



Analysis of U.S. DoE HEA Teacher Preparation Regulations 2016

In October 2016, The U.S. Department of Education (ED) published regulations on governing programs that prepare new K-12 teachers, a long-delayed effort meant to ensure that graduates emerge ready for the nation's classrooms.

The new regulations, at least five years in the making, are rules for Title II of the Higher Education Act (HEA). They require each state to issue annual ratings via accountability systems for teacher-preparation programs within their borders. The ratings aim to serve as a snapshot of how novice educators perform after graduation, offering prospective teachers and school district recruiters a more accurate picture of which programs are successful at producing quality educators and which are not.

NAfME's policy staff has provided a brief analysis on how these regulations will affect teacher preparation for music educators.

1) In December 2014, NAfME responded to the Department of Education's draft rules and made several requests for changes. Two of the changes, were acknowledged and made by the U.S. Department of Education in the final copy:

NAfME Request 1: *The removal of language describing how to measure student learning in non-tested subject areas.*

The final rule no longer reflects a distinction between tested and non-tested subject areas. All of the non-tested subject language in the draft rules has been stricken from the final version. Instead, under [§ 612.5](#) there is discussion about 3 methods by which a state can measure student learning outcomes, which will be aggregated across novice teachers associated with a teacher preparation program and currently teaching within the state:

1. Student growth
2. Teacher evaluation measures
3. Another state-determined measure that is relevant to calculating student learning outcomes, including academic performance and that meaningfully differentiates among teachers

The removal of earlier language provides an opening for states to develop measures that reflect the way subjects like music are taught, such as through performance based and other authentic assessment measures.

NAfME Request 2: *The removal of rating language identifying "exceptional" teacher preparation programs.*

In the final rule, the ED chose to stick with 3 levels of teacher preparation program performance in the state-created accountability systems ([§ 612.4](#)):

- Low-performing,

- At-risk for low-performing
- Effective

The language closely mirrors the requirements found in the HEA, which already identifies the low-performing and at-risk for low-performing levels for the state accountability systems.

2) Additional NAFME requests for changes to the draft rules were not made by the ED. These additional requests mainly spoke to the burdensome nature of the creation of these accountability systems, including that they may be an unfunded mandate, and that there is an overreach by the U.S. Department of Education in creating these rules for States to follow.

According to the Department, the final additional cost estimated for states and institutions of higher education offering teacher preparation programs to meet these new regulations over a ten year period is in the range of \$27.7 million.

NAfME continues to have a concern about this unfunded mandate and the high costs associated with implementing these rules. These costs will be borne by state departments of education, and, to a lesser extent, music education teacher prep programs, thereby meaning less funds available for K-12 education and for teacher training.

3) The final rule appears that teacher evaluation systems, which are no longer mandated by the U.S. Department of Education for ESEA Waivers (considered optional under ESSA) are here to stay in order to meet this new rule for teacher preparation program accountability § 612.5. The rule, in essence, creates a large incentive for the 42 states, plus the District of Columbia, to maintain the teacher evaluation systems created under the ESEA waivers in order to meet these reporting requirements on how novice teachers are performing in our nation's classrooms.

NAfME continues to have serious concerns about the teacher evaluation systems which have sprung up across the nation in response to Race to the Top and the ESEA Waiver process. The Association issued a [position statement on Teacher Evaluation](#) in 2012 to point out the issues inherent in these systems for music educators, including the erroneous linking of non-music academic measures to music educator evaluations. In 2014, NAFME issued [workbooks](#) for general music and ensemble educators to attempt to create fair and effective evaluation procedures for music educators.

4) While the rule asks states to report out on teacher preparation program performance for each program offering a path to licensure or certification in the state, programs which graduate less than 25 students annually are considered “too small” to be individually reported on. § 612.4.

Many music education teacher preparation programs in our country will fall into this category of graduating less than 25 students annually. Instead, states can opt to roll those students into a larger cohort of graduating students from the same institution of higher education (for example, all secondary teachers), or aggregate the total number over 4 years from the small program.

NAfME is concerned that music education programs may be wrapped into the performance of much larger, and often highly removed, teacher preparation programs on university campuses. How accurate

will the reporting of these aggregate programs be regarding the music education training program and how might this impact the stature of the music education program on that campus? What does the reporting burden look like in this aggregated program state?

The ED did include a mandate that a representative from small teacher preparation programs, such as music education programs, graduating less than 25 students annually, be part of the state's team developing the state's HEA accountability system under these new rules. This *may* create an opportunity for music education faculty and/or administrators to have a seat at the state table as each state's accountability system is built. NAFME is sharing this information with our colleagues at NASM, the National Association of Schools of Music, as well as with leadership in our higher education Societies – the Society for Research in Music Education and the Society for Music Teacher Education.