



Brigham Young University–Hawaii  
Office of Compliance & Ethics Research Memo  
Teach Preparation Programs

Law/Act:	Title II of the Higher Education Act: Teacher Preparation Programs	
U.S. Code Citation:	<u><a href="#">20 U.S.C. §§ 1022–1022h</a></u>	
Code of Federal Regulations Citation:		
Responsible Regulator:	U.S. Department of Education	
BYU–Hawaii Responsible Officer:	Vice President for Academics	
	Updated: Feb. 2019	Updated By: BE
	Version 1.0	Effective Date: Aug. 14, 2008

## I. PURPOSE

Title II of the Higher Education Act (Title II) serves to (1) improve student achievement; (2) improve the quality of prospective and new teachers through enhancing preparation activities; (3) hold all teacher preparation programs at higher education institutions accountable for preparing certified teachers; and (4) recruit highly qualified individuals into the teaching force.<sup>1</sup>

## II. HISTORY

The topic of teacher quality was addressed in 1998 revisions to the Higher Education Act, which made federal grant funds available for carrying out specific teacher improvement activities and required annual reporting from states and institutions with teacher education programs.<sup>2</sup> These requirements were revised and expanded in 2008 through the Higher Education Opportunity Act.<sup>3</sup> In 2016, the U.S. Department of Education established new regulations to implement the accountability and reporting provisions of Title II;<sup>4</sup> however, shortly after the regulations were published and became effective, President Donald Trump signed a resolution disapproving them, and the regulations were removed from the Code of Federal Regulations.<sup>5</sup> Thus, the current requirements regarding teacher preparation programs reside exclusively in statute.

## III. APPLICABILITY TO BYU–HAWAII

All traditional or alternative teacher preparation programs that enroll students receiving federal student aid must comply with requirements under Title II.<sup>6</sup> Likewise, a higher education institution (or school of education within such institution) participating in an eligible partnership with a qualifying teacher preparation program that applies for and receives a Teacher Quality Partnership (TQP) grant must also meet specific requirements under Title II.<sup>7</sup> BYU–Hawaii is classified as a traditional teacher preparation program and enrolls students that receive federal assistance for education.<sup>8</sup> Therefore, BYU–Hawaii must comply with Title II. If BYU–Hawaii applies for and receives a TQP grant, it must also comply with Title II's necessary requirements to receive TQP grant funds.<sup>9</sup>

<sup>1</sup> 20 U.S.C. § 1022 (2018).

<sup>2</sup> See Higher Education Amendments of 1998, Pub. L. 105-244, tit. II, 112 Stat. 1581, 1623–36 (Aug. 12, 1998).

<sup>3</sup> Higher Education Opportunity Act, Pub. L. 110-315, tit. II, 122 Stat. 3078, 3126–66 (Aug. 14, 2008).

<sup>4</sup> Teacher Preparation Issues, 81 Fed. Reg. 75,494 (Oct. 31, 2016) (giving effective date of November 30, 2016).

<sup>5</sup> Teacher Preparation Issues, 82 Fed. Reg. 21,475 (May 9, 2017).

<sup>6</sup> 20 U.S.C. §§ 1022d(a)(1), 1022e. See generally 20 U.S.C. § 1070 (outlining various forms of federal assistance given under this chapter including Pell grants and other assistance under FAFSA).

<sup>7</sup> See 20 U.S.C. §§ 1022a, 1022c(a)–(b), 1022d(a)(2); see also 20 U.S.C. § 1021(6), (17) (defining “eligible partnership” and “partner institution”).

<sup>8</sup> See *Title II - Welcome*, U.S. DEP'T. OF EDUC., [https://title2.ed.gov/Public/Report/Providers/Providers.aspx?p=4\\_00](https://title2.ed.gov/Public/Report/Providers/Providers.aspx?p=4_00) (select Hawaii and scroll down to “List of Providers”) (last visited 5/6/2020) (showing BYU–Hawaii as a Traditional and Alternative, IHE-based provider); BYU–HAWAII EDUCATOR PREPARATION PROGRAM, <https://soe.byuh.edu/> (last visited 5/6/2020).

<sup>9</sup> Currently, BYU–Hawaii is not a TQP grant recipient. See [TEACHER QUALITY PARTNERSHIP GRANTS: 2019 FACT SHEET](#), AM. ASSOC. OF COLLS. FOR TEACHER EDUC. (2019) (listing institutions that have received a TQP grant); last accessed 5/6/2020.



#### **IV. REQUIREMENTS**

Title II contains requirements for teacher preparation programs in general as well as requirements for recipients of TQP grants.

##### **A. Teacher Preparation Programs**

###### **1. Teacher Development Goals**

Each higher education institution subject to Title II must set annual quantifiable goals for increasing the number of prospective teachers trained in designated teacher shortage areas.<sup>10</sup> Teacher shortage areas include mathematics, science, special education, and instruction of limited English proficient students.<sup>11</sup>

###### **2. Assurances**

Each higher education institution subject to Title II must provide assurances to the U.S. Department of Education that (1) training provided to prospective teachers responds to the identified needs of the local educational agencies or states where the graduates are likely to teach; (2) training provided to prospective teachers is closely linked with the needs of schools and the instructional decisions new teachers face in the classroom; (3) prospective special education teachers receive coursework in core academic subjects and receive training in providing instruction in core academic subjects; (4) general education teachers receive training in providing instruction to diverse populations; and (5) prospective teachers receive training on how to effectively teach in urban and rural schools.<sup>12</sup>

###### **3. Institutional and Program Report Cards**

Each higher education institution subject to Title II must annually report the following information to the state and general public using a designated report card<sup>13</sup>:

###### **i. Goals and Assurances**

For the most recent year for which data is available, the report must indicate whether teacher development goals have been met, describe activities implemented to achieve those goals and steps to improve performance in meeting goals, and describe activities implemented to meet assurances given.<sup>14</sup>

###### **ii. Pass Rates and Scaled Scores**

For the most recent year for which data is available on enrolled students and recent program completers who took the state teacher certification assessment, the report must also include (1) the percentage of students who completed 100 percent of the nonclinical coursework and took and passed the assessment; (2) the percentage of all students who passed the assessment; (3) the percentage of students who took the assessment and enrolled in and completed the traditional teacher preparation program; (4) the average scaled score for all students who took the assessment; (5) a comparison of the program's pass rates with the average pass rates for programs in the state; and (6) a comparison of the program's average scaled scores with the average scaled scores for programs in the state.<sup>15</sup>

---

<sup>10</sup> 20 U.S.C. § 1022e(a).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* § 1022e(b).

<sup>13</sup> *Id.* § 1022d(a)(1); *see also* TITLE II INSTITUTIONAL AND PROGRAM REPORT CARD ON THE QUALITY OF TEACHER PREPARATION, U.S. DEP'T OF EDUC., OFFICE OF POSTSECONDARY EDUC. (Feb. 2017), <https://title2.ed.gov/Public/TA/IHEReportCard.pdf>. No personally identifiable information should be revealed in making these reports. 20 U.S.C. § 1022g(a).

<sup>14</sup> 20 U.S.C. § 1022d(a)(1)(A).

<sup>15</sup> *Id.* § 1022d(a)(1)(B).



### iii. Program Information

The annual report must describe the (1) criteria for admission into the program; (2) number of students in the program (disaggregated by race, ethnicity, and gender); (3) average number of hours of supervised clinical experience required for those in the program; (4) number of full-time equivalent faculty and students in the supervised clinical experience; and (5) total number of students who have been certified or licensed as teachers (disaggregated by subject and area of certification).<sup>16</sup>

### iv. Statement of Approval or Accreditation

For institutions in states that require approval or accreditation of teacher preparation programs, the report must indicate whether the institution's program is approved or accredited and by whom.<sup>17</sup>

### v. Designation as Low Performing

The report must state whether the program has been designated as low performing by the state.<sup>18</sup>

### vi. Use of Technology

The report must describe the activities that prepare teachers to integrate technology into curricula and use technology to effectively collect, manage, and analyze data to improve teaching and learning and ultimately increase student achievement.<sup>19</sup>

### vii. Teacher Training

Finally, the report must describe activities used to prepare teachers to effectively teach students with disabilities and students with limited English proficiency.<sup>20</sup> These activities may include training related to participation as a member of individualized education program teams.<sup>21</sup>

## B. Teacher Quality Partnership Grants

An eligible partnership must establish an evaluation plan with measurable performance objectives when applying for a TQP grant and, if a grant is received, must report annually on its progress toward meeting those objectives.<sup>22</sup> Grant funds must be used for specified programs and activities.<sup>23</sup> Members of a partnership that receive a grant for teacher preparation programs must regularly consult throughout the development and implementation of programs and activities carried out.<sup>24</sup> Additionally, the partnership must provide 100 percent of the grant amount from non-federal sources to carry out activities and may not use more than 2 percent of the funds provided to administer the grant.<sup>25</sup> The partnership receiving a grant is required to ensure that information about the grant-funded activities is provided to faculty, leadership, and others at higher education institutions in the geographic areas served by the partnership.<sup>26</sup>

---

<sup>16</sup> *Id.* § 1022d(a)(1)(C).

<sup>17</sup> *Id.* § 1022d(a)(1)(D).

<sup>18</sup> *Id.* § 1022d(a)(1)(E); *see also id.* § 1022f(a) (describing process to identify low-performing programs).

<sup>19</sup> 20 U.S.C. § 1022d(a)(1)(F).

<sup>20</sup> *Id.* § 1022d(a)(1)(G).

<sup>21</sup> *Id.*; *see id.* § 1414(d)(1)(B) (defining individualized education program teams).

<sup>22</sup> 20 U.S.C. §§ 1022a(b)(6)(D), 1022c(a), 1022d(a)(2).

<sup>23</sup> *Id.* § 1022a(c); *see id.* § 1022a(d)(1)–(6) (teacher preparation grants); *id.* § 1022a(e) (teaching residency program grants); *id.* § 1022a(f) (leadership development program grants).

<sup>24</sup> 20 U.S.C. § 1022a(i)(1).

<sup>25</sup> *Id.* § 1022b(c)(1), (d).

<sup>26</sup> *Id.* § 1022c(b).



Brigham Young University–Hawaii  
Office of Compliance & Ethics Research Memo  
Teach Preparation Programs

## V. PENALTIES

A higher education institution that fails to timely or accurately provide the information about its teacher preparation programs as required in its annual report card may be fined up to \$31,320.<sup>27</sup>

Noncompliance with Title II requirements could also result in loss of federal funding or student enrollment.<sup>28</sup>

## VI. COMPLIANCE CALENDAR

Higher education institutions subject to Title II must submit their institutional report cards to the state each year by April 30 through an online reporting system.<sup>29</sup>

## VII. STAYING UP-TO-DATE

The following websites provide valuable information regarding this law and its applicability.

DOCUMENT/REFERENCE	DESCRIPTION
<a href="#">Title II Reports: National Teacher Preparation Data</a>	Data reports and charts about the most recent Title II reports from each of the universities in the United States
<a href="#">Technical Assistance for Teacher Preparation Programs</a>	Provides links to the institutional and program report card document, a quick start guide for using the Title II online reporting system, a frequently asked questions document, and other resources

<sup>27</sup> *Id.* § 1022d(a)(3); 34 C.F.R. § 36.2 (2018) (increasing the penalty amount to \$31,320).

<sup>28</sup> 20 U.S.C. § 1022f(b) (describing consequences for low-performing schools that lose state approval).

<sup>29</sup> See *id.* § 1022d(a)(1); *Title II Tips for Reporting: Frequently Asked Questions*, U.S. DEP'T OF EDUC., <https://title2.ed.gov/public/Webinar/FAQsQandA.pdf> (last updated Mar. 22, 2018) (giving the deadline of April 30 for institutions to submit annual reports to the state and October 31 for states to submit annual reports to the U.S. Department of Education).