programs that do not meet the state's threshold in a given year, the state must aggregate data from similar programs offered by the same institution, data from the small program for up to four years, or both.

The final rules define a distance education program as a teacher preparation program in which 50 percent or more of the program's required coursework is offered through distance education. As defined elsewhere in ED regulations, "distance education" means education that uses one or more specified technologies to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously. A state that certifies at least 25 teachers from a teacher preparation program provided through distance education must report on that program as a program in the state, whether or not the institution delivering the program is physically located in the state.

**What must an institution that offers teacher preparation programs do under the final rules?**

An institution that enrolls students who receive Title IV aid will be required to submit annually
an institutional report card to the state in which the institution is located, beginning not later than April 30, 2018. That report card must show teacher licensure or certification examination pass rates as described below for program graduates in academic year 2016-17 (September 1 to August 31). ED will prescribe the form of the institutional report card.

The institution must prominently and promptly post the institutional report card information on the institution’s website and, if applicable, on the teacher preparation program portion of the institution’s website. The institution may, but is not required to, share the institutional report card information with the general public in promotional material made available to prospective students and other individuals.

How will states evaluate teacher preparation programs?

Beginning not later than October 31, 2018, each state must issue an annual report card containing certain information specified by ED regarding each teacher preparation program in the state. Although the 2018 report card is only a “pilot”, the state in its annual report card must make meaningful differentiations in teacher preparation programs using at least three performance levels: (1) low-performing, (2) at-risk, and (3) effective. The state must submit its report card to ED and make the report card widely available to the public through posting on the state's website.

For purposes of its report card, the state must assess each teacher preparation program based on, at a minimum, the following four indicators of academic content knowledge and teaching skills of “novice teachers” (i.e., a teacher of record in the first three years of teaching who teaches in elementary or secondary schools, which may include, in a state's discretion, preschool students): (1) student learning outcomes; (2) employment outcomes; (3) survey outcomes; and (4) characteristics of teacher preparation programs.

Student learning outcomes

The final rules require the state to calculate annually aggregate student learning outcomes of all students taught by novice teachers from each teacher preparation program. To do so, the state must use one or any combination of the following methods:

- Student growth, defined as the change in student achievement between two or more points in time, using a student's score on the state's assessment or other measures of student learning and performance;
- A teacher evaluation measure, defined as a teacher's performance level based on a local education agency'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; or
- Some other measure, determined by the state to be relevant to calculating student learning outcomes, which results in meaningful differentiation among teachers.
• A state may decide to exclude student learning outcomes from novice teachers who have taken jobs at private schools or out of state.

Employment outcomes

For each teacher preparation program a state must calculate teacher placement rates (i.e., the percentage of recent graduates who have become novice teachers for the grade level, grade span, and subject area in which they were trained) and teacher retention rates (i.e., the percentage of individuals in a given cohort of novice teachers who have been continuously employed as teachers of record between their first year as a novice teacher and the reporting year), including separate placement rates and retention rates in high-need schools.

States may assess employment outcomes for traditional, alternative, and distance education teacher preparation programs differently under certain circumstances. For example, because distance education programs may have students in many states, a state is to calculate the teacher placement rate for a teacher preparation program provided through distance education by using as the denominator the number of recent graduates who obtained certification or licensure in the state rather than the total number of recent graduates. States need not calculate teacher placement rates for alternative teacher preparation programs because in many such programs students are concurrently employed as teachers of record.

A state's calculations of placement and retention rates may exclude, in the state's discretion, recent graduates who have taken positions out of state or in private schools, enrolled in graduate school, or entered military service. In addition, a state's calculation of retention rates may exclude novice teachers who lost their jobs specifically and directly due to budget cuts.

Survey outcomes

States must collect qualitative and quantitative data on teachers' performance for each teacher preparation program. To that end, the final regulations require states to conduct a teacher survey and an employer survey designed to capture perceptions of the academic content knowledge and teaching skills readiness of novice teachers in their first year of teaching. In its discretion a state may exclude survey outcomes for novice teachers who have taken positions in private schools.

Characteristics of teacher preparation programs

States must identify whether the teacher preparation program is administered by an entity accredited by an agency recognized by ED for accreditation of professional teacher education programs or is a program that produces teacher candidates who have content and pedagogical knowledge and quality clinical preparation and have met rigorous teacher candidate exit qualifications. In addition, states may use other indicators of a teacher's effect on student performance (e.g., student surveys) as long as the state uses such instruments consistently for all
teacher preparation programs.

In addition, states are required, and are given significant discretion, to:

- Determine the relative weight of the above four indicators in evaluating teacher preparation programs and classifying them as effective, at-risk, or low-performing;
- Identify additional indicators to evaluate programs;
- Establish additional program performance levels beyond effective, at-risk, and low-performing;
- Determine state-level rewards or consequences for each performance level; and
- As noted above, set a program size threshold for purposes of aggregating data.

**Can teacher preparation programs participate in the process of designing the state’s evaluation criteria?**

Yes. Before finalizing its procedures for assessing teacher preparation programs, each state must consult with a specified group of stakeholders, including leaders and faculty of teacher preparation programs. The final rules also require each state to examine periodically the quality of its data collection and reporting activities and its procedures and, as appropriate, modify those procedures through consultation with stakeholders.

**What effect will performance level designations have on teacher preparation programs?**

States are responsible for determining the rewards or consequences associated with each performance level. At a minimum states must provide technical assistance to low-performing teacher preparation programs in order to help them improve their performance.

Teacher preparation programs designated as low-performing may lose state approval or state financial support. A teacher preparation program from which the state withdraws approval or financial support for low performance will be ineligible for any funding for professional development activities awarded by ED and may not accept or enroll students who receive Title IV aid. A low-performing program must provide transitional support to students enrolled at the time of the state’s withdrawal of approval or termination of financial support. Low-performing programs may regain Title IV eligibility by demonstrating improved performance under the state’s criteria and reinstatement of state approval and/or financial support.

In general, in order to be TEACH Grant-eligible, a higher education institution must offer at least one high-quality teacher preparation program, and the teacher preparation program must be rated effective by the state for at least two of the previous three reporting years. In the case of a distance education teacher preparation program, it appears that if any one state rates the program as low-performing for two of the three most recent reporting years, the program would become ineligible for Title IV aid for students in all states beginning in 2021-22.
What concerns have been raised regarding the final regulations?

The final rules have sparked spirited discussion. As noted above, it is possible that the new Congress or ED under the Trump Administration will take steps to revoke or modify the rules.

The commentary to the final regulations reflects continuing controversy over ED’s authority to issue these regulations. Commenters questioned the relationship between teacher preparation program quality and the outcomes of students taught by program graduates. As noted above, members of Congress have also raised federalism and academic freedom concerns about ED’s direction to states and higher education institutions with respect to teacher preparation programs.

Some stakeholders have expressed concerns about the discretion given states to include students' standardized test scores as part of the "student growth" indicator used to evaluate a teacher preparation program. Some commentators have suggested that using students' standardized test scores to determine a teacher's effectiveness—and then tying that determination to the evaluation of the teacher preparation program itself—could lead teacher preparation programs to steer graduates away from jobs in high-need schools, where students' test scores may generally be relatively low.

Administrative costs in implementing the new accountability system are also a concern. Higher education institutions, states, and elementary and secondary schools may have to revamp aspects of their current systems in order to comply with the final regulations. ED estimates that the annualized cost of the teacher preparation program regulations will be approximately US$27 million, with estimated first-year, ramp-up costs of US$4.8 million for higher education institutions, US$24 million for states, and US$5.8 million for local education agencies.

We are available to respond to questions.

1. 81 Fed. Reg. 75494 (2016). ED estimated that there are 27,914 teacher preparation programs at 1,490 higher education institutions nationwide.


3. 20 U.S.C. § 1070g, et seq.; 34 C.F.R. pt. 686. The TEACH Grant program awards grants to students who intend to teach in exchange for an agreement to serve as a full-time teacher in a high-need field, in a school serving low-income students for at least four academic years within eight years after completing the program of study for which the student received the grant. If the student does not satisfy the service obligation, the TEACH Grant is treated as a federal loan and must be repaid with interest. 34 C.F.R. § 686.1.


6. ED received more than 4,800 comments on the proposed rules. The final regulations reflect a number of changes from the proposed rules.


8. 81 Fed. Reg. at 75519.

9. ED estimated that approximately 10 percent of current TEACH Grant recipients are not enrolled in teacher education programs as defined in the final rule. ED indicated that students who pursue a dual major that includes a teacher preparation program would be eligible for a TEACH Grant.

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