

105TH CONGRESS
2D SESSION

S. 2422

To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

IN THE SENATE OF THE UNITED STATES

JULY 31, 1998

Mr. MACK (for himself, Mr. D'AMATO, Mr. COVERDELL, Mr. McCONNELL, Mr. MURKOWSKI, Mr. GORTON, and Mr. NICKLES) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS; AND PURPOSES.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Measures to Encourage Results in Teaching Act of
6 1998”.

7 (b) **FINDINGS.**—Congress makes the following find-
8 ings:

1 (1) All students deserve to be taught by well-
2 educated, competent, and qualified teachers.

3 (2) More than ever before, education has and
4 will continue to become the ticket not only to eco-
5 nomic success but to basic survival. Students will
6 not succeed in meeting the demands of a knowledge-
7 based, 21st century society and economy if the stu-
8 dents do not encounter more challenging work in
9 school. For future generations to have the opportu-
10 nities to achieve success the future generations will
11 need to have an education and a teacher workforce
12 second to none.

13 (3) No other intervention can make the dif-
14 ference that a knowledgeable, skillful teacher can
15 make in the learning process. At the same time,
16 nothing can fully compensate for weak teaching that,
17 despite good intentions, can result from a teacher's
18 lack of opportunity to acquire the knowledge and
19 skill needed to help students master the curriculum.

20 (4) The Federal Government established the
21 Dwight D. Eisenhower Professional Development
22 Program in 1985 to ensure that teachers and other
23 educational staff have access to sustained and high-
24 quality professional development. This ongoing de-
25 velopment must include the ability to demonstrate

1 and judge the performance of teachers and other in-
2 structional staff.

3 (5) States should evaluate their teachers on the
4 basis of demonstrated ability, including tests of sub-
5 ject matter knowledge, teaching knowledge, and
6 teaching skill. States should develop a test for their
7 teachers and other instructional staff with respect to
8 the subjects taught by the teachers and staff, and
9 should administer the test every 3 to 5 years.

10 (6) Evaluating and rewarding teachers with a
11 compensation system that supports teachers who be-
12 come increasingly expert in a subject area, are pro-
13 ficient in meeting the needs of students and schools,
14 and demonstrate high levels of performance meas-
15 ured against professional teaching standards, will
16 encourage teachers to continue to learn needed skills
17 and broaden teachers' expertise, thereby enhancing
18 education for all students.

19 (c) PURPOSES.—The purposes of this Act are as fol-
20 lows:

21 (1) To provide incentives for States to establish
22 and administer periodic teacher testing and merit
23 pay programs for elementary school and secondary
24 school teachers.

1 (2) To encourage States to establish merit pay
2 programs that have a significant impact on teacher
3 salary scales.

4 (3) To encourage programs that recognize and
5 reward the best teachers, and encourage those teach-
6 ers that need to do better.

7 **SEC. 2. STATE INCENTIVES FOR TEACHER TESTING AND**
8 **MERIT PAY.**

9 (a) AMENDMENTS.—Title II of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C. 6601 et
11 seq.) is amended—

12 (1) by redesignating part D as part E;

13 (2) by redesignating sections 2401 and 2402 as
14 sections 2501 and 2502, respectively; and

15 (3) by inserting after part C the following:

16 **“PART D—STATE INCENTIVES FOR TEACHER**
17 **TESTING AND MERIT PAY**

18 **“SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING**
19 **AND MERIT PAY.**

20 “(a) STATE AWARDS.—Notwithstanding any other
21 provision of this title, from funds described in subsection
22 (b) that are made available for a fiscal year, the Secretary
23 shall make an award to each State that—

24 “(1) administers a test to each elementary
25 school and secondary school teacher in the State,

1 with respect to the subjects taught by the teacher,
2 every 3 to 5 years; and

3 “(2) has an elementary school and secondary
4 school teacher compensation system that is based on
5 merit.

6 “(b) AVAILABLE FUNDING.—The amount of funds
7 referred to in subsection (a) that are available to carry
8 out this section for a fiscal year is 50 percent of the
9 amount of funds appropriated to carry out this title that
10 are in excess of the amount so appropriated for fiscal year
11 1999, except that no funds shall be available to carry out
12 this section for any fiscal year for which—

13 “(1) the amount appropriated to carry out this
14 title exceeds \$600,000,000; or

15 “(2) each of the several States is eligible to re-
16 ceive an award under this section.

17 “(c) AWARD AMOUNT.—A State shall receive an
18 award under this section in an amount that bears the
19 same relation to the total amount available for awards
20 under this section for a fiscal year as the number of States
21 that are eligible to receive such an award for the fiscal
22 year bears to the total number of all States so eligible for
23 the fiscal year.

1 “(d) USE OF FUNDS.—Funds provided under this
2 section may be used by States to carry out the activities
3 described in section 2207.

4 “(e) DEFINITION OF STATE.—For the purpose of
5 this section, the term ‘State’ means each of the 50 States
6 and the District of Columbia.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) shall take effect on October 1, 1999.

9 **SEC. 3. TEACHER TESTING AND MERIT PAY.**

10 (a) IN GENERAL.—Notwithstanding any other provi-
11 sion of law, a State may use Federal education funds—

12 (1) to carry out a test of each elementary
13 school or secondary school teacher in the State with
14 respect to the subjects taught by the teacher; or

15 (2) to establish a merit pay program for the
16 teachers.

17 (b) DEFINITIONS.—In this section, the terms “ele-
18 mentary school” and “secondary school” have the mean-
19 ings given the terms in section 14101 of the Elementary
20 and Secondary Education Act of 1965 (20 U.S.C. 8801).

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