



# TENNESSEE POLICY REPORT CARD

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EXCELLENCE | EQUITY

CHOICE | TRANSPARENCY

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## ABOUT TNCAN



**The Tennessee Campaign for Achievement Now has been active in Tennessee since 2011. We are a nonprofit education organization that advocates to ensure every Tennessee student has access to a high-quality education through great teachers and great schools. We work to advance policies and programs that prioritize positive impacts for students statewide—especially those with the greatest needs.**



# INTRODUCTION

## A message from Victor Evans

At TennesseeCAN, we work to ensure that every student, regardless of zip code or economic circumstance, receives a high-quality education.

This work has been even more challenging over the last two years. The COVID-19 pandemic pushed state, district, and school leaders and teachers into uncharted territory. Their response has been one of strength and innovation, but we still have much more work to do.

We know students benefit most from in-person learning. But with interruptions from the pandemic, state TCAP assessments showed declines in student academic proficiency last year in every school district in Tennessee, across all subjects and grade levels.

This needed insight into student achievement must now be used to direct policies and funding conversations to better address this crisis and the growing equity gaps among students.

Educators, nonprofits, and state leaders have already been working diligently to mitigate losses over the last year and to implement long-term strategies and investments to get students back on track. For instance, high-impact tutoring is being launched to help combat learning loss for a whole generation of students.

Perhaps most crucial to the conversation, Tennessee's resource-based funding formula is also being reviewed for immediate change. This is in part due to our encouragement and belief that Tennessee students are not currently receiving the resources they need.

Staying true to our mission, our call to action is more important now than ever – we must ensure that our state funding structure is weighted based on the needs of students and not on systems. We believe funding must be student-centered, transparent, and portable – to help all students succeed.

TennesseeCAN's 2021 Policy Report Card lays out an array of crucial policies our state must protect or adopt to ensure that we do better for all students. These policies are grouped into four main areas of focus: Excellence, Equity, Choice, Transparency.

We look forward to supporting the work of Governor Lee, Education Commissioner Schwinn, our legislative leaders, and district and schools educators as we work together to update the state's education funding formula and look to find better ways to **ensure every student in Tennessee can succeed.**

## Glossary

**IHE**  
Institution of Higher Education

**ESSA**  
Every Student Succeeds Act

**ASD**  
Achievement School District

**TDOE or Department**  
Tennessee Department of Education

**SBE**  
Tennessee State Board of Education

**TCAP**  
Tennessee Comprehensive Assessment Program

**LEA or District**  
Local Education Agency

**BEP**  
Basic Education Program

**TN**  
Tennessee

**Commissioner**  
Commissioner of Education,  
Tennessee Department of Education

**State Legislature**  
Tennessee General Assembly

**House**  
Tennessee House of Representatives

**Senate**  
Tennessee Senate

**Priority Schools List**  
Priority Schools are the lowest-performing five percent of schools in Tennessee in terms of academic performance, including growth and achievement

**Student-Based or Weighted Student Funding formula**  
An alternative to the BEP that funds schools based on a base student cost multiplied by weights based on student needs



# EXECUTIVE SUMMARY

## OUR TENNESSEE PLEDGE

We will help every student realize his or her potential and provide them opportunities for success in life.

While the 2019-20 and 2020-21 academic years were unlike any other in recent history, arguably the 2021-22 academic year has been the return to normal, specifically as it relates to serving students outside of the brick and mortar setting. There have always existed scenarios where students could not be in the classroom: maybe they were in the hospital, were in in-school suspension or out-of-school suspension, or were traveling with family. Even though our schools have had over a year to figure out how to serve students when they are unable to be physically present in a classroom or school building, many schools have resorted back to normal where receiving the lesson is the student's—not the school's—responsibility. What COVID has shown us is that some schools treat students as numbers to manage, not humans to flourish. When some students were forced to quarantine at home, many schools did not offer a remote option (to be clear, worksheets are not remote learning). The pandemic was

a prime opportunity to increase opportunities and enthusiasm for school systems to redesign approaches for academic and non-academic supports.

According to a recent report from McKinsey & Company, failing our students during and after the pandemic could reduce the size of the U.S. economy by \$128 to \$188 billion a year once a generation of less-prepared students enter the workforce.<sup>1</sup> Our needs are greater, yet schools look a lot like they did before the pandemic. The needs are great and must be met with not just a restructuring of the public education system but a revolution: this report will indicate what that may look like in sections entitled A New Reality, recognizing that such a revolution will only be possible if the state funds our schools via a student-based funding formula.

The news is not all bad! Tennessee should be proud of a few best practices which we committed to in the 2020-21 and 2021-22

academic years. In an extraordinary special session in January 2021, the Tennessee General Assembly passed legislation to ensure TCAP assessments would take place in spring 2021 to both generate reliable data on how Tennessee students were performing and inform strategies to help support academic success during the pandemic. As a result, all Tennessee school districts achieved an 80% rate of student participation. In addition, the General Assembly passed comprehensive legislation to tackle learning loss over at least the next three years. Most notable of these strategies to combat learning loss is high-dosage tutoring that is paired with extensive support for tutors.

This report, as in previous years, will serve as a barometer on state policy efforts that have contributed to an environment of academic success. We analyze 26 education policies we believe are the most critical levers for

Tennessee to achieve strong educational progress. Each policy is categorized and organized according to TennesseeCAN's policy "Guiding Stars" – Excellence, Equity, Choice, and Transparency. Pages 22-81 provide an overview of all 26 policies, each of which is detailed in more depth later in the report. It is our hope that policymakers will use this report to double down on state policies that have led to impressive education gains, while examining areas in which the state can innovate to raise the bar for all children. These policy recommendations serve as a guide to model practices developed by state-based entities in conjunction with state and national research. However, policy is only as good as its implementation. Our state must continue to implement policies with fidelity to ensure our most vulnerable student populations are receiving the highest quality of education and afforded every opportunity to succeed.

# TENNESSEE EDUCATION AT A GLANCE

957,423

Students (2020 - 2021)

1,837

Schools (Including Charters)

62,879

Teachers

\$9,694

Avg. Per-Pupil Expenditure

147

School Districts

114

Public Charter Schools

## Tennessee Education Leadership

### Tennessee Commissioner of Education:

Dr. Penny Schwinn

### Tennessee State Board Members:

District 1: Mr. Nick Darnell  
District 2: Mr. Jordan Mollenhour  
District 3: Ms. Bob Eby, Vice Chair  
District 4: Mr. Gordon Ferguson  
District 5: Ms. Elissa Kim  
District 6: Ms. Lillian Hartgrove, Chair  
District 7: Mr. Nate Morrow  
District 8: Mr. Larry Jensen  
District 9: Mr. Darrell Cobbins  
Student Representative: Garren Hamby

### Tennessee State Legislature:

The General Assembly has 33 Senators and 99 Representatives

## TCAP

Tennessee Comprehensive Assessment Program (Grade 3-8 TNReady Scores and HS EOC Exams)\*\*

Math: 19.8%

ELA: 31.9%

SS: 35.25%

## 19.49

Average ACT Score

## 89.6%

Graduation Rate

\* All data are 2019-20 unless otherwise noted.

\*\* Represents Percentage of Students On Track or Mastered. Due to school closures and assessment waivers for 2019-20, data are incomparable to data from previous years.



# STATE POLICY CATEGORIES

## Excellence Policies

Guaranteeing excellence in Tennessee's schools requires setting high standards for students, educators, and schools, and having robust accountability to ensure excellent results. To reach this destination, we will continue to support reforms and reinforce existing policies that provide every student with access to a high-quality education. We must also build upon the significant reforms in our current education system, maintaining our decade of progress as one of the fastest-improving states in the nation for education. Excellence also means we reward highly-effective teachers and principals. Tennessee stands out as a national leader in its teacher and principal evaluation practices and our state uses a robust evaluation framework to reward educators based on performance, while simultaneously holding persistently underperforming educators accountable. See pages 22-47.

## Equity Policies

Not all students enter school on equal footing. Strong education policies must help students and teachers overcome opportunity gaps and ensure that every school has the resources it needs to empower all students. Our policies must provide a high-quality education to every student, regardless of their socioeconomic background, where they live, or any other life circumstance. To reach this destination, we must ensure that all students—including students of color, students from low socioeconomic backgrounds, English learners, students with disabilities, and students in rural, as well as urban districts—are not left behind. We will pursue equitable access for high quality schools and educators, sufficient and equitable funding and school resources, highly effective classrooms, and safe and secure school learning environments for every Tennessee student. See pages 48-59.

## Choice Policies

Every student is unique with unique needs, experiences, and learning styles. Ensuring every Tennessee student has access to a high-quality education is our top priority, and that requires providing students and their families with equitable access to a diverse range of educational options. Whether it's a traditional public school, a public charter school, or a private school, every Tennessee family should have the ability to choose the educational option that best meets their children's unique needs. To reach this destination, we will continue to call for policies that provide true choice and access for all students and families, especially those who need them most. We will ensure there are effective, fair enrollment systems and safeguards in place so families can make the best choices for their children. We will make sure that all of Tennessee's families are able to navigate the school choice system. See pages 60-71.

## Transparency Policies

Elected officials, superintendents, school leaders, and families need to be able to evaluate how well resources are targeted to create high-quality educational experiences for every child. Accountability to ensure excellence begins with transparently reporting academic and financial data on student, educator, school, and district performance. Moreover, performance data helps ensure that our improvements to education policy are making real progress towards our goals on student outcomes. To reach this destination, we must protect the accountability system and provide for greater transparency of information on student, teacher, school, and district performance, as well as taxpayer investments in public education. Academic and financial transparency ensures only the strongest education policies are created and maintained. We must also ensure that any information available is presented in an easy-to-understand way. See pages 72-81.

## How To Read This Report:

### Policy Rubrics, State Analysis, and A New Reality

This report organizes each policy into one of four buckets: **excellence policies, equity policies, choice policies, or transparency policies.**

Each policy in each bucket is given a score of zero through four based on how close Tennessee's policy/law is to research-based best practice, with 0 indicating insufficient or no progress toward best practice, and 4 indicating state-enacted law that encompasses research-based national best practices. In order to attain a higher category, such as moving from a 1 to a 2, the state must codify in law or regulation all the elements of the higher category. Thus, if the state enacts partial elements of a higher category, it would still be rated in the lower category.

With each policy, the "Where We Are" section highlights the current reality of Tennessee's policies, and the "A New Reality" section found in a few categories will highlight what best practice could look like in Tennessee should the state adopt a student-based funding formula.



# EXCELLENCE POLICIES

## OVERVIEW OF POLICIES

### 4

#### TEACHER EVALUATIONS

Our state requires annual comprehensive teacher evaluations that utilize a five-tiered rating system based on classroom evaluations, personal conferences, and 50% is based on student performance. Tennessee could further strengthen its evaluation framework by requiring all districts incorporate student surveys as an additional measure. No score change from prior year. See pages 24-25.

### 2

#### DIFFERENTIATED PAY

State law requires that educator evaluations play a role in employment decisions, including compensation. Tennessee should ensure that effective teachers are compensated for the positive impact they have on student learning and that districts and schools have the flexibility to create competitive compensation systems reflective of their needs. No score change from prior year. See pages 28-29.

### 3

#### LAST IN FIRST OUT (LIFO)

Our state requires that districts consider teacher performance when determining layoffs during a reduction in force. However, seniority is not prohibited from being the primary factor. Tennessee should require that performance serve as the primary basis for dismissal decisions during a reduction in force and explicitly prohibit districts from using seniority as a factor except in the case of a tiebreaker. No score change from prior year. See pages 32-33.

### 4

#### PRINCIPAL EVALUATIONS

Tennessee principals are evaluated annually based on achievement data and a five-tier rating of effectiveness. Fifty percent of the evaluations are based on school-level value-added growth. Performance is measured around four areas, including instructional leadership for continuous improvement, culture for teaching and learning, professional learning and growth, and resource management. No score change from prior year. See pages 26-27.

### 3

#### TENURE

Our state requires teachers to undergo a probationary period of five years, and the teacher must achieve an overall level of effectiveness of “above expectations” or “significantly above expectations” in the last two years of the probationary period in order to obtain tenure. Tenure is revocable if a teacher is rated in the lowest two tiers of performance for two years in a row. Tennessee should require at least three prior years, instead of two, of strong performance before making a tenure determination. No score change from prior year. See pages 30-31.

### 4

#### MUTUAL CONSENT / FORCED PLACEMENT

Our state has eliminated forced placement policies and requires reassigned teachers and principals to mutually agree on school placement. Tennessee must continue to ensure that schools have the authority to build and maintain an effective instructional team without forced placement. No score change from prior year. See pages 34-35.

# EXCELLENCE POLICIES

## OVERVIEW OF POLICIES

2

### TEACHER DISMISSALS

State law requires evaluations be a factor used when dismissing ineffective teachers. However, Tennessee policy does not establish a clear frequency threshold for when ineffectiveness leads to dismissal. Tennessee should ensure that districts and school leaders have the authority to build and maintain an effective instructional team by removing persistently ineffective teachers from the classroom. No score change from prior year. See pages 36-37.

2

### PRINCIPAL DISMISSALS

Tennessee should ensure that district leaders have the authority to build and maintain an effective leadership team by removing underperforming principals from schools. Principals with multiple consecutive years of ratings below expectations should be dismissed from their leadership placement. However, state law does not specify a frequency threshold for when ineffectiveness leads to dismissal for principals. No score change from prior year. See pages 38-39.

1

### TEACHER PREPARATION PROGRAM ADMISSIONS

Tennessee requires preparation programs to have an admission standard of a 2.75 average GPA or higher. Our state should increase the standard for entry to ensure preparation programs are drawing from the top half of the postsecondary student population, and continue to incentivize entry by diverse candidates from historically underserved backgrounds. No score change from prior year. See pages 40-41.

### TEACHER PREPARATION PROGRAM ACCOUNTABILITY

4

Tennessee provides robust data about the performance of teacher preparation programs, including graduate placement and performance outcomes. The state is also phasing-in requirements that all existing and new programs adhere to national best practices around student teaching and mentorship. No score change from prior year. See pages 42-43.

### PRINCIPAL PREPARATION PROGRAM ACCOUNTABILITY

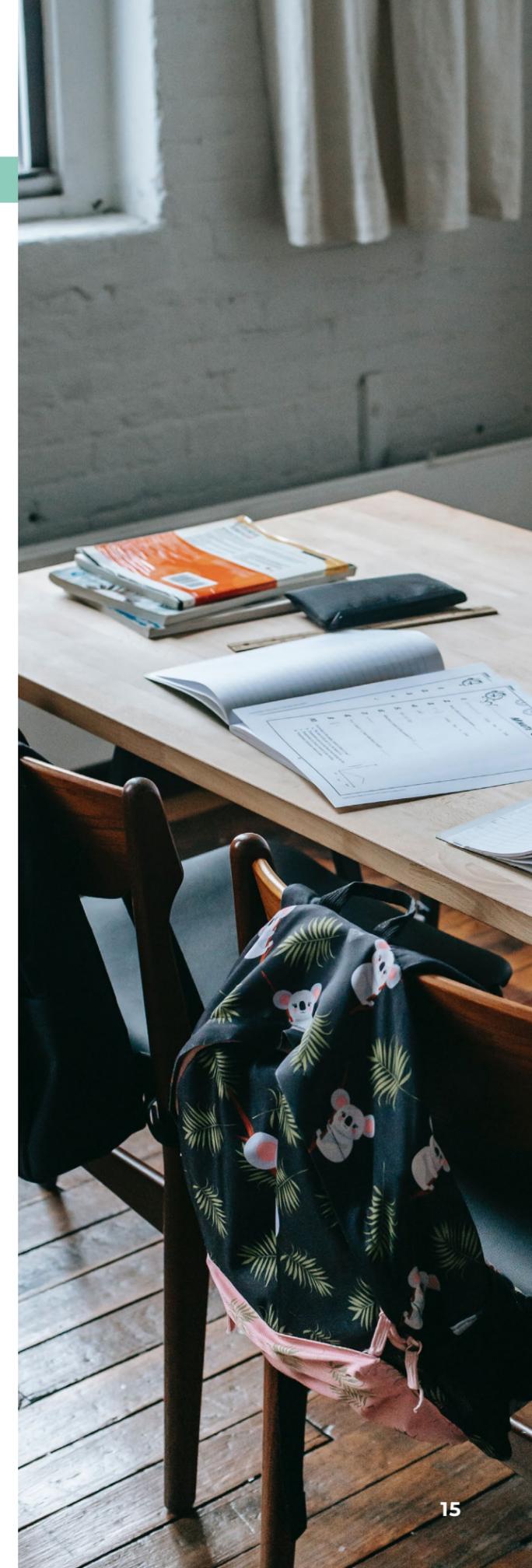
4

State policy requires that programs have selective admissions criteria and provide for accreditation and approval of alternative institutions. Importantly, our state requires a clinical component. The state also now collects and reports meaningful data on program graduate placement and outcomes. No score change from prior year. See pages 44-45.

### CAREER AND TECHNICAL EDUCATION

3

Tennessee's current CTE programs are generally strong and strive to ensure students have access to high-demand and high-wage careers. However, there needs to be vertical alignment of credits and credentials from high school to postsecondary education, a stronger connection between industries in the state and CTE programs, increased transparency with public reporting, and updated and complete data sources to allow for better regulation of CTE programs in the state. No score change from prior year. See pages 46-47.



# EQUITY POLICIES

## OVERVIEW OF POLICIES

### 4

#### SCHOOL IMPROVEMENT STRATEGIES

State turnaround efforts, such as the ASD, assume governance over some of the lowest-performing schools in the state. The ASD also has access to the district-owned facilities of the schools placed in the ASD. Innovation Zones (i-Zones) are also set up to address the lowest-performing schools through district-led interventions with greater flexibility around staffing and extended learning time. The state should continue to support new and innovative turnaround strategies in addition to the ASD and iZones. No score change from prior year. See pages 50-51.

### 2

#### FAIR FUNDING FORMULA

Tennessee should more efficiently fund public education, using existing resources to ensure that targeted funding reaches the students it is intended to serve based on need. The current formula is resource-based, rather than student-based, and is limited in its ability to target funding to individual student or school needs. No score change from prior year. See pages 52-53.

### 3

#### PUBLIC CHARTER SCHOOL FACILITIES ACCESS AND FUNDING

Currently, school districts must make underutilized and vacant properties available to public charter schools. Public charter schools in Tennessee also have access to a state charter school facilities grant fund, as well as access to tax-exempt financing and credit-enhancement from the U.S. Department of Education. Moving forward, Tennessee should grant public charter schools a right of first refusal at or below market value to underutilized or vacant facilities. No score change from prior year due to increased investments through the Governor's Emergency Education Relief Fund. See pages 58-59.

### 0

#### STUDENT PLACEMENT / CLASSROOM ASSIGNMENT

Tennessee prohibits information regarding a teacher's impact on student educational progress from being released to the public. Because of this provision, parents have no knowledge of when their child is placed in an underperforming classroom. Tennessee must strive to provide every student with access to an effective teacher and leader and ensure that no student is assigned to underperforming classrooms for multiple consecutive years. No score change from prior year. See pages 54-55.

### 3

#### EQUITABLE PUBLIC CHARTER SCHOOL FUNDING

Tennessee's funding formula provides equal per-pupil funding for district and public charter school students. In the future, Tennessee must continue to protect equal per-pupil allocation by ensuring that public charter schools are fully funded for the students they serve, including operational and capital outlay costs. No score change from prior year. See pages 56-57.

# CHOICE POLICIES

## OVERVIEW OF POLICIES



### 2

#### OPEN ENROLLMENT

Tennessee has a mandatory intradistrict transfer policy for students attending low-performing schools, as well as a voluntary intradistrict and interdistrict transfer policy. However, transportation is not provided under either enrollment policy. Tennessee should strengthen its open enrollment policies by expanding its mandatory intradistrict transfer program to all students while providing transportation for these programs, and include unified enrollment systems for large urban districts. No score change from prior year. See pages 62-63.

### 4

#### PUBLIC CHARTER SCHOOL AUTHORIZING PRACTICES

Our state has 10-year charter terms, multiple authorizers, and does not have charter authorization caps. The state also has an independent statewide appellate authorizer in the Tennessee Public Charter School Commission. No score change from prior year. See pages 64-65.

### 2

#### PRIVATE SCHOOL CHOICE ACCESSIBILITY

Private school choice initiatives can supplement existing school systems where immediate access to quality alternative school options is needed. Tennessee has established an Education Savings Account program in its two largest school districts that targets participation for low-income students. Due to legal challenges, this program has been stalled for the time being. There is also an Individualized Education Account choice program for students with disabilities. No score change from prior year. See pages 68-69.

### 3

#### PUBLIC CHARTER SCHOOL ACCOUNTABILITY

Charter schools are required to submit an annual report to the authorizer and Commissioner, and authorizers are required to adopt a performance framework. Charter schools can be closed automatically due to chronic underperformance. The state has established the SBE as the entity to oversee all charter school authorizers. No score change from prior year. See pages 66-67.

### 3

#### PRIVATE SCHOOL CHOICE ACCOUNTABILITY

Ensuring strong accountability in private school choice programs gives confidence to the public that taxpayer money is being well spent. It also holds providers responsible for producing academic gains with students. The state's new Education Savings Account Program has strong, outcomes-based accountability metrics for participating schools. No score change from prior year. See pages 70-71.

# TRANSPARENCY POLICIES

## OVERVIEW OF POLICIES

### 4

#### ASSESSMENTS & STANDARDS

Tennessee has instituted a formal in-state review process to ensure academic needs are met in the adoption of rigorous standards. The state requires annual administration of assessments that are reported publicly and aligned with college and career readiness standards. No score change from prior year. See pages 74-75.

### 3

#### SCHOOL ACCOUNTABILITY FRAMEWORKS

TDOE issues school- and district-level report cards with information on student performance in multiple areas. As of the 2019-20 school year, state law required that all schools earn a single summative rating based on school performance. Tennessee should ensure that the newly enacted A-F summative rating system is implemented and remains fully aligned with the school accountability framework required under ESSA. No score change from prior year. See pages 76-77.

### 1

#### FISCAL TRANSPARENCY

Every school district is required to submit a certified copy of its budget, prior year expenditures, and a financial audit to the Commissioner of Education. In response to federal requirements, Tennessee established a fiscal transparency model to report school-level expenditures statewide. The state should promote greater fiscal transparency by analyzing how well school districts use their resources to improve student achievement and develop a standard rating system to measure fiscal responsibility and performance among peers. Score decreases one point from last year due to the absence of school-level subgroup reporting. See pages 78-79.

### 0

#### CLASS SIZE MANDATES / LOCAL FLEXIBILITY

Tennessee state law arbitrarily restricts individual class size totals and school averages. Our state should eliminate class size restrictions above the 3rd grade and permit local districts to determine class size guidance. Eliminating statewide class size mandates empowers local school leaders to determine class size and grants them greater flexibility to staff their schools according to student need. No score change from prior year. See pages 80-81.



# EXCELLENCE POLICIES

4

TEACHER EVALUATIONS

EXCELLENCE POLICIES

Why This Matters

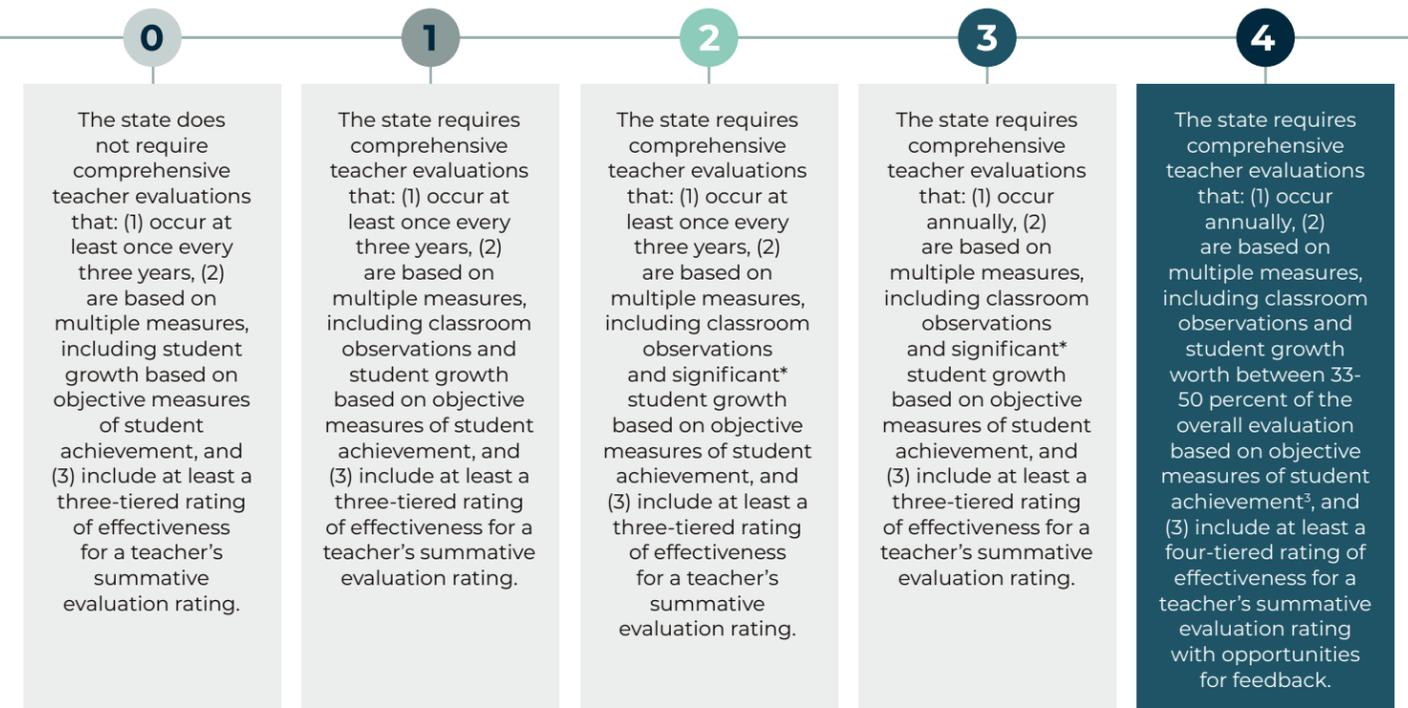
On average, students with the highest-performing teachers gain five to six more months of learning than students in classrooms with a low-performing teacher.<sup>2</sup> Robust teacher evaluations that occur annually, differentiate teacher quality in a meaningful way, rely on multiple measures (including teacher contribution to growth in student achievement), and provide opportunities for feedback linked to professional development, will inform educator practice and effectiveness.

T. C. A. § 49-1-302(d); Public Chapter 42; Tenn. Comp. R. & Regs. 0520-01-01; Teacher and Principal Evaluation 5.201

\* Significant is not specifically defined within federal guidelines, and in fact is no longer a federal requirement under ESSA. Research has identified basing 33-50 percent of a teacher's evaluation on student growth maximizes correlation with state test gains, correlation with higher-order tests, and the reliability of the overall evaluation system. However, any individual component in isolation will not ensure a robust evaluation framework. Instead, a comprehensive framework will include multiple measures and effective implementation.

\*\* This rating is a 5-point scale with a 1 signifying "significantly below expectations", a 2 signifying "below expectations", a 3 signifying "at expectations", a 4 signifying "above expectations", and a 5 signifying "significantly above expectations."

POLICY RUBRIC: TEACHER EVALUATIONS



Where We Are

The Tennessee First to the Top Act of 2010 established annual teacher evaluations. Known practically as the TEAM evaluation process, TEAM intends to provide teachers with a complete picture of what goes on in the classroom and allows teachers and school leaders to have an ongoing dialogue about how a teacher's skills lead to growth in student achievement. Evaluations include a five-tiered rating of effectiveness\*\* consisting of a 50-percent qualitative component which includes classroom observations and personal conferences, and a 50-percent quantitative student achievement component (of which 35 percent is based on a student growth estimate and 15 percent is based on teacher selected achievement measures). The good news is that educators have faith that these evaluations are fair and contribute to their practice. In a 2021 educator survey conducted by the TDOE, 85% of educators agreed or strongly agreed that the evaluation process is fair (up three points from last year). Additionally, 81% of educators believe that the evaluation process has improved their teaching (the highest percentage ever reported, which has more than doubled since 2012).

Obviously, educator evaluations are going to look a lot different if/when an educator is leading a classroom in a remote setting. The Tennessee Department of Education responded to this by offering best practices in distance learning: a trio of documents designed to support teachers and observers as they implement TEAM in a distance learning environment. These documents, developed with feedback from practitioners across the state, were built upon the strong foundation of the TEAM rubric in which observers are already grounded.

4

PRINCIPAL EVALUATIONS

EXCELLENCE POLICIES



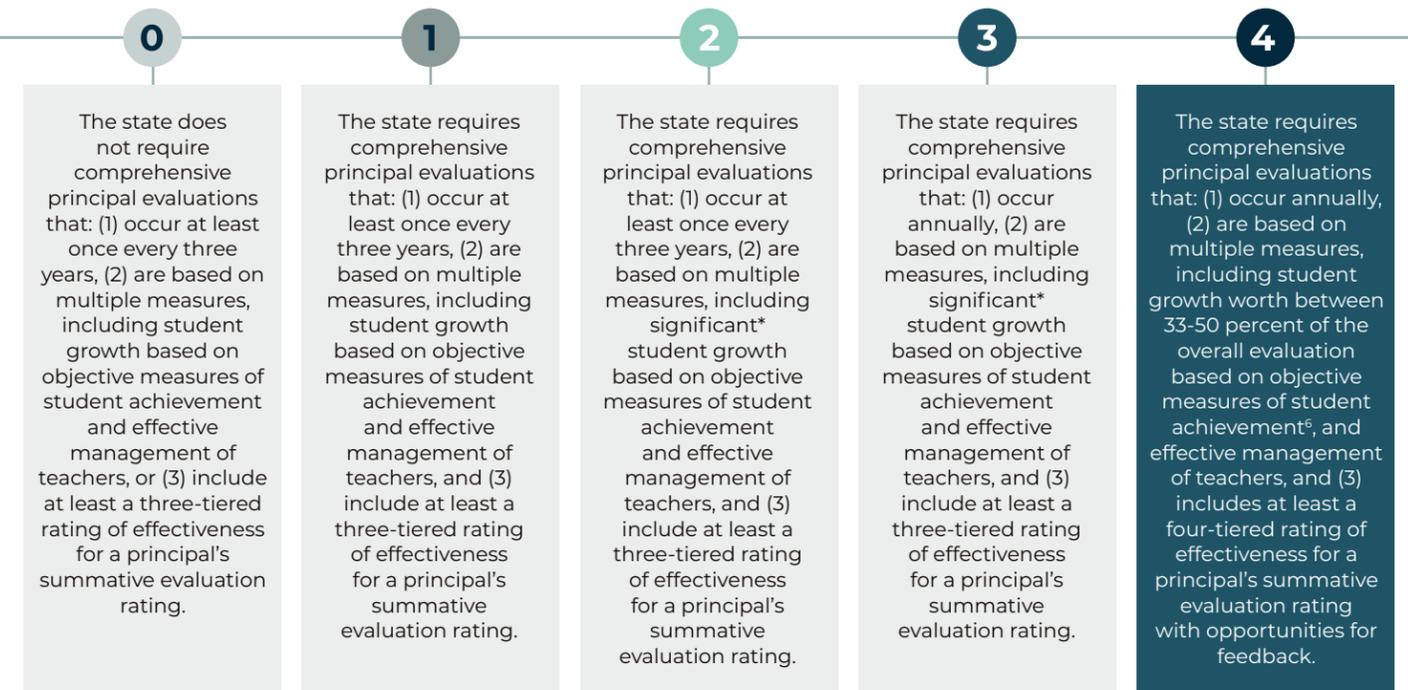
Why This Matters

As teachers may have the strongest impact on student achievement within the classroom, principals serve as the instructional leaders for those teachers within the school and therefore are key players in ensuring their teachers are supported and effective. In fact, principals have the second highest in-school impact on student achievement after teachers.<sup>4</sup> Principals are responsible for ensuring that the teachers they place in classrooms are highly effective and are given meaningful opportunities for development. The efficacy of principals empowers teachers and is also tied to increased retention of highly-effective teachers.<sup>5</sup> Robust principal evaluations meaningfully differentiate principal quality, are based on multiple measures including school-wide student growth and effective management of teachers, and provide opportunities for feedback linked to professional development.

Where We Are

In Tennessee, the evaluation includes a five-tier rating of effectiveness, a 50-percent qualitative component that includes self-reflection and a teacher perception survey, and a 50-percent quantitative component (of which 35 percent is based on a student growth estimate and 15 percent is based on teacher selected achievement measures). The qualitative component also includes measures related to effective management of teachers (including the administrator's implementation of the teacher evaluation process at 15 percent), the education program offered to students, and the overall school facility. Specifically, performance is measured around four areas: instructional leadership for continuous improvement, culture for teaching and learning, professional learning, and growth and resource management.

POLICY RUBRIC: PRINCIPAL EVALUATIONS



A NEW REALITY

No one principal or school leader is going to be strong in all four areas: instructional leadership for continuous improvement, culture for teaching and learning, professional learning, and growth and resource management. For example, a school leader may be strong in everything except growth and resource management. Unfortunately, a resource-based formula like the BEP does not encourage the district to be strategic about finding an Assistant Principal or Dean who is specifically talented with growth and resource management. The BEP awards schools the statewide average instructional cost so they can hire assistant principals, yet this cost depends on the number of students enrolled. For example, an elementary school with fewer than 660 students would not receive money to hire an Assistant Principal. For all intents and purposes, the BEP assumes that small elementary schools will have no problem recruiting, hiring, or retaining a school leader who excels in all four areas. Such an assumption is simply unfair to a school district and school community seeking to build an effective school leadership team. A student-based formula encourages schools and districts to think more strategically, ultimately rewarding school leaders for not only their ability to improve student outcomes, but also to hire an effective leadership team that complements a principal's professional strengths and weaknesses.

T. C. A. § 49-1-302(d)(2)(A); § 49-2-303; Teacher and Principal Evaluation Policy 5.201; Tennessee Department of Education, TEAM Administrator Evaluation Rubric (2018-19).

\* Significant is not specifically defined within federal guidelines, and in fact is no longer a federal requirement under ESSA. Research has identified 50 percent as the ideal weight for the student outcomes component of the overall principal evaluation score. However, any individual component in isolation will not ensure a robust evaluation framework. Instead, a comprehensive framework will include multiple measures and effective implementation.

2

# DIFFERENTIATED PAY

## EXCELLENCE POLICIES

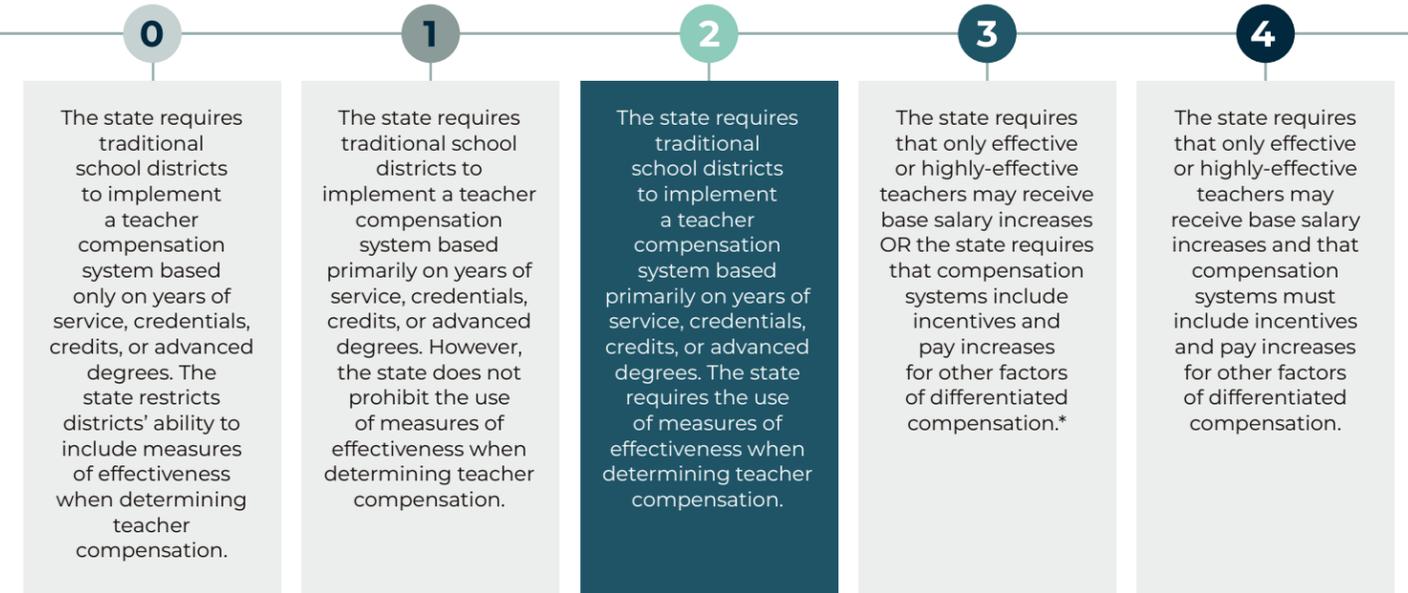
## POLICY RUBRIC: DIFFERENTIATED PAY

### Why This Matters

Teacher shortages are not unique to the state of Tennessee. Principals across the nation are facing significant shortages of quality teacher candidates. Tennessee should ensure that districts and schools have the flexibility to create competitive compensation systems, rewarding effective teachers for the positive impact they have on student learning. Recognizing effective teachers is a positive reform regarding accountability measures, but they do not offer the same praise in the form of differentiated pay. They will then struggle to believe in the accountability standards that they share with a less-effective teacher.

### Where We Are

State law requires districts to create and implement differentiated pay plans with the goal of aiding the staffing of hard-to-staff subject areas and schools and assisting in the hiring and retention of highly qualified teachers. While evaluations must be a factor in compensation decisions, Tennessee should prioritize effective teaching by requiring districts to develop or adopt compensation systems that make measures of effectiveness the primary criteria used to determine all pay increases. Considering that teachers have been working even harder to adjust to remote learning and supporting students through a global pandemic, differentiated pay based on outcomes will encourage more strategic teacher recruitment and mitigate high teacher turnover and shortages.



### A NEW REALITY

If Tennessee had a high-quality differentiated pay policy when the pandemic hit (see Rank 4 description on rubric above), schools would have had much more flexibility to design a staffing plan that best met the needs of their students. For example, when it comes to recruitment, they could use funds to create a grow-our-own program, identifying teaching candidates in their community and offering them a pathway to the classroom. Of course, these non-traditional candidates may have different pay expectations, and would not be turned off to the teaching profession if districts have the ability to pay in a differentiated manner. As for retention, about eight percent of teachers leave their jobs each year, and about 20% leave within their first five years, and this number is greater in high-need schools.<sup>7</sup> Under a differentiated pay system, schools can offer higher pay for their more effective educators who have better-paying offers or opportunities elsewhere. Additionally, under a resource-based formula like the BEP, schools may be forced to hire educators they do not need just to meet a statutory ratio. Under a student-based funding formula, they could use those same dollars to instead retain their most effective teachers who are often incentivized to either move to a higher-paying district or leave the profession altogether.

T. C. A. § 49-1-302(a)(18); § 49-1-302(d)(2)(A); § 49-3-306(a)(1); § 49-3-306(h); Tenn. Comp. R. & Regs. 0520-01-02-.02; Strategic Compensation Policy 5.600

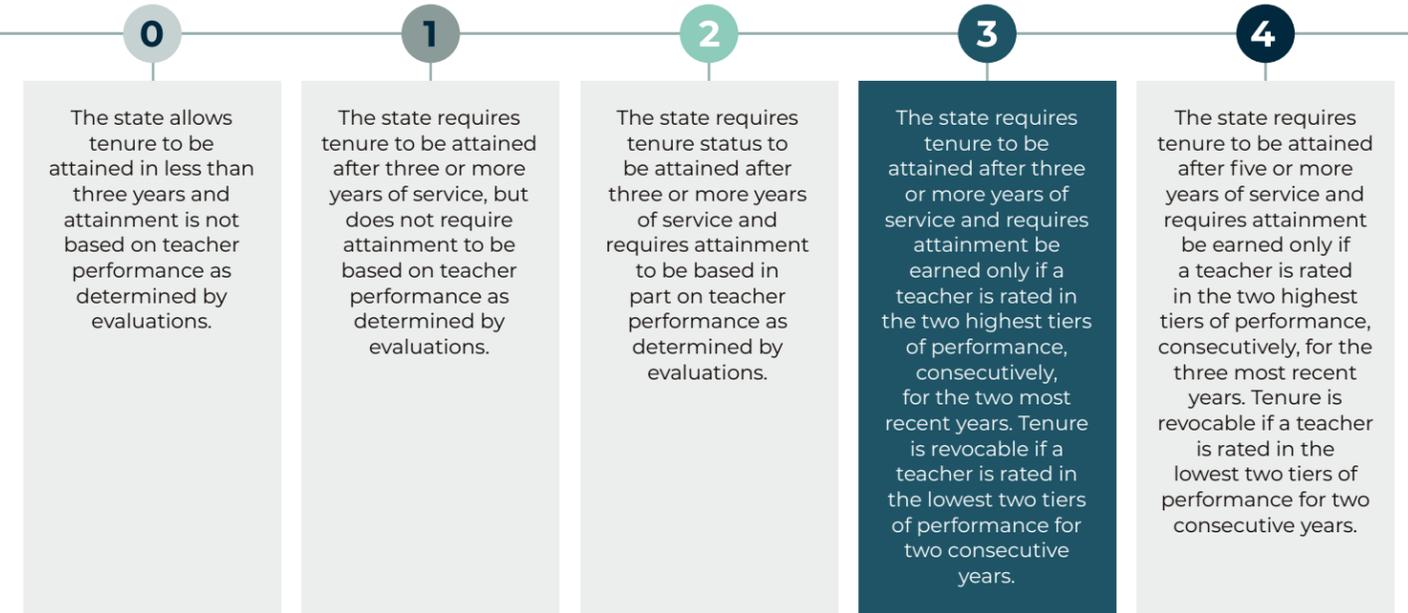
\* Other factors of differentiated compensation, beyond teacher performance, include incentives and pay increases for teaching in high-need schools, hard-to-staff geographic areas, and hard-to-staff subjects.

3

# TENURE

## EXCELLENCE POLICIES

### POLICY RUBRIC: TENURE



### Why This Matters

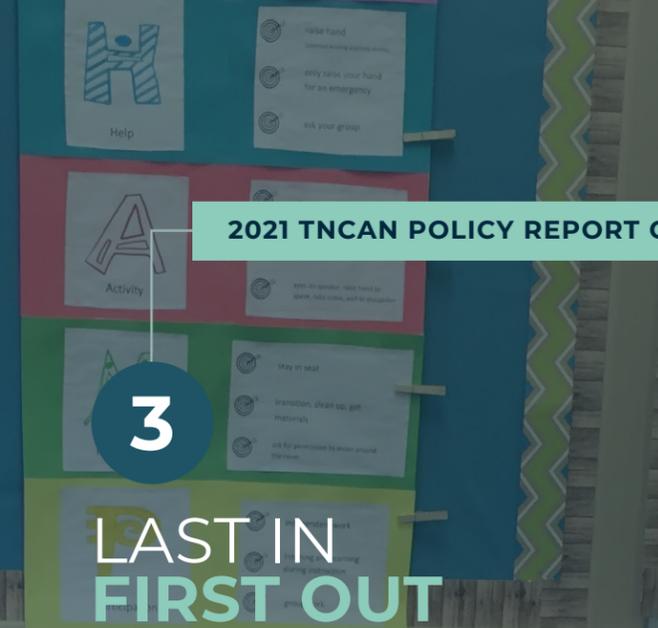
In a global pandemic, job stability may be valued more than ever. Tenure can provide a greater sense of stability for educators looking to make teaching their profession. With tenure, teachers are provided stronger due process in instances of misconduct or poor performance, and objectivity in times of layoff. However, in exchange for additional protections, like increased job stability, teachers must demonstrate strong and consistent performance.

### Where We Are

In order to receive tenure status, teachers in Tennessee are given a period of five years to achieve an overall level of effectiveness of “above expectations”, or “significantly above expectations” in the last two years of the five-year period. At the conclusion of the five-year period, a teacher must be recommended for tenure status by the director of schools or be non-renewed. Tenure is revocable if a teacher is rated in the lowest two tiers of performance for two consecutive years. In response to the COVID-19 pandemic, the legislature in a special session passed legislation that allowed teachers to nullify their evaluation scores for the 2020-21 school year. Additionally, student performance indicators were included in evaluations only if it helped educators achieve a higher evaluation score. It remains to be seen how this change in policy will affect tenure in the state.

Tennessee could improve our tenure policy by requiring at least three prior years of strong performance, instead of two, before making a tenure determination.<sup>9</sup> This makes more sense when considering that educator value-add (TVAAS) is calculated based on a three-year average.

*T. C. A. § 49-5-503; § 49-5-504(e); § 49-5-511(a) (2); Tennessee Department of Education, New Tenure Law FAQ (2014)*



2021 TNCAN POLICY REPORT CARD

3

LAST IN FIRST OUT

EXCELLENCE POLICIES



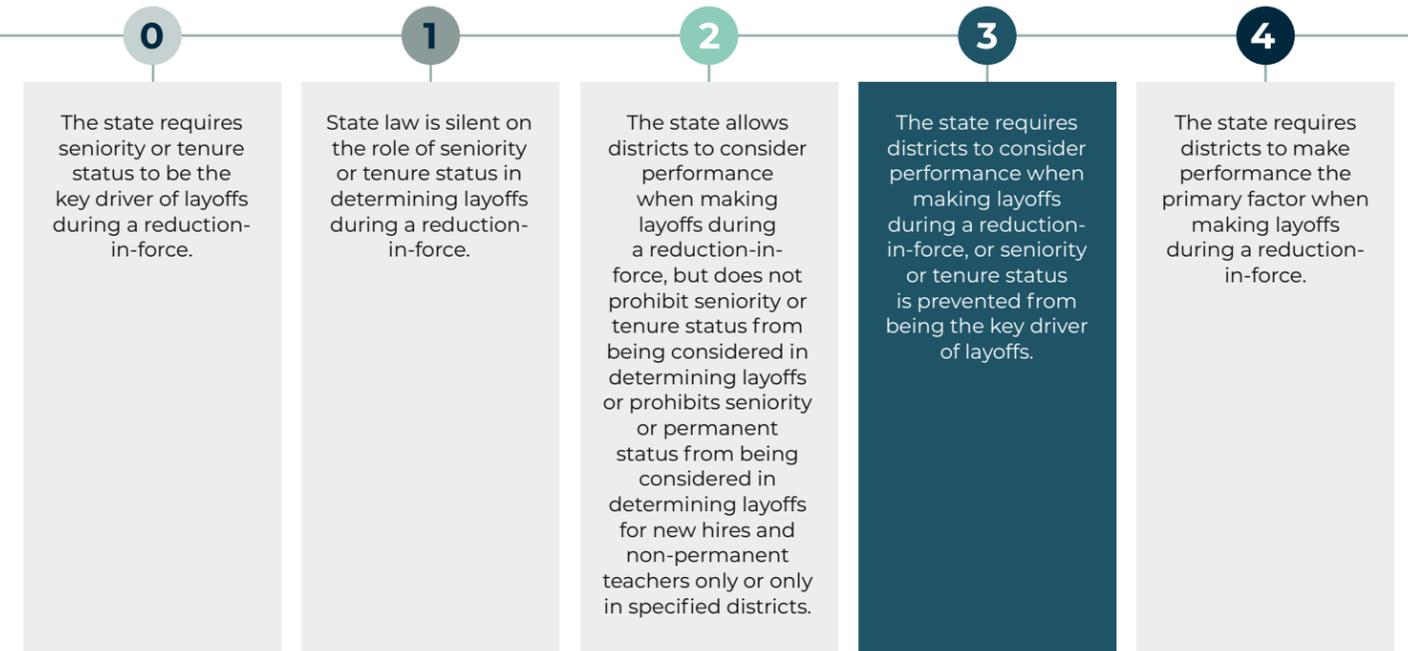
### Why This Matters

Every year, schools must consider their staffing needs. If student enrollment declines and the resource-based funding attached to enrollment declines, schools must reconsider those staffing needs. Research indicates that when districts conduct seniority-based layoffs, they end up firing some of their most effective educators.<sup>9</sup> If districts must have a reduction-in-force (RIF), layoffs should be based on teacher performance and prohibit seniority or permanent status from driving personnel decisions. Following these structures ensures that higher performing teachers are not exited from the system before lower performing teachers, thereby ensuring students have access to the greatest number of high-performing teachers available.

### Where We Are

Tennessee requires districts to consider performance as one factor when determining layoffs during a RIF. Seniority is not required as a criterion for these decisions, but it is not prohibited from being the primary factor either. To ensure effective teachers are retained, Tennessee should require that performance be the primary basis for dismissal decisions during an RIF and explicitly prohibit districts from using seniority as a factor except in the case of a tiebreaker for similarly rated teachers.

## POLICY RUBRIC: LAST IN FIRST OUT (LIFO)



### A NEW REALITY

Under a resource-based formula like the BEP, when school districts face budget cuts, they automatically start thinking about how many positions they will have to cut. This way of thinking is due to the fact that funding is allocated based on position: if you receive funds based on positions, it makes sense—sadly—that losing funds equates to losing positions. In a student-based funding model, schools receive funds based on student needs. If the district faces a budget cut, there is no longer any justification for automatically cutting staff. Instead, a district can ask more strategic and student-focused questions when developing a tight budget. For example, “Does every single one of my students need a printed, hard copy textbook, or is there a more cost-effective and personalized way for students to receive the material?”

There is urgency to reform the funding formula from one that is resource-based to one that is student-based. Considering school districts receive dollars based on the number of students in their district, and Tennessee public school enrollment dropped about 2.9% since the start of the pandemic, it is naive to assume that districts will not implement a reduction in force when enrollment drops under a resource-based formula. The urgency is most dire for Metro Nashville Public Schools, where enrollment dipped more than 5% from January 2020 to January 2021.<sup>10</sup>

4

# MUTUAL CONSENT / FORCED PLACEMENT

## EXCELLENCE POLICIES

## POLICY RUBRIC: MUTUAL CONSENT/FORCED PLACEMENT

0

The state requires forced placement of teachers to school sites based on seniority or permanent status.

1

State law is silent on forced placement of teachers to school sites based on seniority or permanent status.

2

The state explicitly allows districts to establish mutual consent hiring, but forced placement based on seniority or permanent status is not prohibited.

3

The state prohibits forced placement of teachers based on seniority or permanent status OR requires mutual consent hiring, but teachers with seniority OR permanent status have hiring priority over those who do not.

4

The state prohibits forced placement of teachers based on seniority or permanent status OR requires mutual consent hiring.

### Why This Matters

If principals are asked to hire the best and brightest teachers for their students, they should be given the flexibility to do so under a policy of mutual consent. They will be unable to do so under a forced placement policy. Forced placement requires principals to hire certain teachers assigned by the district to a school without regard for principal or teacher input, or school fit and merit. When teachers are required to teach at a school for which they are not suitably fit, there can be a negative impact on school culture.<sup>11</sup> For example, in Shelby County Schools, mutual consent hires were more likely to rank in the highest teacher effectiveness category and less likely to rank in the lowest category.<sup>12</sup> It is critical that principals feel empowered to hire staff based on merit and fit. Similarly, teachers should also have a say in their place of employment. Tennessee must continue to ensure that schools have the authority to build and maintain effective instructional teams without forced placement of teachers.

### Where We Are

In 2013, Tennessee eliminated forced placement and now requires teachers and principals to mutually agree on a reassigned teacher's school placement. Tennessee requires consideration of teachers on a reemployment list based on effectiveness for rehiring. Only teachers with the top three performance evaluation ratings are placed on the preferred reemployment list. Teachers remain on a surplus candidate list until they have rejected four offers for employment.

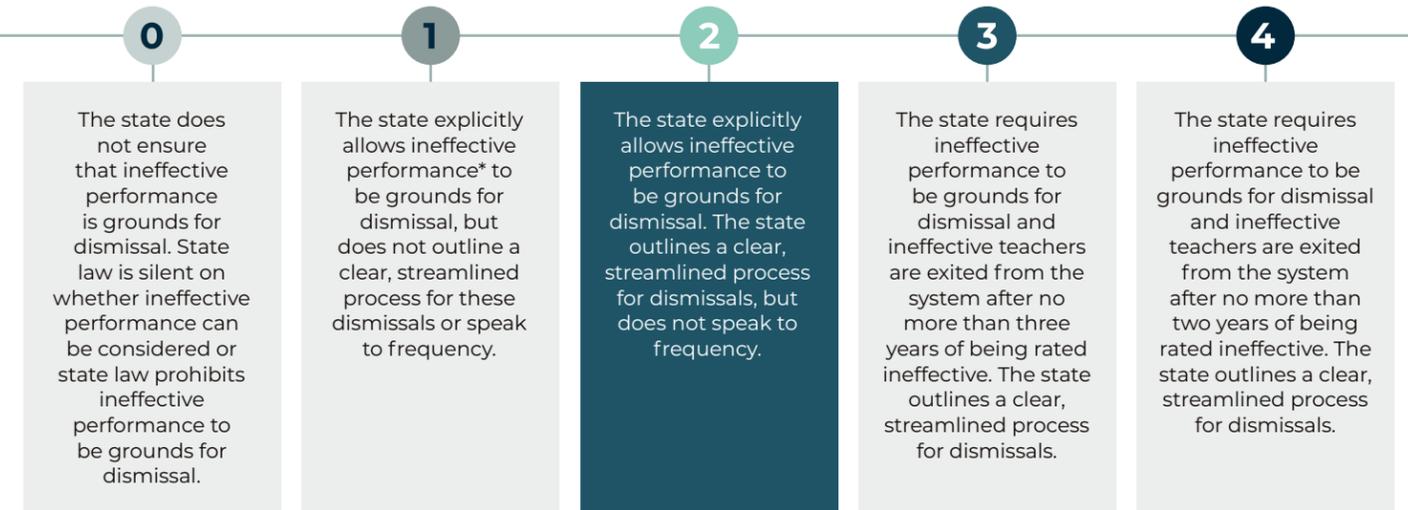
T. C. A. § 49-5-511(b)

2

TEACHER DISMISSALS

EXCELLENCE POLICIES

POLICY RUBRIC: TEACHER DISMISSALS



Why This Matters

A teacher is the most important in-school factor that affects student achievement. On average, students with a high-performing teacher will gain five to six more months of learning compared to their peers with a low-performing teacher. Sometimes, persistently underperforming teachers may need to be dismissed based on their inability to improve academic outcomes. In Tennessee, prior to tenure reform, only 0.2 percent of tenured teachers were dismissed or did not have their contracts renewed due to poor performance.<sup>13</sup> Tennessee should ensure that district and school leaders have the authority to build and maintain an effective instructional team by removing persistently ineffective teachers from the classroom.

Where We Are

Tennessee law requires teacher evaluations to be one factor when making determinations for dismissing ineffective teachers. The state law also empowers district leaders to dismiss ineffective teachers. The dismissal process is specifically outlined in state law, including timelines and procedures. However, Tennessee’s teacher dismissal policy does not establish a clear frequency threshold for when ineffectiveness leads to dismissal. To strengthen its focus on retaining effective teachers, our state should ensure that teachers with multiple consecutive years of ratings below expectations are dismissed from their teaching placement.

A NEW REALITY

Teachers are whole human beings with their own strengths and weaknesses. They are not a decimal point related to a ratio and should never be assumed to have the same talents as their peers. Yet teachers are treated as such under a resource-based formula like the BEP: for every certain number of students, districts will receive the average statewide salary of an instructional position. Under a student-based funding model, districts are encouraged to be strategic about their hiring of teachers and would also have the flexibility to fund training and development opportunities for less effective teachers. Under a resource-based formula, districts have an incentive to treat teachers as widgets to pass around without investing in first - especially when a teacher shortage exists. A student-based model frees up districts to think about the strengths and weaknesses of their staff in strategic ways.

T. C. A. § 49-5-511; § 49-5-512; § 49-5-513; § 49-1-302; § 49-2-203(a)(6); § 49-2-301(b) (1)(EE); § 49-2-301(b)(1)(GG); Tenn. Comp. R. & Regs. 0520-02-03-.09

\* Ineffective means those teachers who perform in the lowest tier of performance, or teachers who perform in the two lowest tiers (for states with five rating categories, such as Tennessee) of performance but demonstrates no measurable growth. Automatic exit from the system after no more than three years emphasizes the importance of maintaining a high-performing workforce. When district and school leaders genuinely work with educators to improve their practice, but performance does not improve over a period of time, leaders should exit ineffective educators from schools. This policy component should not be pursued until a state has put robust evaluation and professional development structures in place.

2

PRINCIPAL DISMISSALS

EXCELLENCE POLICIES



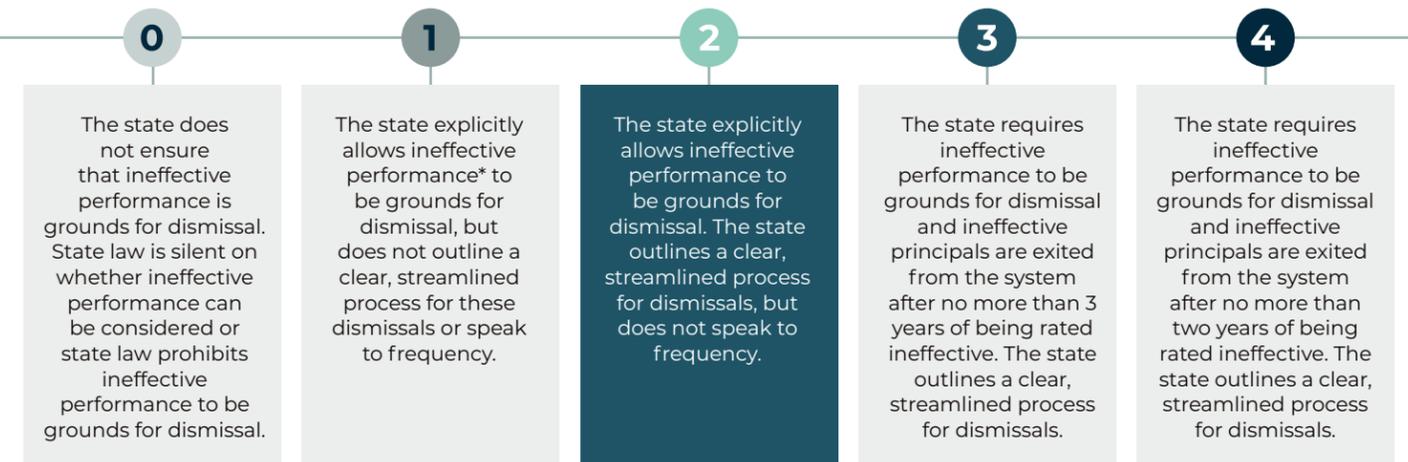
Why This Matters

Principals are key in not only recruiting and retaining the best teachers, but in creating a positive school culture, and they must be agile— now more than ever—in ensuring their school is a place of academic excellence no matter what is happening outside the school walls. Principals play multidimensional roles in keeping schools operational and safe, and in fostering productive work cultures where teachers and staff can best serve students as they pursue their academic goals.<sup>14</sup> Sometimes, persistently underperforming principals need to be dismissed from a school based on performance in order to ensure a productive school culture and successful operations.

Where We Are

The process for dismissing principals in Tennessee is similar to the process for dismissing teachers. State law requires evaluations to be one factor when making determinations for dismissing ineffective principals. State law also empowers district leaders to dismiss inefficient principals. However, Tennessee policy does not establish a frequency threshold for when ineffectiveness leads to dismissal. To strengthen its focus on retaining effective school leaders, our state should ensure that principals with multiple consecutive years of ratings below expectations are dismissed from their leadership placement.

POLICY RUBRIC: PRINCIPAL DISMISSALS



A NEW REALITY

As education advocates, we must be honest that no school leader is going to be strong in all four areas of the evaluation model. The BEP funding formula assumes that all school leaders are the same: for every 225 students, a school is given the statewide average instructional salary to hire a principal. For schools with less than 225 students, they receive half a principal, or more technically, half the statewide average instructional salary. For elementary schools with less than 100 students, they receive zero dollars to hire a principal.<sup>15</sup> So if a school has 224 students, the state is asking their principal to be strong in all four areas (instructional leadership for continuous improvement, culture for teaching and learning, professional learning, and growth and resource management) but only pays them half. In a student-based funding formula, districts are freed up to think strategically about who they hire as school leaders. If a school—no matter the size—needs a school leader who is very strong in resource management, under a student-based formula they would have the authority to build and maintain an effective leadership team by removing underperforming principals from schools, then hire a leader who would match the needs of their school.

For a more current example, Tennessee’s focus on high-dosage tutoring to combat learning loss requires strong principals: someone who can effectively coordinate the work between the classroom educators and the tutors, or supporting educator’s schedules that include time for this work, or leverage partnerships with organizations in their community who are adept at accelerating learning. If a school leader fails in each of these attempts, the district should have the funding flexibility to hire an assistant principal or program manager who can support the school’s tutoring needs in a strategic way. If a school does not receive any money—for even half an average salary—for a principal “position” there is no incentive to be strategic about hiring based on a principal’s strengths/weaknesses. As it stands now, districts have no incentive to think strategically how to ensure the best leaders are transforming schools in their districts.

T. C. A. § 49-1-302(d)(2)(A); § 49-2-203(a)(6); § 49- 2-301(b)(1)(EE); Tenn. Comp. R. & Regs. 0520-02- 03-09; White v. Banks, 614 S.W.2d 331, 334 (Tenn. 1981)

\* Ineffective means those principals who perform in the lowest tier of performance, or principals who perform in the two lowest tiers (for states with five rating categories, such as Tennessee) of performance but demonstrate no measurable growth. Automatic exit from the system after no more than three years emphasizes the importance of maintaining a high performing workforce. When district leaders genuinely work with school leaders to improve their practice, but performance does not improve over a period of time, leaders should exit ineffective principals from schools. This policy component should not be pursued until a state has put robust evaluation and professional development structures in place.

# 1 TEACHER PREPARATION PROGRAM ADMISSIONS

## EXCELLENCE POLICIES



### Why This Matters

On average across the nation, students in teacher preparation programs hold lower college-entrance exam scores than their peers in their university cohorts.<sup>16</sup> Not only do teacher preparation programs control their curriculum and program experience, they also have control of the admissions and selection criteria that will dictate the teacher candidate pool. Strong admissions criteria help ensure that programs are drawing from the top half of the college-going population.<sup>17</sup> While reviewing teacher preparation program accountability, attention must be paid to the standards for candidate entry as well as the diversity of the teacher pipeline.

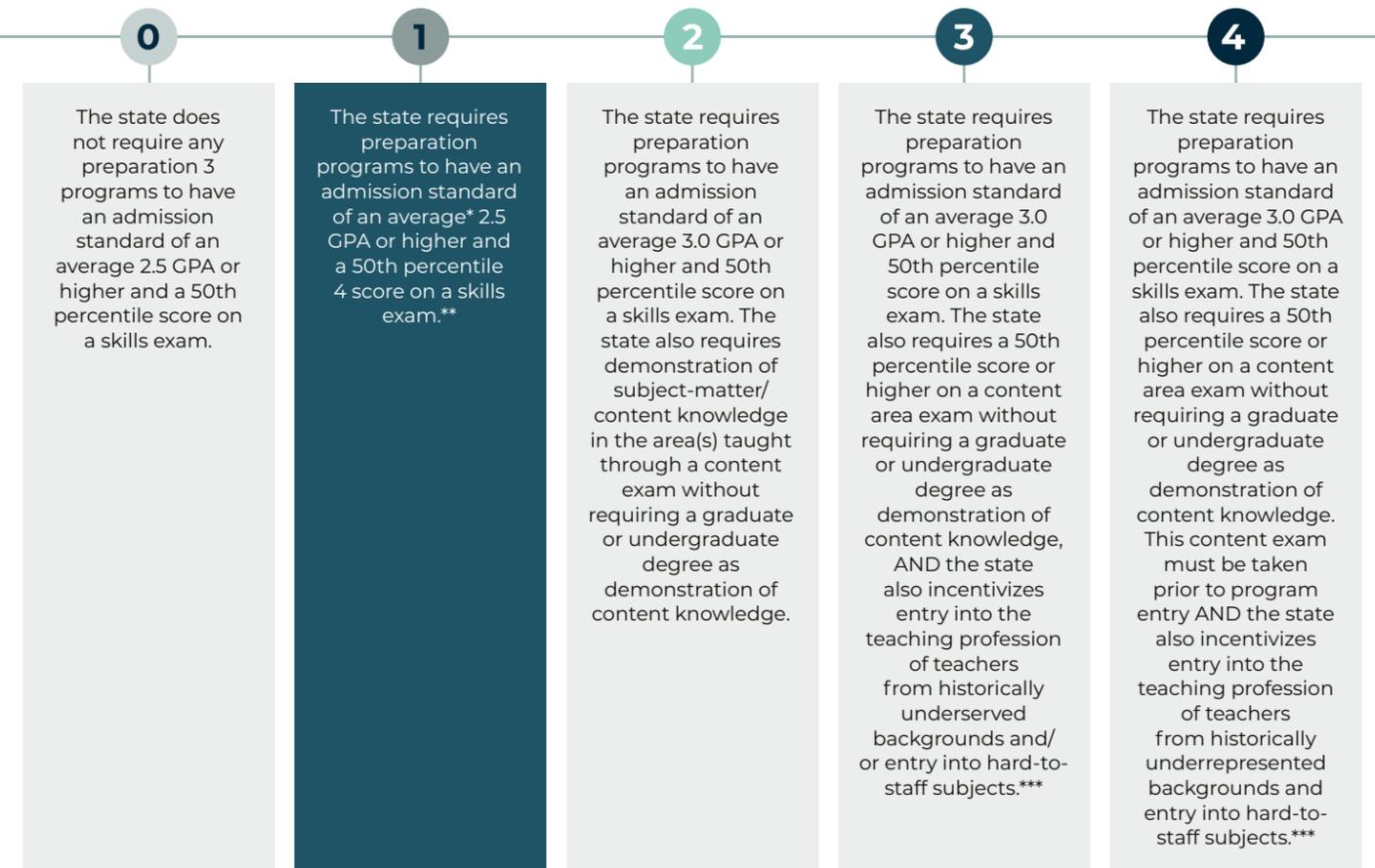
*T. C. A. 49-5-5601; Tennessee State Board of Education; Tennessee Professional Assessments Policy 5.105; Tennessee Educator Preparation Policy 5.504*

*\* The selective admissions average is based on the cohort average, allowing variation among individual applications. This permits schools to incorporate additional factors for admissions.*

*\*\* A skills exam should be nationally norm-referenced, and could include the SAT, ACT, or GRE.*

*\*\*\* The state of Tennessee defines historically underserved subgroups to include: economically disadvantaged students, English language learners, special education students and Black, Hispanic, and Native American students.*

## POLICY RUBRIC: TEACHER PREPARATION PROGRAM ADMISSIONS



### Where We Are

Since 2014, Tennessee has required that all existing and new teacher preparation programs adhere to national best practices of high quality teacher preparation program requirements, including selective admissions criteria. While this was an improvement from prior years, the bar is still not high enough.

In addition to strengthening standards for entry, the state must support increasing diversity in the teaching workforce, specifically through investing in preparation programs that prepare a high number of candidates of color. Academically, educators of color have a greater effect on students of similar backgrounds, and this effect shows in both academic achievement and reduced suspension and expulsion rates.<sup>18</sup> In Tennessee, 31% of schools have no teachers of color, and 23% of students are in schools with no teachers of color.<sup>19</sup> The good news is that Tennessee is one of seven states recognized for its efforts in increasing student access to diverse educators by collecting teacher diversity data, using progress measures for recruitment and diversity on the Teacher Preparation Report Card, and targets resources to districts and schools to support their efforts in recruiting more diverse educators through the Tennessee Innovation in Preparation Grants, the Tennessee Minority in Teaching Fellowships, and allocation of federal Title II, Part A monies for improving workforce diversity.<sup>20</sup>

4

TEACHER PREPARATION PROGRAM ACCOUNTABILITY

EXCELLENCE POLICIES

Why This Matters

Even the best educator preparation program may not fully prepare a graduate for that first day in the classroom. To ensure the state's best teachers will not only be prepared for that first day in front of their students but will also flourish in their first years of teaching, states must ensure its teacher preparation programs are strong and measured for their effectiveness.<sup>21</sup> States have the power to create standards for teacher preparation programs and ensure high-quality opportunities for student teaching/clinical practice. Including a clinical practice component, as well as supporting district and teacher preparation program collaborations, allows teacher candidates to gain valuable and quality mentorship and supervision.

T. C. A. § 49-5-5601; § 49-5-5631; § 49- 5-108; Tenn. Comp. R. & Regs. 0520-02-041; Tennessee State Board of Education, Tennessee Educator Preparation Policy 5.504

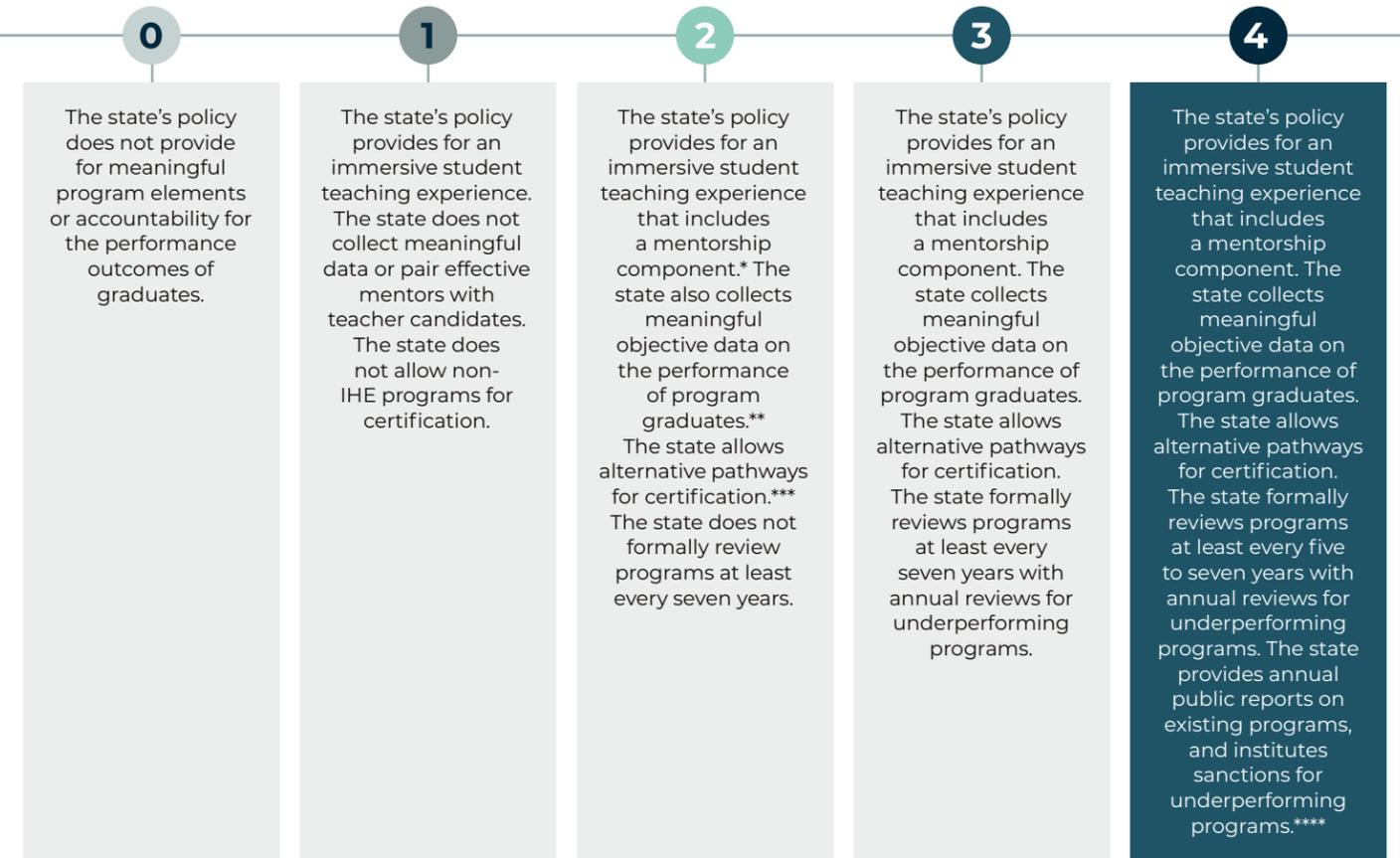
\* Mentors should be volunteers who have been evaluated and rated in the two highest tiers of performance. States should consider incentivizing participation to ensure there are enough quality mentors for the number of teacher candidates.

\*\* States should collect data related to the performance of program graduates, including satisfaction surveys. In order to attain a "three" or "four," states must facilitate data sharing between programs and state agencies. Meaningful data is necessary for accurate assessment of program performance so states may sanction programs when data sharing exists, but programs are still not getting better

\*\*\* Alternative pathways to certification allow non-traditional candidates (such as those transferring mid-career) to enter the teaching profession. Alternative certification programs should still be held to the same high standards for accreditation and renewal.

\*\*\*\* Sanctions for underperforming programs should specifically target the deficiency of an individual program and can include enrollment quotas or decommissioning programs.

POLICY RUBRIC: TEACHER PREPARATION PROGRAM ACCOUNTABILITY



Where We Are

Since 2014, Tennessee has gradually phased in requirements that all existing and new educator preparation programs adhere to national best practices around student teaching and mentorship. These programs are now required to collect and report on data related to program performance based on graduate outcomes.<sup>22</sup> The SBE uses this data to evaluate annually the performance of these programs, measuring placement and retention rates, entrance examinations, and other teacher effectiveness data. Additionally, in 2016, the SBE released a newly designed Teacher Preparation Report Card that allows users to easily view data about preparation programs' performance and graduates' effectiveness in the classroom. Tennessee also permits alternative teacher certification pathways, including programs not affiliated with an IHE. One promising policy to watch is that since January 1, 2019, applicants for an initial license have been required to submit qualifying scores on an edTPA performance-based, subject-specific assessment. The success rate on this assessment could be another data point used in evaluating teacher preparation programs.

In a comprehensive 2018 review of the nation's teaching programs, the National Council for Teacher Quality (NCTQ) ranked seven Tennessee teacher preparation programs in the top tenth percentile of programs nationally across several different categories of educator preparation programs. Lipscomb University's preparation program scored in the 99th percentile in the country for secondary education programs, and Memphis Teacher Residency, an alternative route, scored in the 98th percentile.<sup>23</sup>

4

PRINCIPAL PREPARATION PROGRAM ACCOUNTABILITY

EXCELLENCE POLICIES

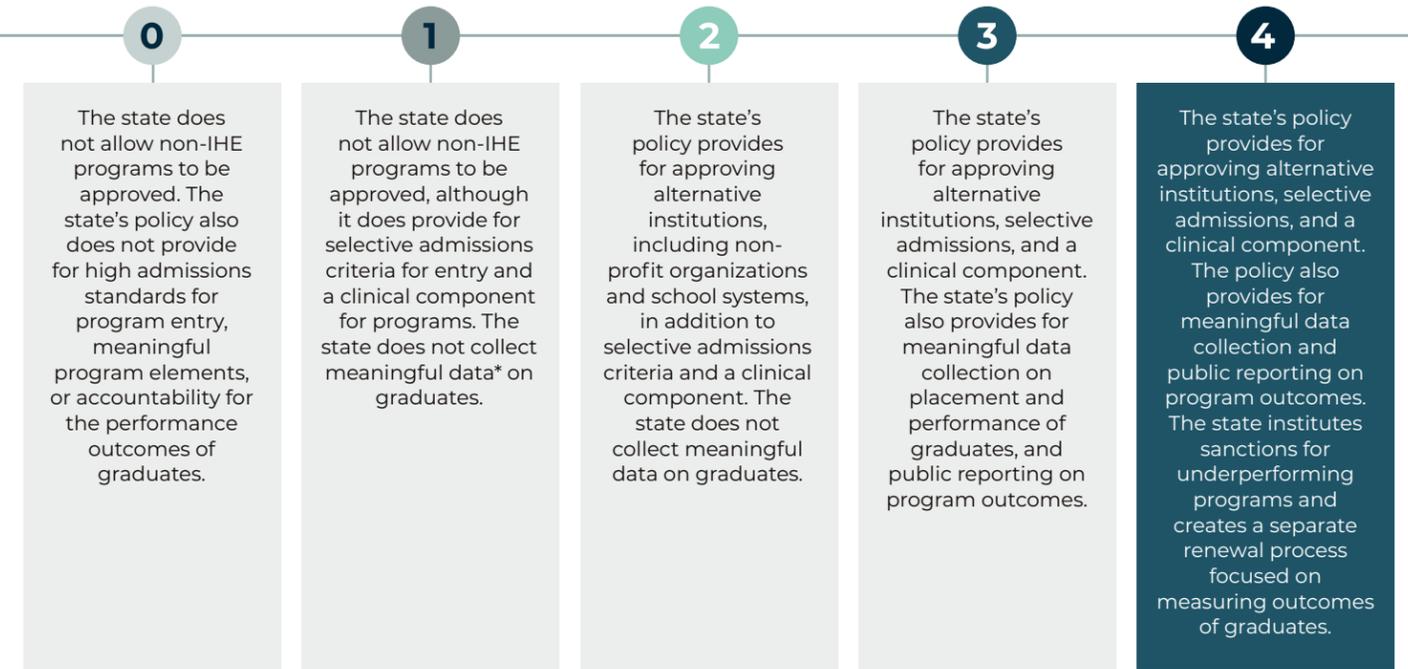
Why This Matters

With all of the roles expected of and demands placed on school principals, principal preparation programs must allow for similar elements of accountability as teacher preparation programs. States, by setting principal standards and overseeing principal preparation, can ensure schools have principals who advance teaching and learning.<sup>24</sup> Thus, attention must be given to the types of programs available, how the state reviews and oversees programs, and the quality of data states have available to better understand program performance.

Where We Are

Tennessee requires principal preparation programs to have selective admissions criteria, including a minimum of three years of successful K-12 education working experience. All programs must align to the Tennessee Instructional Leadership Standards, which are guided by best practices for instructional leadership, and must also provide a clinical component that includes mentorship and performance evaluations. Additionally, providers beyond IHEs may be accredited and approved by the state. Recent changes to state rule have further improved principal preparation program accountability, now requiring meaningful data collection and reporting on a variety of program graduate placement and performance metrics. Additionally, improvements to the state's review and approval process now require demonstrable program performance based on graduate outcomes and allows the state to sanction underperforming program providers.

POLICY RUBRIC: PRINCIPAL PREPARATION PROGRAM ACCOUNTABILITY



A NEW REALITY

If the state were to adopt a student-based funding formula, principals would have greater input into how dollars should be spent at their schools. Research shows that principals believe they could get better outcomes for their students with the dollars they have if given the chance to do so. Part of the implementation process for a student-based funding formula is ensuring district leaders and school leaders are properly prepared to make strategic spending decisions. If the state adopts a student-based funding formula, principal preparation programs must be held accountable for ensuring leaders have the financial fluency and skills to leverage resources on behalf of students.

Tenn. Comp. R. & Regs. 0520-02-041; Tennessee State Board of Education; Learning Centered Leadership Policy 5.101

\* Meaningful data collection should be similar to what we expect from teacher preparation programs. States need to ensure principal preparation programs are transparent and share data with other programs. Data sharing will better facilitate identifying best practices such as the ideal length of the clinical component or threshold for selective admissions criteria or program sanctions.

3

# CAREER AND TECHNICAL EDUCATION

## EXCELLENCE POLICIES

### Why This Matters

Career and Technical Education (CTE) is a critical link that helps ensure opportunities for all students to access high-quality education, training, and career options after high school. However, delivering high-quality CTE programs is a challenge many states face, and Tennessee can do more to build more high-quality CTE programs, while also ensuring relevance, rigor, quality, and equitable access for all students.

### Where We Are

Tennessee’s focus on closing the skills gap within the state is led by the Drive to 55 initiative and the recent passing of the Governor’s Investment in Vocational Education (GIVE) Act in 2019. Tennessee’s current CTE programs are generally strong and strive to ensure students have access to high-demand and high-wage careers. The state annually reviews CTE offerings to ensure rigor and alignment to industry demands and postsecondary institution expectations. TDOE also collects data on who is enrolled in and completing high-quality career pathways while also offering professional development for teachers to master new course standards. Tennessee can further improve CTE policies and programs by requiring data reporting on the demographics of current CTE program participants and their outcomes. The state must ensure strong equity throughout its CTE programs by disaggregating program access and outcomes by student subgroups and by specific industries, then increasing transparency with the public reporting of these metrics.

## POLICY RUBRIC: CAREER AND TECHNICAL EDUCATION



Additionally, Tennessee is making strides in aligning credits and credentials from high school to postsecondary education, creating a stronger connection between industries in the state and CTE programs. In November of 2020, TDOE released the Tennessee Promoted Industry Credential List, outlining 157 approved industry credentials for students to earn while they are still in high school. The Tennessee Promoted Industry Credential List is used to identify industry credentials that are recognized, valued, and preferred by state industries, so that innovative high schools can connect to workforce needs while providing students with an early exposure to postsecondary and work opportunities. Much of this work was the result of the Perkins V Tennessee state plan that provides an estimated \$100 million to implement CTE throughout the state.

### A NEW REALITY

A common element of a student-based funding formula are grade-level weights. Considering Tennessee has been a trailblazer in offering postsecondary opportunities, the state should consider a weighted formula that allocates additional funds to every student in grades 9-12. These additional funds can be used for all elements of postsecondary preparation including, but not limited to: an investment in CTE programs and partnerships, direct funding for college admission exam preparation and participation, smaller and more specialized classes, and increased pay for specialized and/or advanced placement teachers.

T. C. A. §49-4-930; §49-11-104

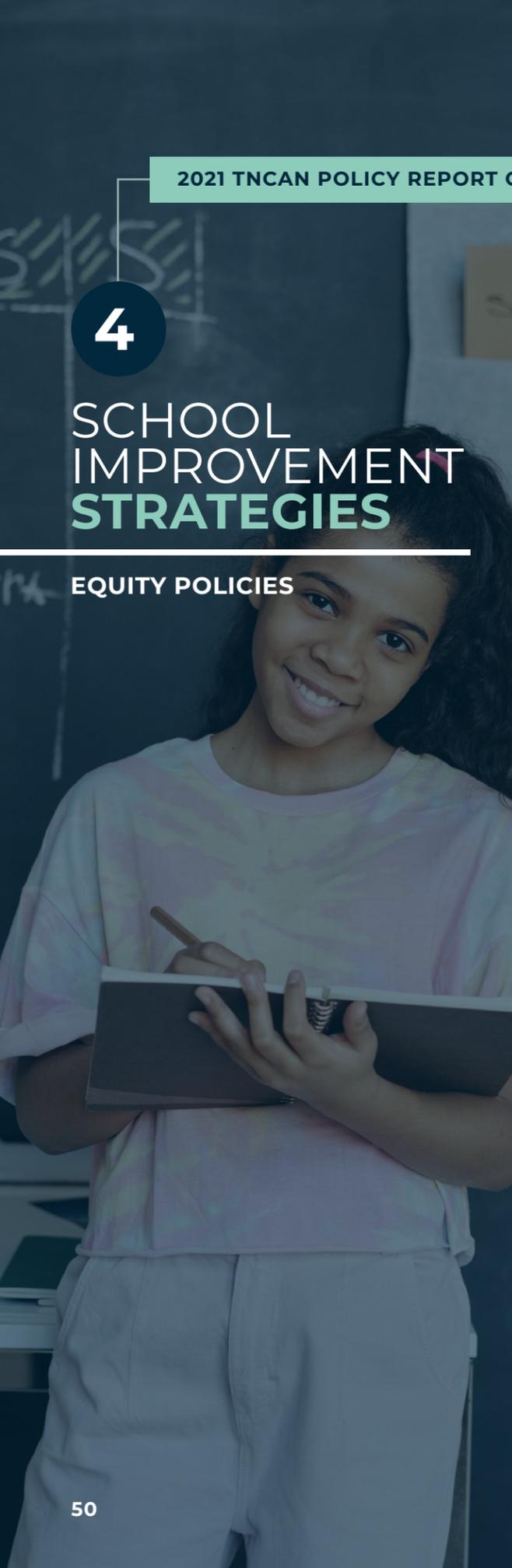


# EQUITY POLICIES

4

SCHOOL IMPROVEMENT STRATEGIES

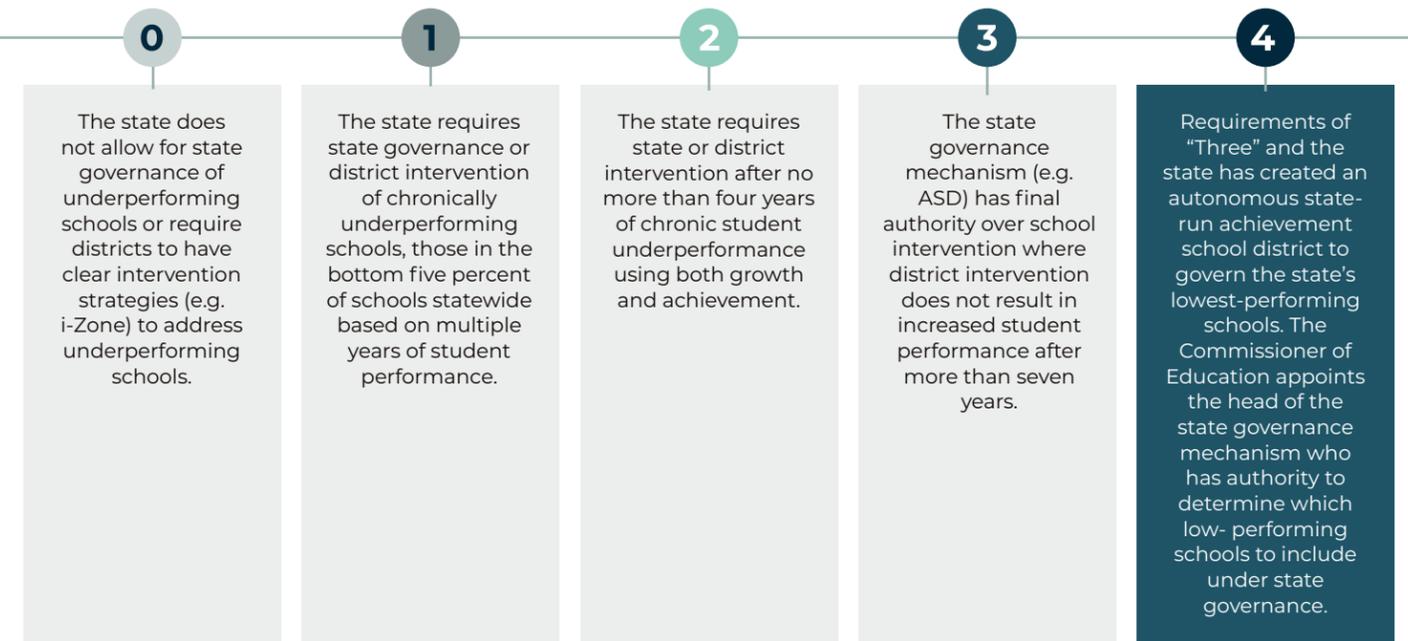
EQUITY POLICIES



Why This Matters

A school that has been underperforming for decades translates into generations of community members not having had access to an excellent public school. The need for school improvement is even more urgent now after the global pandemic created greater disparities in educational outcomes and opportunities. A tailored acceleration recovery plan makes school improvement strategies more relevant to students, requiring an underlying skill map or framework, diagnostic tools, prioritization on a strategic mix of skills to get students back on track, regular assessments to measure progress, meaningful parent engagement, and incorporating key program design choices.<sup>25</sup> Yet these strategies should not be treated as school improvement plans filled with edu-speak living only on paper. These strategies must transform the experience of students and classrooms.

POLICY RUBRIC: SCHOOL IMPROVEMENT STRATEGIES



Where We Are

In Tennessee, the Achievement School District (ASD) was established in 2010 as a school improvement strategy for those communities. The ASD is managed by the state, for the state's lowest-performing schools, or those ranking in the bottom five percent, based on student achievement. In 2012, Shelby County Schools and other LEAs initiated Innovation Zones (or i-Zones) to complement the work of state turnaround interventions. These mechanisms permit the state and districts to promptly intervene in chronically underperforming schools across our state. In concert with other choice options, these systems work together to serve as important turnaround efforts.

Since 2012, Tennessee has targeted support to its lowest performing 5 percent of schools by awarding competitive grants to implement turnaround plans. As a result, more than 20 of the identified schools have moved out of the bottom 5 percent since 2012. As outlined in the state's ESSA plan, the most rigorous state intervention for chronically underperforming schools is the ASD. The ESSA plan also details a clear process and timeline for schools to enter and exit state turnaround. Lawmakers in the 2021 legislative session outlined several ways for schools to leave the Achievement School District so that schools may now begin exiting the ASD as early as 2022, but this is not a requirement. The legislation also created permanent transition pathways for future schools that will enter the Achievement School District, including allowing higher-performing schools the opportunity to apply to transfer to the new Tennessee Public Charter School Commission for authorization to operate in a separate state-run charter district.

T.C.A. § 49-1-602; § 49-1-613; § 49-1-614; Public Chapter 490 (2021).

2

FAIR FUNDING FORMULA

EQUITY POLICIES

Why This Matters

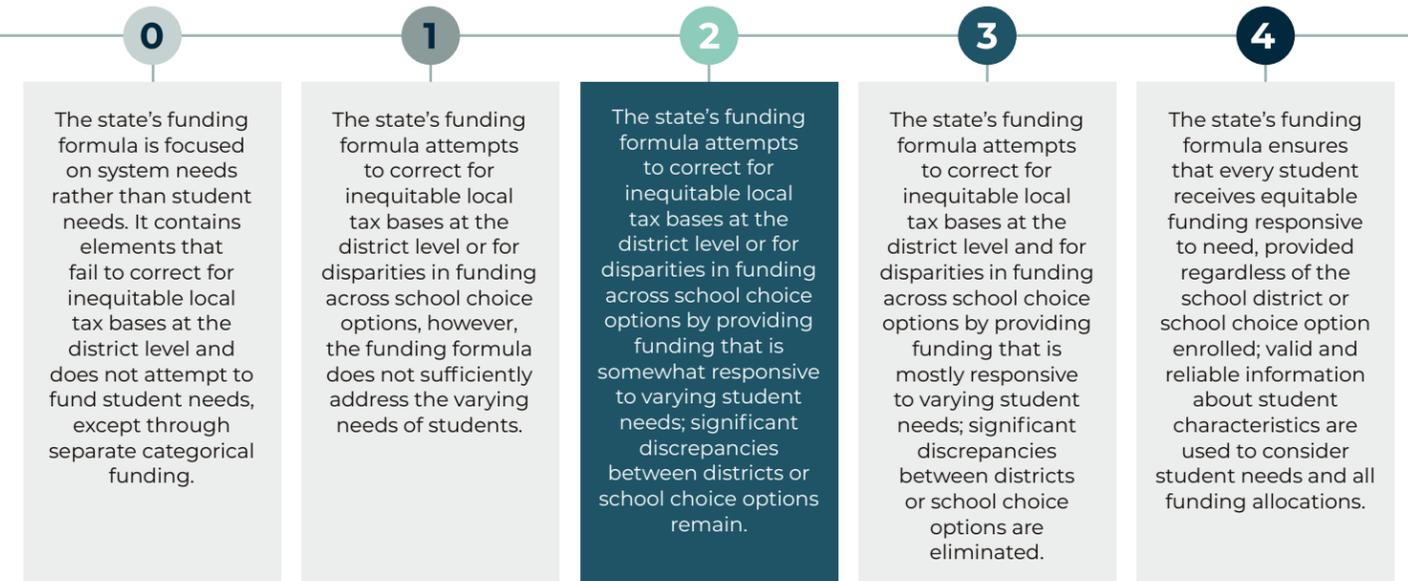
Today—more than ever—policymakers have a plethora of data to guide their decision making in ensuring every student has the resources necessary to excel in school. Students come to school with unique challenges, unique strengths, and unique experiences, therefore school resources should be agile and equitable enough for schools to meet the unique needs of their students. States—using state revenue—will withhold funds depending on how much local communities can contribute to the total cost of educating students. This is also known as local expected contribution, the amount the state deducts from the formula amount to calculate a district's state revenue. These local communities fund schools from property taxes, which means revenue disparities contribute to the wide variation in per-pupil expenditures across districts.<sup>26</sup>

Where We Are

Tennessee's BEP is a resource-based formula that determines the total cost of educating students in each district based on the total cost of the resources, such as staff salary schedules and instructional materials. The total cost includes state and local dollars, and BEP calculates local contribution in a complicated and convoluted way, tied to percentages according to components and the percentages change relative not to each community and their fiscal capacity, but to the fiscal capacity of the state as a whole. States first calculate the total cost of educating students, then determine how much of that total cost the state will provide and how much the district will provide, also known as the local contribution. These local communities fund schools from property taxes, which means revenue disparities contribute to the wide variation in per-pupil expenditures across districts.

State dollars help close the gap between high-wealth and low-wealth districts but do not do nearly enough

POLICY RUBRIC: FAIR FUNDING FORMULA



to promote equal opportunity or increase achievement for those with the least resources and most need. Districts with more poverty generate less money than their wealthier peers, and the local contribution is calculated in ways that are unpredictable and allow high-wealth communities to raise dollars at levels that their low-wealth peers could never imagine. Trying to calculate the fiscal capacity index is not just difficult but likely impossible without direct support from CBER\* or TACIR\*\*, and fiscal capacity is relative: the fiscal capacity of one county depends on the fiscal capacity of all other counties. Best practice is to have fiscal capacity be absolute: what one community can provide depends only on the capacity of their community.

A NEW REALITY

We will offer two suggestions to make Tennessee's funding formula more fair. Note that none of these options would likely be possible in the current resource-based formula.

1. In the least, calculations of fiscal capacity must be changed so they are absolute and dependent solely on the capacity of one community. They should never be relative, or dependent on the capacity of all other communities in the state. The two primary sources of local revenue for Tennessee schools are property taxes and sales taxes. To set a fair and predictable local expected contribution for each district, it's important to accommodate how much each school district can raise between the two. Similar to how other states set a standard percentage of total property value for local contribution, we recommend the new measure be a set percentage of each district's total taxable sales and value of taxable property, added together. On top of being far simpler than the current model, the results end up quite similar to previous years. To implement this in a more feasible way, the state may consider a hold harmless provision, meaning that no school district would receive less state aid under the new formula as it did under BEP in the previous school year.

2. As for a long-term goal, the unit of measurement may be changed. The current fiscal capacity index measures everything at the county level, applying results equally to all of the districts within. In places like Shelby or Gibson County, which house multiple municipal school districts, those estimates fall well off the mark. Regardless of the specific calculation used, considering school districts independently would lead to significant improvements in accuracy, and was recommended in a TACIR report on school-district-level models back in 2005. We recommend replacing the current fiscal capacity index with a measure similar to CBER and modified to better align with the new student-based funding formula.

T. C. A. § 49-3-307; § 49-3-351; § 49-3- 356

\* Center for Business and Economic Research

\*\* Tennessee Advisory Commission on Intergovernmental Relations

# 0 STUDENT PLACEMENT/CLASSROOM ASSIGNMENT

## EQUITY POLICIES

### Why This Matters

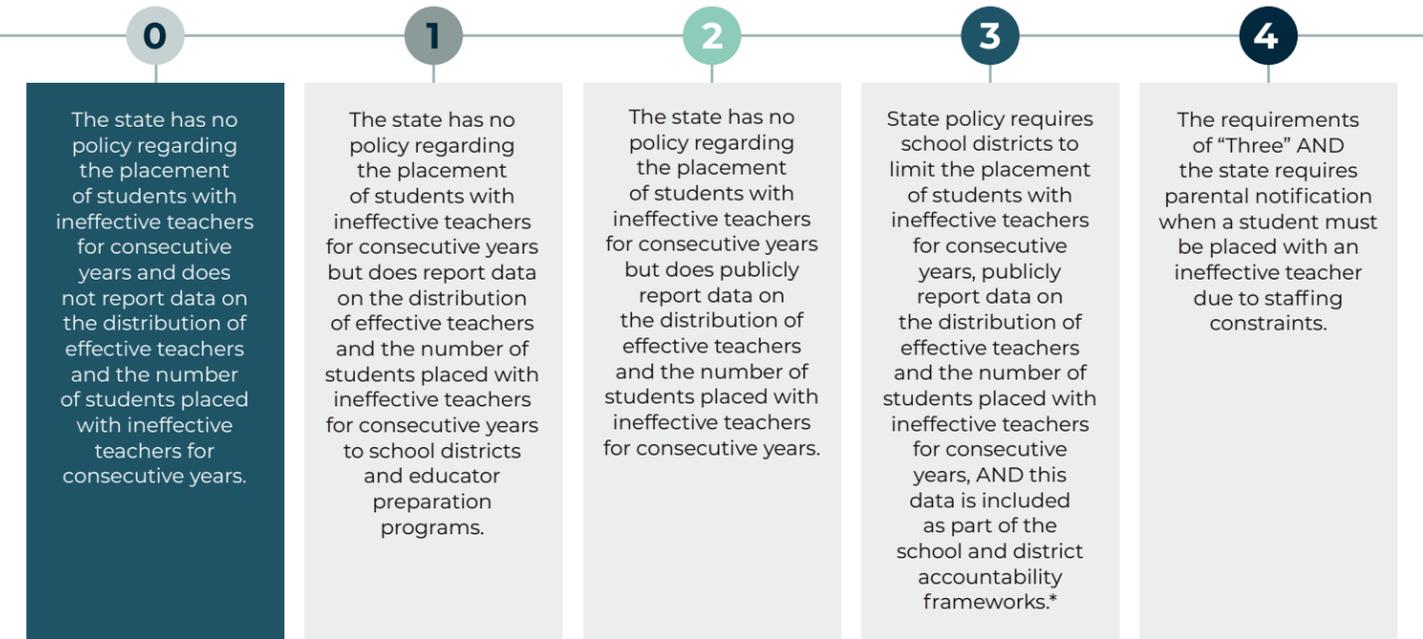
Under the tutelage of an ineffective teacher, a student stands to lose an average of 3.5 months of learning per year.<sup>27</sup> When a student has two consecutive years in classrooms with ineffective teachers, that student can lose seven or more months of learning during that time. A student who has three ineffective teachers in a row is unlikely to recover from that learning loss, remaining far behind his or her peers.<sup>28</sup> Therefore states and districts must adopt student-centered placement policies that will ensure students are placed in classrooms with effective teachers.

### Where We Are

In Tennessee, individual teacher effectiveness data is not public record and cannot be included on students' educational progress reports. Because of this provision, parents cannot be notified when a student has been placed in an underperforming classroom. The state permits but does not require notice to parents of student assignment decisions. If a parent wishes to challenge the assignment and request a school transfer, their request will be subject to decisions made by the local board and judicial review. Equitable access to highly-effective teachers should be publicly reported at the district and school level and disaggregated by student subgroups. The state should use these metrics as part of the school and district accountability framework to ensure Tennessee's commitment to educational equity. Tennessee must also guarantee that no student is assigned to underperforming teachers for two consecutive years. However, where placement is necessary because of staffing constraints, our state should require parental notification when a student is placed with an ineffective teacher after the teacher has been rated "below expectations" or "significantly below expectations" for two or more consecutive years.

During the 2018 legislative session, TennesseeCAN

## POLICY RUBRIC: STUDENT PLACEMENT/CLASSROOM ASSIGNMENTS



worked with Senate Education Committee Chair Dolores Gresham to commission a report by the Office of Research and Educational Accountability (OREA) to examine the number of students in Tennessee who were instructed for two consecutive years by ineffective teachers, and the academic impact of two consecutive ineffective teachers for these students. The report found that Black, Hispanic, Native American, low-performing, high poverty, and special education student subgroups were more likely to have consecutive ineffective teachers than their peers. In English language arts, students in special education and students from high-poverty schools were over 50 percent more likely to have two low-performing teachers, while English learners were 80 percent more likely to have consecutive ineffective teachers. In math, students in special education, English learners, and students in high-poverty schools were over 50 percent more likely to be taught by two ineffective teachers. The problem is particularly acute in Davidson County, as the study revealed that Metro Nashville Public Schools had the highest number of students with two ineffective teachers.<sup>29</sup>

This policy—or lack thereof—had real-life implications for many families when the global pandemic forced our schools to close their doors. Parents realized that some schools could not properly support their students outside of the homogenized one-teacher-per-classroom delivery model in a brick-and-mortar school building. One study estimated how much learning students may lose during school closures and found the answer varied significantly by access to remote learning, the quality of remote instruction, home support, and the degree of engagement. Engagement rates are also lagging behind in schools serving predominantly black and Hispanic students; just 60 to 70 percent are logging in regularly.<sup>30</sup> The same students that were in underperforming schools with ineffective teachers before the pandemic, were likely to be even worse off after the pandemic. If Tennessee had a student placement / classroom assignment policy before the global pandemic affected our classrooms (see Rank 4 description on rubric above), parents would have had the knowledge *and* power to request a transfer to another classroom or to access other learning opportunities elsewhere.

\* Parental access to teacher effectiveness information upon request is not required for a state to reach a "three" or higher, where a state provides for parental notification or prohibits students from being placed with an ineffective teacher for multiple consecutive years.

3

EQUITABLE PUBLIC CHARTER SCHOOL FUNDING

EQUITY POLICIES

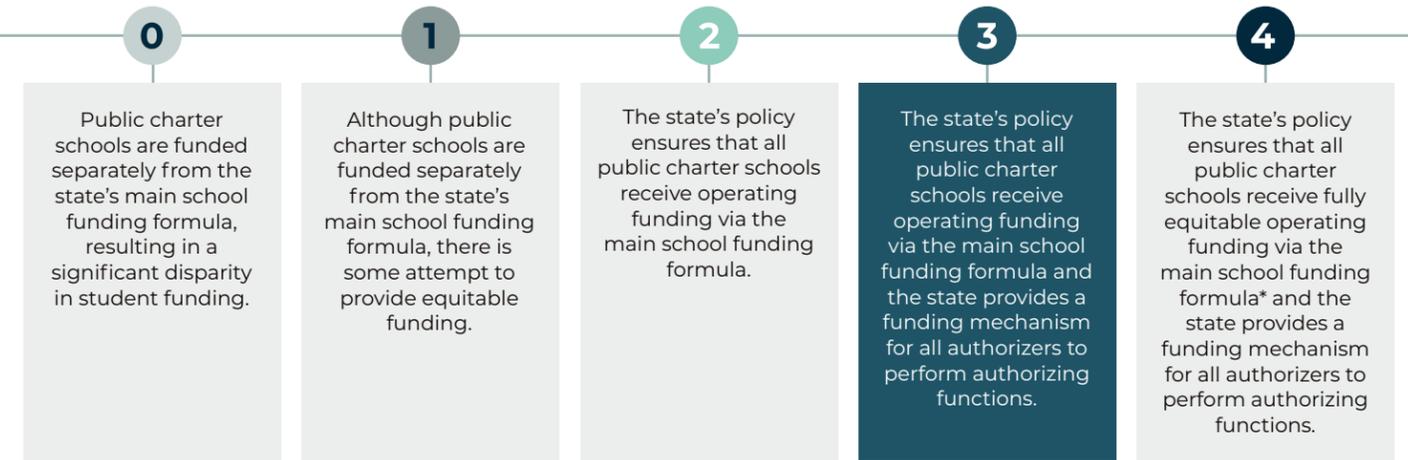
Why This Matters

Charter schools are public schools educating Tennessee students just like other district-run schools. Unfortunately, due to the state education funding mechanism and outside revenue sources like capital outlay, funding disparities exist between charter schools and district-run schools. However, Tennessee is one of a few states that ensures an equal pass-through of state and local funds to charter schools through its funding formula (as compared to district-run schools). As the authorizers are the bodies responsible for oversight of charter schools, the state must continue to fund authorizers to perform oversight duties, while ensuring charter schools receive full operational funding, including all categorical funding, for their students.

Where We Are

Tennessee’s funding formula, the Basic Education Program (BEP), provides state and local funding for all students enrolled in traditional district-run schools that depend on various components based on enrollment. For students in public charter schools, they receive state and local funding that equates to the average per-pupil amount that students in the district-run schools receive. In other words, one could argue that charter schools receive equal dollars as their traditional counterparts, but they cannot access local funding for facilities and capital projects and student-specific needs are not recognized when determining how much charter school students should receive. Additionally, charter schools are required to pay an annual authorizer fee to their authorizing LEA in order to cover the costs of oversight duties and ensuring school quality. For LEA authorizers, up to three percent of a charter school’s operating budget or \$35,000—whichever amount is less. The SBE and ASD may collect up to four percent.

POLICY RUBRIC: EQUITABLE PUBLIC CHARTER SCHOOL FUNDING



Considering that Tennessee’s public charter schools serve a higher-percentage of low-income students and students of color compared to their traditional public school counterparts, it is critical that these schools—which are being asked to do more with less funding and are largely delivering on that commitment—are supported by the state.<sup>31</sup> In early November 2020, Governor Bill Lee and the TDOE announced that the state will be furthering equitable charter funding during the COVID-19 pandemic through the Governor’s Emergency Education Relief Fund (GEER). This GEER funding includes \$5 million in grants to charter schools across the state, with each school receiving a per-pupil allocation based on 2020 school enrollment and a focus on supporting charter schools that demonstrate sustained and significant academic growth.

A NEW REALITY

If the state moves to adopt a student-based funding formula, students in charter schools must be included in the calculations of the total cost of educating students in the district. If 5 students in the charter school and 8 students in the traditional school qualify for having severe special needs, the district would include all 13 of those students in asking the state for funds. In other words, the state’s funding formula must recognize charter school students as students with various needs, not as an average dollar amount.

Finally, the state must verify monthly the amount of dollars districts give to charters. There is not currently any entity at the state level that verifies how much funding school districts give to charter schools or whether the funding given is the correct amount. Additionally, there is insufficient guidance or process from TDOE with regard to how to monitor charter school funding procedures, even though TDOE is mandated by law with approving district allocations. For these reasons, the Comptroller’s Office of Research and Education Accountability (OREA) cannot verify the amount of funding that charter schools receive. After a request from the TN Senate Education Committee to verify whether charter schools in the state received the correct amount of funding from school districts, OREA found that it could not provide the Committee with a definitive answer because there is not uniformity for how charter school funding is calculated.

TCA § 49-13-112; § 49-13-106(a)(2)(B); Tenn. Comp. R. & Regs. 0520-14-01-.03

\* Fully equitable funding requires all state and local revenue calculations to include any additional income that is generated for student services and per-pupil allocations, including facilities payments.

3

PUBLIC CHARTER SCHOOL FACILITIES ACCESS & FUNDING

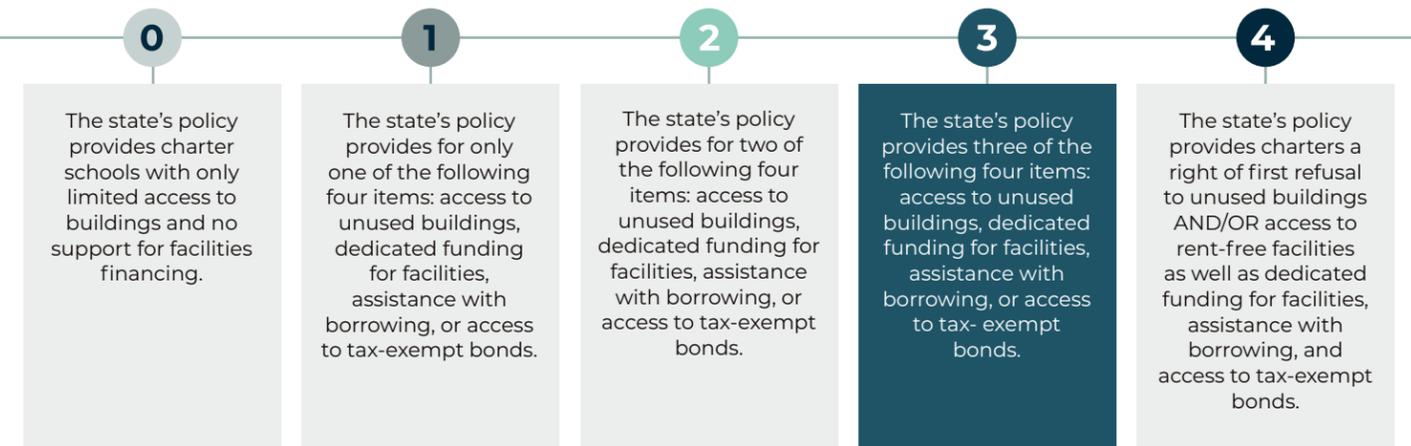
EQUITY POLICIES



Why This Matters

When it comes to creating safe, secure, and learning-conducive spaces to educate students, unlike district-run schools, public charter schools are often responsible for securing their own facilities. Due to unfavorable lending terms and a lack of dedicated space, public charter schools are often forced to settle for less-than-ideal classroom spaces for their students. Charter schools cannot access local funding for facilities and capital projects, such as former retail stores or office buildings.<sup>32</sup> Often without adequate access to state funds and local facility funds, a charter school must invest in their facility from operational budgets. While public charter schools are eligible for capital outlay allocations, in practice they do not receive any revenue generated through local district bonds. In order to ensure all students have access to appropriate facilities, states should grant public charter schools access to available non-LEA public buildings and provide multiple sources of facilities funding and financing.

POLICY RUBRIC: PUBLIC CHARTER SCHOOL FACILITIES ACCESS & FUNDING



Where We Are

In the 2021 legislative session, the general assembly allocated \$6 million in recurring dollars to the Tennessee Charter School Facilities program. This amount was less than the \$12 million charter facilities funding for which we advocated. We believe a \$12 million recurring appropriation will truly support charter schools in their search for quality facilities.

Outside of the charter school facilities program, charter schools have no other way to access capital funds to support facilities. When a traditional public school district in Tennessee needs to renovate or build a new facility, they may raise funds from local property taxes for these projects. Although state law in Tennessee does not explicitly restrict public charter schools from accessing these capital funds, in practice they do not receive them from local school districts, and districts do not include public charter schools in their facility maintenance schedules. Public charter schools in Tennessee may access facilities in the following ways:

- Securing an underutilized and vacant property from the LEA, as LEAs must make underutilized and vacant properties available for use by public charter schools. Additionally, portions of underutilized properties must also be made available, allowing for co-location of charter and traditional district schools within district-owned facilities.
- Accessing funding for a facility through a per-pupil facilities allowance calculated in the state funding formula.
- Obtain financing through federal tax-credit bond programs. This includes a credit enhancement program established jointly by the Tennessee Charter School Center and the Low Income Investment Fund.
- If the charter school has the support of their local taxing authority, accessing tax-exempt financing through the Tennessee Local Development Authority (TLDA).
- Applying to the Charter School Facilities Grant Program that was created in 2017 to help provide additional state dollars for charter school capital projects.

The state should provide public charter schools access to rent-free facilities, leases of underutilized or vacant district property, and right of first refusal to rent or purchase underutilized or vacant district property at or below market value.

T. C. A. § 49-1-614(f); § 49-3-1210; § 49-13-124; § 49-13-135; § 49-13-136; Public Chapter 307 (2017).



# CHOICE POLICIES

2

OPEN ENROLLMENT

CHOICE POLICIES

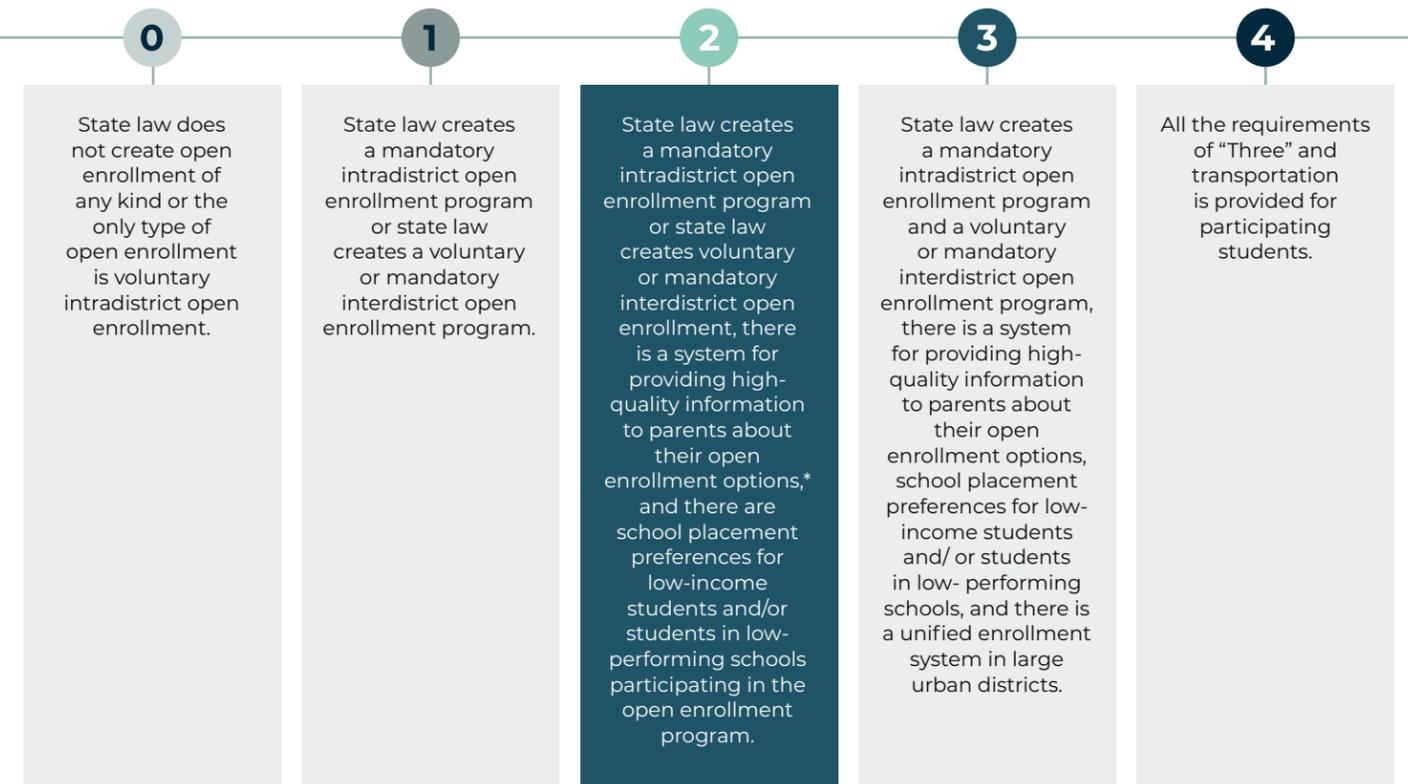
Why This Matters

Where a family lives often determines where their children go to school, and this policy is often referred to as residential assignment. But what if that public school is underperforming, or is not meeting the needs of their students, especially in the time of a global pandemic? While public charter schools and scholarship programs give options to families seeking an alternative to their zoned district-run school, many families want to keep their child within the district but at a different school. Others wish to send their child to a traditional public school in a neighboring district. Some families have access to more education options because they have the social capital to navigate the various options offered and can work around the burdensome processes in various ways, like moving to a neighborhood with better schools or enrolling in a private school.<sup>33</sup> If states want to provide a suitable learning environment to every student, they must enact policies designed to increase all students' access to high-quality schools, including other district options.

T. C. A. § 49-1-602; §49-2-128; § 49-6-3104; § 49- 6-3105

\* The inclusion of an A-F school grading framework satisfies this requirement. Please see "School Accountability Frameworks" section.

POLICY RUBRIC: OPEN ENROLLMENT



Where We Are

Tennessee has enacted two open enrollment policies. The first one is a mandatory intradistrict policy which means that a student may transfer to another public school within their current district boundaries. This statute allows students attending low-performing schools, as determined by the Priority Schools List, to attend a different school within their school district. The second open-enrollment policy is a voluntary interdistrict policy in which a student can transfer to a school outside of their assigned school district. These types of transfers require approval by local school boards. The intradistrict policy requires LEAs to provide annual open enrollment periods for transfer requests. Unfortunately, under both enrollment policies, transportation is not provided.

In the 2021 legislative session, legislation was filed that would have streamlined the open enrollment process making it more parent-friendly. While the legislation ultimately did not pass, Tennessee should strengthen its open enrollment policies by expanding its mandatory intradistrict transfer program to all students within the district, while still assigning priority to students from low-income households or in low-performing schools. Our state should also ensure transportation is provided for these programs to facilitate greater access for open enrollment program – particularly in large urban districts with multiple public school options within the district. Finally, large urban districts should establish unified enrollment policies allowing families to select the public school of their choice through a unified enrollment and application system. For example, a group of parents and advocates in Shelby County are currently engaging Shelby County Schools to explore the feasibility of pursuing a unified enrollment system that would include all public school options (including public charter schools) for all Shelby County students and families.

4

PUBLIC CHARTER SCHOOL AUTHORIZING PRACTICES

CHOICE POLICIES

Why This Matters

Charter schools that start strong often stay strong, and charter schools that are struggling from the start have a very difficult time improving to the highest levels. Public charter school authorizers are the public bodies responsible for filtering through charter applications for quality and rigor, then monitoring progress to goals once the schools are open. Authorizers that implement strong screening practices are more likely to approve schools with a greater chance of success, preserve school autonomy, and close schools that simply do not perform well. Even after approving a charter, a quality authorizer will develop a performance framework and continuously monitor schools in its portfolio to ensure accountability and autonomy for its schools.

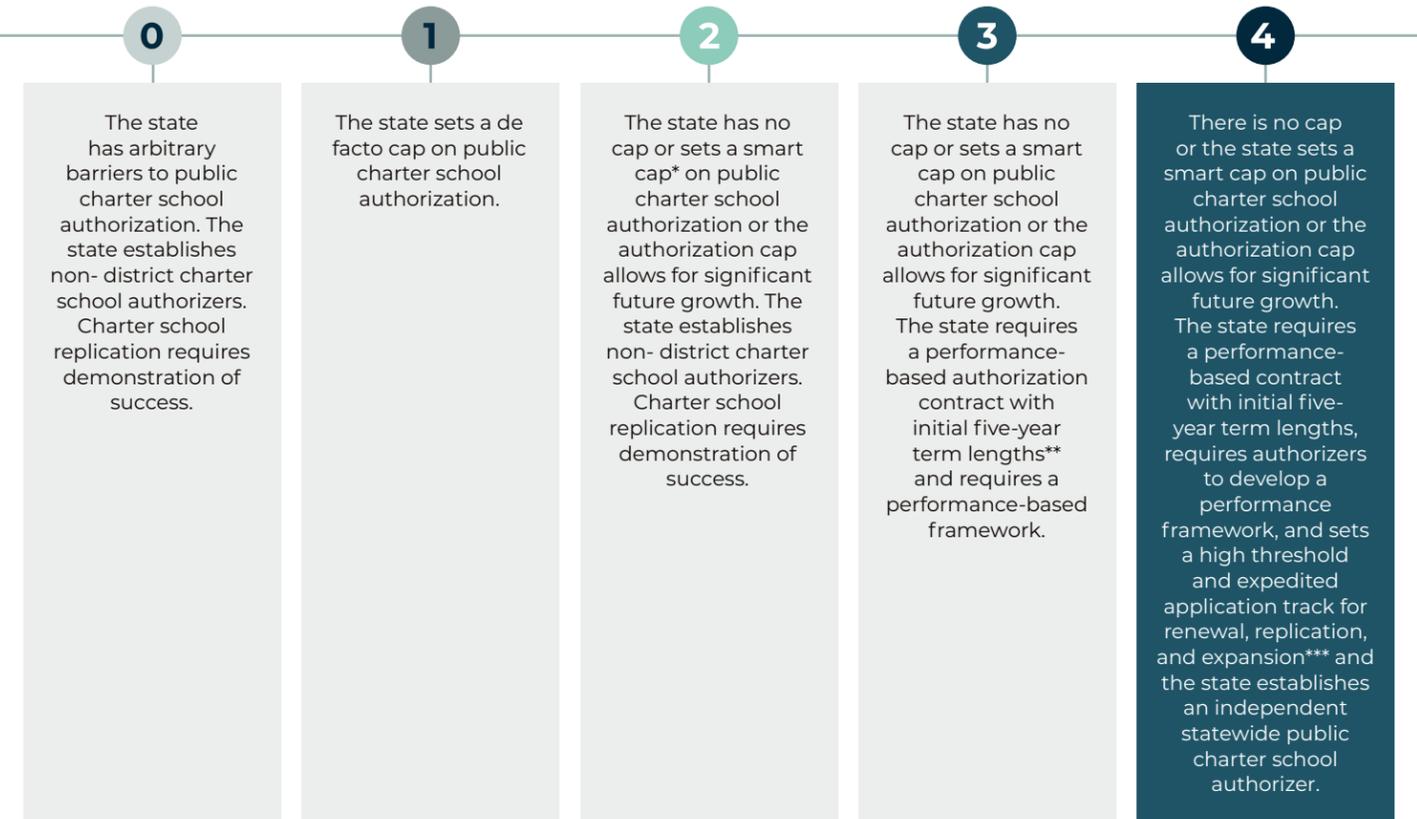
*T. C. A. § 49-13-104; § 49-13-108; § 49-13-120; § 49-13-141; Tennessee State Board of Education Policy 6.111, Quality Charter Authorizing Standards; Charter Interim Review Guidelines; Tennessee Model Charter School Performance Framework.*

*\* The definition of "smart cap" is that if a state caps the number of public charter schools that can operate in the state, high performing charter schools from in- and out-of-state do not count against the total number of public charter schools against the cap.*

*\*\* A state may have either five-year term lengths or longer term lengths in conjunction with a meaningful interim review that is equivalent to a renewal application review. Longer charter terms provide benefits for securing facilities and financing opportunities, but authorizers should conduct a high-stakes review at least every five years.*

*\*\*\* An expedited application process should outline the necessary thresholds an existing charter operator must meet before approval. This policy should not be pursued until a state has put strong charter accountability in place. For model components on charter accountability, see the "Public Charter School Accountability" section.*

POLICY RUBRIC: PUBLIC CHARTER SCHOOL AUTHORIZING PRACTICES



Where We Are

Tennessee possesses strong charter school authorizer policies. Our state allows for three types of authorizers: LEAs, the ASD, and the Tennessee Public Charter School Commission, a newly-formed, independent statewide authorizer that can hear and approve appeals of charter school applicants that have been denied by an LEA. Previously, the SBE served as a limited appellate authorizer. The ASD also can authorize charter schools to operate priority schools.

Upon approval, charters are granted a 10-year term length and subject to interim reviews every five years. The state also allows all authorizers to collect an authorizer fee, allowing the authorizer to receive a small portion of funds for charter oversight responsibilities. Finally, charter law requires LEAs to adopt a performance framework for all schools it oversees, including charter schools. TDOE has created a model performance framework that LEAs will be required to adopt if they do not already have a performance framework in place. Charter authorizing policy could be further improved by allowing the Tennessee Public Charter Schools Commission to directly approve charter applications. The Commission may also create opportunities for accelerated applications and mergers.

3

PUBLIC CHARTER SCHOOL ACCOUNTABILITY

CHOICE POLICIES



### Why This Matters

In exchange for providing greater flexibility around governance and operations, public charter schools must be held accountable for their performance. Clear, objective, and rigorous standards for revocation, combined with a transparent public process, help parents and community leaders see evidence of a school's extreme underperformance or wrongdoing, and highlight the necessity for urgent action to protect students. Establishing clear, strong mechanisms for closing low-performing schools and making authorizers answerable for their schools' performance can strengthen accountability for public charter schools.<sup>34</sup>

### Where We Are

Tennessee requires public charter schools included in the bottom five percent of all schools in our state (according to the Priority Schools List) to be closed immediately following the end of the school year in which the school was identified on the Priority Schools List two consecutive times. In 2019, the legislature altered the state's default closure law to allow the authorizer to determine whether the school should be automatically closed the first time it lands on the Priority Schools List. If a school lands on the list a second time, it will be closed automatically. Public charter schools may also be closed at the end of any year for poor academic, organizational, or fiscal performance. Recent updates to state law have established clear criteria for non-renewal or revocation and outlined a closure process. Authorizers are also now required to submit a more detailed annual report on all public charter schools overseen that includes individual school performance, according to the LEA's performance framework. Finally, the state has recently established the SBE as the entity that oversees all charter school authorizers in Tennessee and is tasked with ensuring high authorizer quality. The SBE is even authorized to withhold the authorizer

## POLICY RUBRIC: PUBLIC CHARTER SCHOOL ACCOUNTABILITY



fee from any authorizer that fails to meet quality authorizing standards. Tennessee could still do more to improve public charter school authorizer accountability by adding specific sanctions the SBE can take against non-compliant authorizers, as well as establishing a grievance process for school operators.

To celebrate the transformative learning opportunities that are found in many of Tennessee's highest performing charter schools, the state should establish an innovation fund to incentivize the creation or replication of high-quality schools or programs to provide Tennessee's students with additional education opportunities.

T. C. A. § 49-13-120; § 49-13-121; § 49-13-122; Tennessee State Board of Education Policy 6.111, Quality Charter Authorizing Standards

\* Sanctions should relate to the specific privileges or functions of authorizers and only be instituted after there are multiple authorizers operating within a state. As one example, if the authorizer fee was made contingent on authorizers following state law and establishing high-quality authorizing and oversight standards, that could raise the state's rubric score. Tennessee's authorizing structure requires all applicants to apply to the local governing body as a first step, making sanctions for individual LEAs effectively restrict access to authorizing for applicants.

2

# PRIVATE SCHOOL CHOICE ACCESSIBILITY

## CHOICE POLICIES

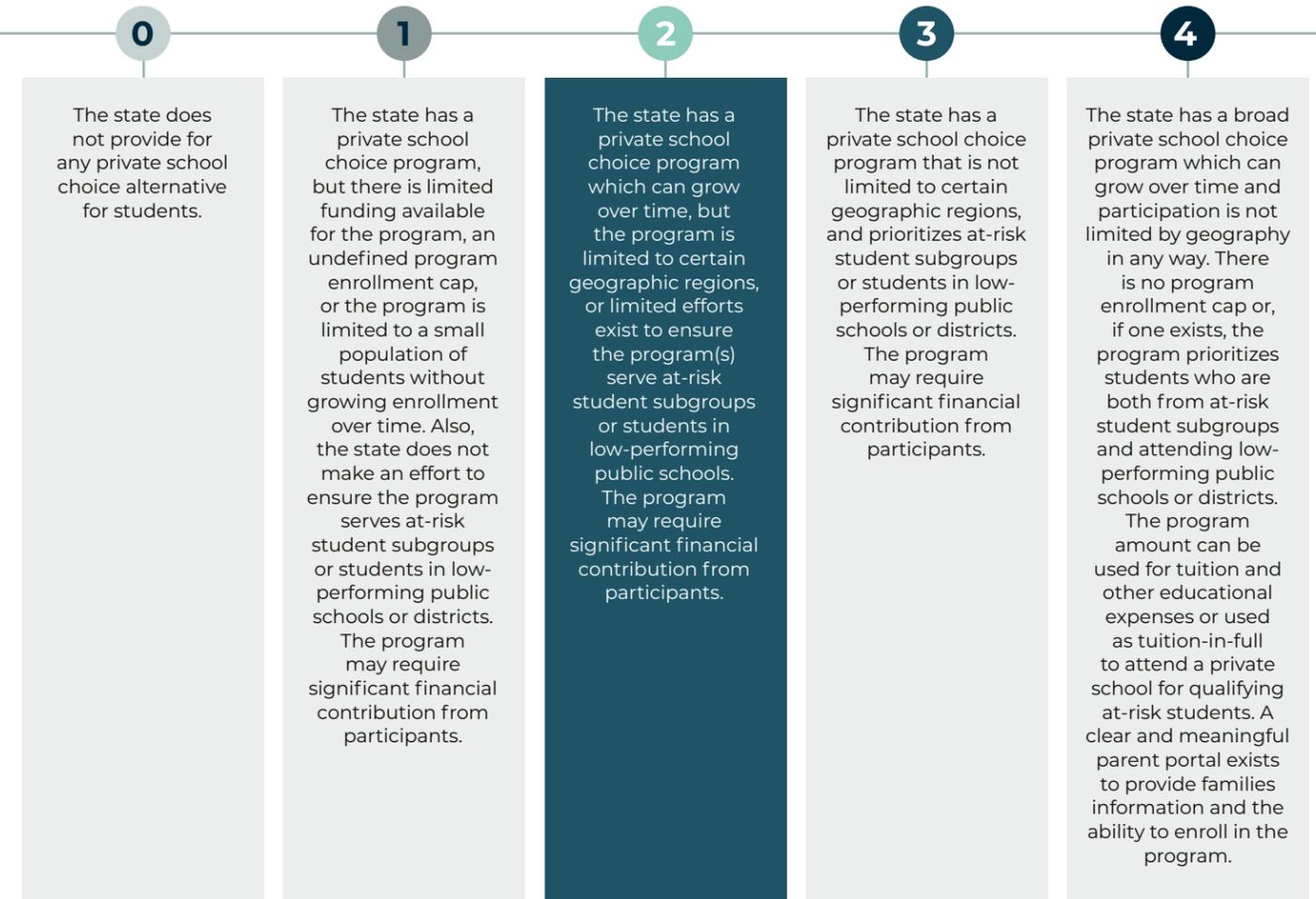
### Why This Matters

Private school choice, like education savings accounts (ESAs) or opportunity scholarships, can complement public school choice options and provide a lifeline to families desperate for a better option. These choice programs allow eligible students immediate access to high-quality private schools. For example, scholarship programs have already shown positive effects on student outcomes without inflicting negative fiscal impacts on the existing district.<sup>35</sup>

### Where We Are

In 2019, Governor Bill Lee signed into law Tennessee’s Education Savings Account Pilot Program, which would allow parents with children in public schools in Shelby County and Davidson County to use state funds to customize their child’s education, directing funding to the schools, courses, programs and services of their choice. The program, capped at 5,000 participants, would target low-income students in those two school districts. Each ESA amount would equal the statewide average of state and local BEP funds. Under current law, enrollment may grow over time and increase to a maximum of 15,000 students over 5 years. The ESA program was set to be implemented no later than the 2021-22 school year, however a pending legal challenge to the ESA Pilot Program has forced the state to halt the application process until the legal challenge is resolved. If the Tennessee Supreme Court upholds the law, the state must quickly and efficiently adopt quality rules and policies to allow students to participate in the program.

## POLICY RUBRIC: PRIVATE SCHOOL CHOICE ACCESSIBILITY



In addition to the ESA program, the state also operates a private school choice program for students with certain disabilities called the Individualized Education Account Program (IEA). Participating students may use IEA payments for tutoring services, educational therapies, curriculum, technological devices, test fees, tuition/fees for online learning, tuition/fees/textbooks at a participating private school, tuition/fees/textbooks at postsecondary institutions, transportation, and ABLE TN account contributions.

T.C.A. §49-6-2601-2612; § 49-10-1402; § 49-10-1405

3

# PRIVATE SCHOOL CHOICE ACCOUNTABILITY

## CHOICE POLICIES

## POLICY RUBRIC: PRIVATE SCHOOL CHOICE ACCOUNTABILITY

0

The state does not have an accountability framework for any of its private school choice programs.

1

The state's policy provides for only two of the following four items: state authority to conduct random financial audits of providers, state authority to sanction underperforming providers, annual performance assessments of participating students, and feedback surveys on providers.

2

The state's policy provides for only three of the following four items: state authority to conduct random financial audits of providers, state authority to sanction underperforming providers, annual performance assessments of participating students, and feedback surveys on providers.

3

The state's policy provides for all four of the following items: state authority to conduct random financial audits of providers, state authority to sanction underperforming providers, annual performance assessments of participating students, and feedback surveys on providers.

4

All the requirements of "Three" above plus specific benchmarks that providers must meet to continue enrolling students; specific sanctions for low-performing providers; and specific student growth targets that must be met for providers to continue participating in the program.

### Why This Matters

The highest levels of accountability should accompany any program where public dollars are used to fund programs or projects in the private sector. For the state to support families in a private school choice program, they are asking the public for a high level of trust in how these public funds are being used. To ensure fidelity of use for taxpayer money, it is critical to require increased accountability for both the providers and the state that operates that public-private partnership. As with all other policy areas, accountability should be pursued in concert with efforts to create or expand existing private school choice programs.

### Where We Are

Tennessee's ESA law allows the state to suspend or terminate a provider for non-compliance with state law or low performance and includes TDOE oversight on provider performance, ensuring that only high-quality providers are allowed to participate in the program and serve students. Just as traditional public schools are held accountable for student academic progress, participating ESA students are required to take the TNReady assessment in Math and English, and the program requires public reporting on aggregate student growth and performance. Additionally, the state will collect feedback surveys from participating students and parents on providers. The accountability of the ESA program could be further improved with more specific sanctions for provider low-performance as well as specific sanctions that will take place when a provider is underperforming. The state should also establish specific student growth benchmarks for participating students that must be met for a provider to continue enrolling students and participating in the program.



# TRANSPARENCY POLICIES

4

ASSESSMENTS & STANDARDS

TRANSPARENCY POLICIES

Why This Matters

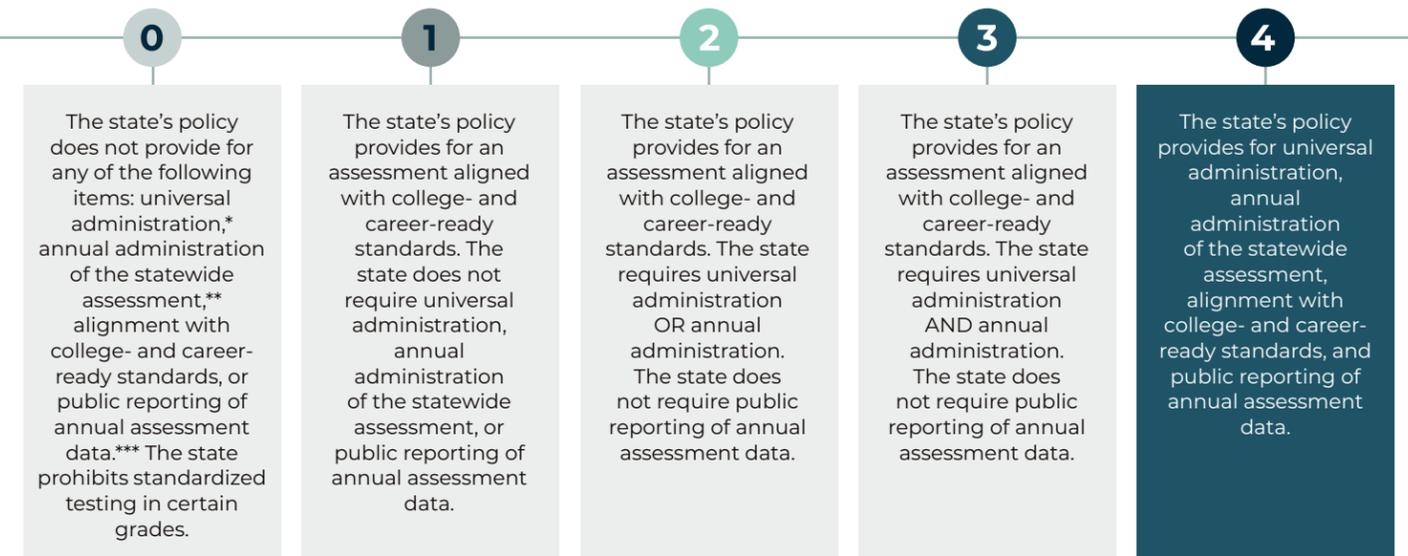
Academic standards are benchmark measures that outline what students should know and be able to do at each grade level. The state reviews and sets these standards periodically, identifying what should be taught in each grade and subject so that students will be college and career ready after graduation. Student progress on these learning standards is measured through assessments, which informs families and educators of student progress and informs policymakers of which schools are meeting expectations.<sup>36</sup>

Where We Are

Strengthening and measuring progress toward rigorous academic standards are just two actions that have led to Tennessee's remarkable progress in student achievement. Governor Lee, Commissioner Schwinn, and members of our General Assembly should be praised for holding fast to these reforms in 2021, as holding schools accountable to meeting student needs has been even more critical in the time of a global pandemic. Statewide assessments were administered in the Spring of 2021, and as a result all Tennessee school districts achieved an 80% rate of student participation. In fact, both schools and families demonstrated a shared commitment to these assessments, as evidenced by a 95% student participation rate on the statewide Spring 2021 TCAP (Tennessee Comprehensive Assessment Program). Thanks to hard work by the general assembly in a special-called session in January 2021, negative consequences associated with accountability were removed for schools in the 2021 academic year. Yet, districts are still responsible for performance goals, even though performance goals will not be determined using student achievement or student growth data from 2020-21 TCAP assessments.

While the logistics of educating and assessing students in a global pandemic seemed daunting,

POLICY RUBRIC: ASSESSMENTS AND STANDARDS



our state leaders committed to families that they would be able to make informed decisions about the education of their children. Assessing learning gains/loss is the least we can do to serve students in a tumultuous time. By measuring academic gains/losses, parents and advocates will know whether or not students are getting critical opportunities and resources. This information will also allow decision makers to identify which schools need additional support and resources to meet the needs of their students. Additionally, measuring learning gains during this time will allow policymakers to identify the actions that schools took to achieve these learning gains in such a challenging time.

A NEW REALITY

We have an opportunity to empower parents, schools, and students to unite around data collection (assessments) and transparency (data sharing) to support student learning in 2021 and beyond. If Tennessee adopts a student-based funding formula, the spending flexibility that such a formula offers must be accompanied with spending transparency. Assessments will show that English Language Learners (ELL) in District A exceed expectations exponentially, and with the transparency of a student-based formula, we can investigate how District A spent dollars to radically serve their ELL students well. Likewise, if District B is chronically underperforming and is not meeting performance goals as it relates to students from low-income backgrounds, how are they spending dollars to support those students? In a weighted student funding formula, that district receives significantly more money for those students, therefore they must be held accountable to serving those students well.

T. C. A. § 49-1-309; § 49-1-617; § 49-1-226; § 49-1-608; § 49-6-6001(b); § 49-6-6002; Public Chapter 817

\* Federal guidelines permit up to one-percent student exemption from the statewide-administered test. This exemption is reserved for those students who participate in alternative means of assessment, including portfolios. State policy may be silent on the matter or explicitly require all students in the state be assessed.

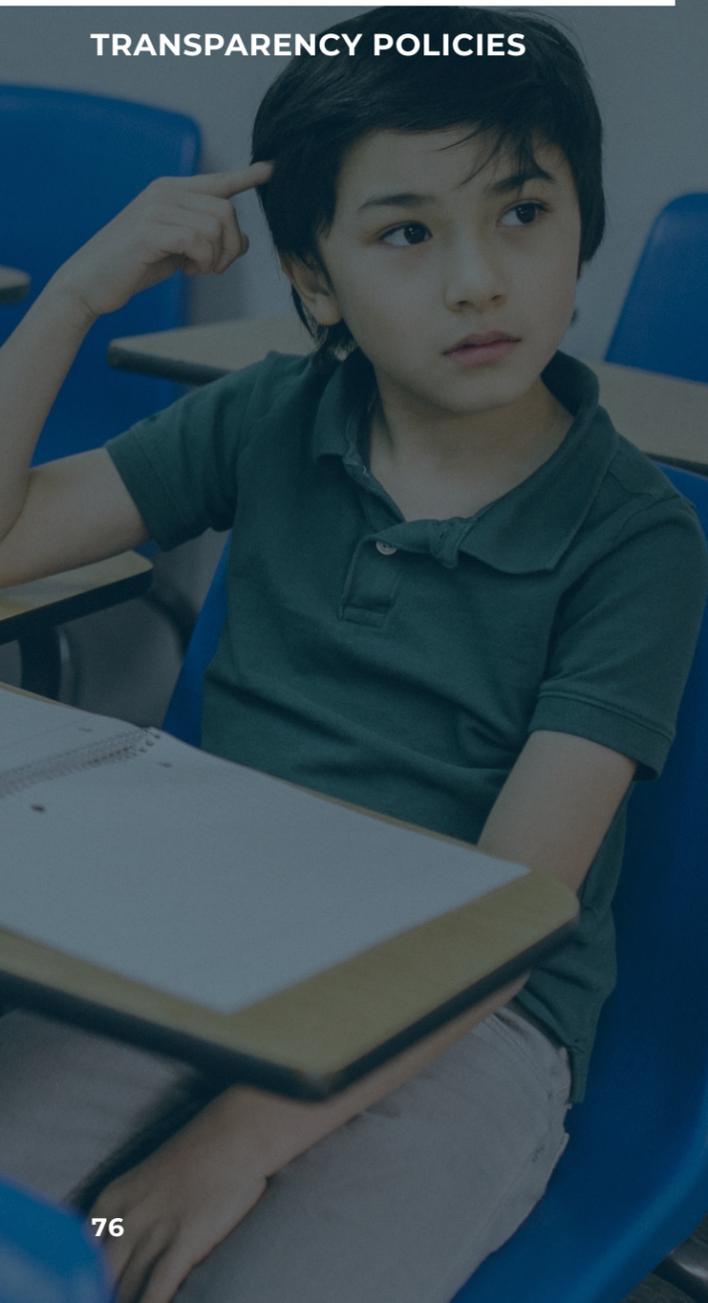
\*\* Assessments should be annually administered across multiple grades. At minimum, states should be assessing students in grades three, eight, and 10. The minimum required for attaining a "two" is administration in grades three through eight, and administration in grades three through 11 to attain a "three" or "four."

\*\*\* The public reporting requirement must include reports to be disaggregated by demographic subgroup, and by school and district level, in addition to overall state scores.

3

# SCHOOL ACCOUNTABILITY FRAMEWORKS

## TRANSPARENCY POLICIES



### Why This Matters

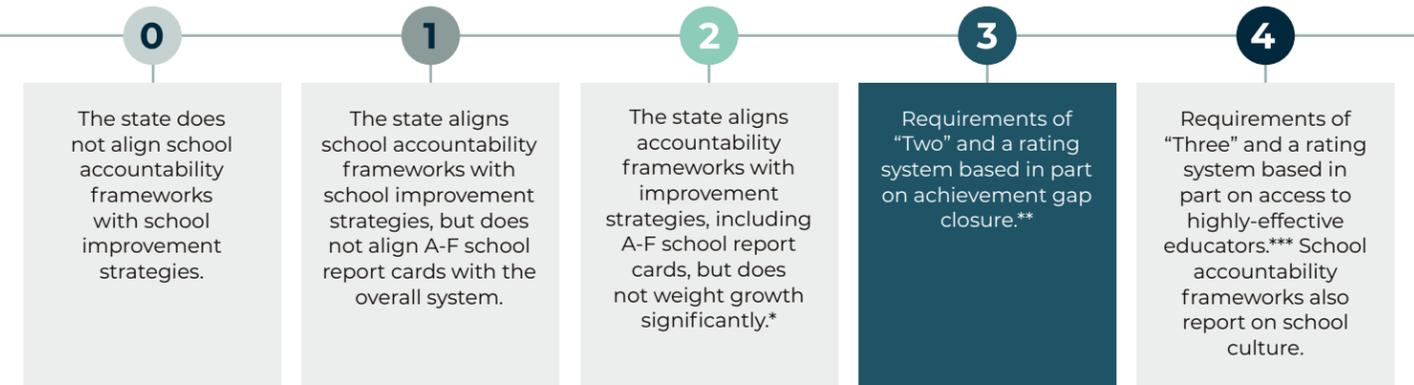
Communities deserve to know how their schools are serving their students. School accountability frameworks not only serve as a baseline for determining school performance and targeting resources and interventions, but they can also provide parents with valuable insight regarding where their children will be best served, or even what questions parents may need to be asking of their school leadership. Relatedly, any data that is provided to parents and communities must be accessible, useful, and easy-to-understand.

### Where We Are

In 2016, the legislature enacted a law requiring the state to implement an A-F rating system for all schools beginning with the 2017-18 school year and each year thereafter. The rating system also requires the performance of student subgroups be taken into account when determining school performance and letter grades. This letter grading system will satisfy the ESSA requirement for having an identification system of school performance, and the framework is detailed extensively in Tennessee's ESSA plan. Additionally, Tennessee releases annual school- and district-level report cards that include the following information:

- Academic achievement in math, English Language Arts, and social studies
- Academic growth in math, English Language Arts, social studies, and science
- Graduation rate, dropout rate, and postsecondary enrollment
- Average ACT scores and CTE concentrators
- Average per-pupil spending
- Staff data that includes teacher counts, administrator counts, and other staff counts
- Absenteeism data that includes chronically out of school, in-school and out-of-school suspensions, and expulsions
- English Language Proficiency

## POLICY RUBRIC: SCHOOL ACCOUNTABILITY FRAMEWORKS



In a specially-called session in January 2021, the general assembly passed legislation that removed negative consequences associated with accountability for schools in the 2021 academic year. This included using student performance or student growth data from TCAP to assign letter grades, or assigning summative ratings for schools eligible for accountability protections in the 2020-21 State Report Card. Additionally, schools that were held harmless did not use student performance data or student growth data from TCAP to identify a school as a priority school or to assign a school to the ASD. Finally, student performance on assessments administered in 2020-21 to assess student readiness for postsecondary education was excluded from the performance goals and measures required from schools, unless student performance on these assessments resulted in a higher performance designation for the school or LEA. Finally, districts are still responsible for performance goals, even though performance goals will not be determined using student achievement or student growth data from 2020-21 TCAP assessments.

### A NEW REALITY

Tennessee already includes two powerful metrics in its accountability measures: 1) subgroup performance, and 2) average per-pupil spending. Yet the state must improve transparency and data sharing regarding how schools and districts are spending on specific subgroups considering these data are not reported at the student-subgroup, school-level under BEP. We must have an opportunity to empower parents, schools, and students to unite around data collection and transparency to support student learning in 2021 and beyond. If Tennessee adopts a student-based funding formula, the spending flexibility that such a formula offers must be accompanied with spending transparency. In a weighted student funding formula, schools that receive significantly more money for their students with special needs, students from low-income backgrounds, etc., must be held accountable to serving those students well.

T. C. A. § 49-1-211; § 49-1-228; Public Chapter 490 (2021).

\* Significantly weighting growth means equal to or nearly equal to the weight for achievement.

\*\* The rubric score reflects the school accountability framework plan as outlined in Tennessee's ESSA plan.

\*\*\* Effective teaching is defined as educators receiving an overall evaluation score of "at expectations" or higher.

# 1 FISCAL TRANSPARENCY

## TRANSPARENCY POLICIES

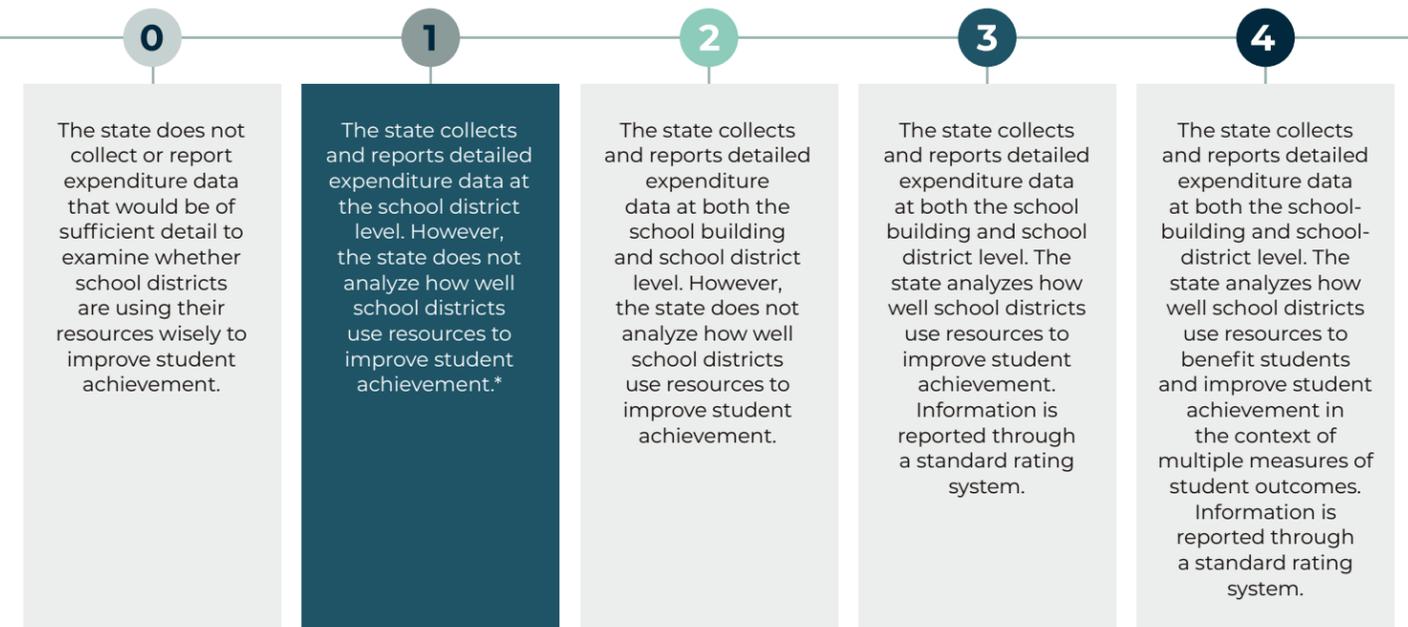
### Why This Matters

States are required to report for every public school and local educational agency the total per-pupil spending of federal, state and local money disaggregated by source of funds for the preceding fiscal year. The goal of this change in federal reporting was to prompt districts to re-examine spending practices across schools, paying more attention to issues of equity. All but a handful of the country's state education agencies (SEAs) jointly developed strategies to meet the federal financial transparency requirement and build information systems to meet their own transparency goals and improve education outcomes. Now that most states have released their ESSA-required school-by-school spending data, best practice has moved from a focus on publishing financial transparency data to using those data for decision-making.<sup>37</sup>

### Where We Are

Of all 26 of our policy categories, this category was the only one to regress. In the summer of 2020, the state released per-pupil expenditure dollars per school for the first time, which is a positive development in comparing a high-level metric in comparing school spending. Yet those numbers only revealed the overall average per-pupil spending per-school. In the 2021 legislative session, TennesseeCAN worked with a sponsor to introduce legislation that asked the state to go one step further than ESSA's spending reporting requirements and report school-level spending on student subgroups specifically. We found that such reporting is not possible because schools currently do not report detailed spending at the school level. In fact, it is very difficult to ascertain detailed spending at the district level as well. In other words, while the BEP receives praise for its flexibility, it completely fails when it comes to transparency.

## POLICY RUBRIC: FISCAL TRANSPARENCY



While Tennessee is one of a handful of states that increased education funding throughout past economic downturns and continues to increase spending each year, there has not yet been much quality information regarding how schools are spending money so that student outcomes are prioritized and maximized.<sup>38</sup> Tennessee could promote greater fiscal transparency by analyzing how well school districts use their resources to improve student achievement, and provide transparent data about school-level expenditure at the individual school level.

### A NEW REALITY

To further improve Tennessee's fiscal transparency policy, our state should require TDOE to enable comparison of expenditure and student achievement data in a way that allows policymakers and the public to identify and share best practices to maximize student achievement, while spending taxpayer funds efficiently and effectively. The one attribute of the BEP that consistently garners praise is its flexibility. While the flexibility in a funding formula is critical for decision-makers to support their students effectively, flexibility must be paired with transparency to ensure that flexibility is informed, strategic, and student-focused. Additionally, Tennessee should develop a standard rating system to measure fiscal responsibility and performance among peers, and ensure districts are identifying what portion of their expenditures are being paid with state and/or local funds.

T. C. A. § 49-3-316; Tenn. Comp. R. & Regs. 0520-01-02-.13

\* Information is collected and reported publicly in order to hold schools and districts accountable for spending taxpayer money efficiently and to identify best practices across our state.

# 0 CLASS SIZE MANDATES/ LOCAL FLEXIBILITY

## TRANSPARENCY POLICIES



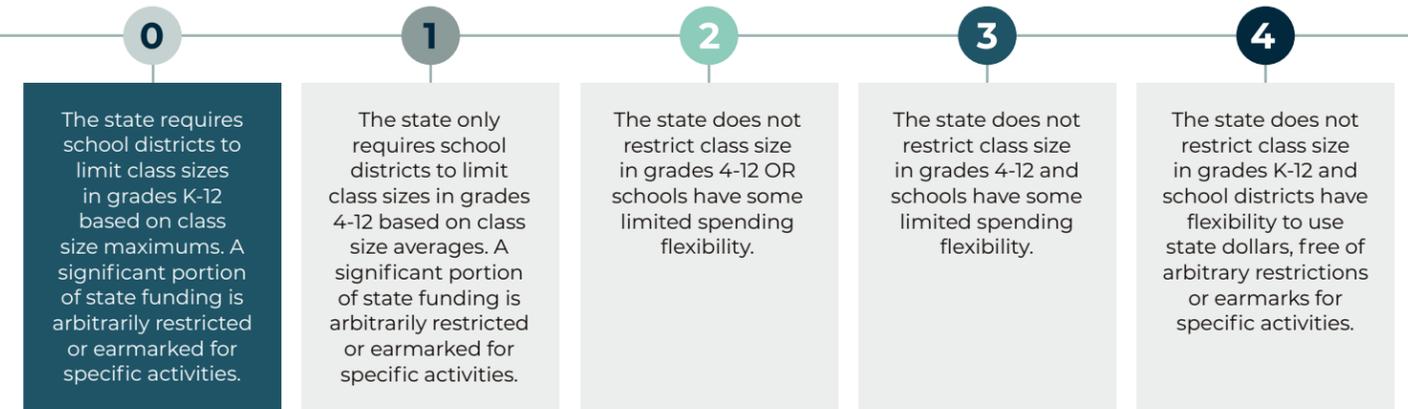
## Why This Matters

Class size mandates are important in ensuring that schools do not oversign the number of students to any one teacher of record. Hypothetically, for every 21 students, the district would hire one teacher. As with most policies, there are some nuances that require policymakers to examine whether class size mandates are delivering the most impactful use of education dollars for their associated costs. For example, what if there are 22 students in one grade? Will the school district need to hire another teacher? While the prescriptive answer is yes, schools should have the spending flexibility to hire one highly-effective teacher for those 22 students and use a differentiated pay plan to increase the salary for that teacher.<sup>39</sup> Another unfortunate reality is that class size mandates are often driven by a resource-based funding formula that determines the cost of educating students in each district based on the cost of the resources, such as staff salary schedules and instructional materials. In other words, if a district has X number of students enrolled, they are given funding to hire Y number of teachers. Local school leaders should have flexibility to staff their schools according to student needs.

## Where We Are

Tennessee restricts individual class size totals and school averages for grades K-12. Tennessee's funding formula, the BEP, does not prescribe specific levels of expenditures for individual components. However, funds generated through the BEP by the instructional components must be spent on instruction, and funds generated by the classroom components must be spent on either instruction or other classroom areas.

## POLICY RUBRIC: CLASS SIZE MANDATES/LOCAL FLEXIBILITY



## A NEW REALITY

Some opponents of student-based funding formulas argue that untying the state funding formula from dollars or positions would give districts too much freedom in not hiring enough teachers or placing too many students in classrooms. This fear is understandable, although no research can be found to substantiate those fears. Ultimately, the goal in lifting class size mandates is to provide flexibility so schools can be nimbler and more innovative in their educational practices. If Tennessee did adopt a weighted student funding formula, we believe that it may be best to shoot for a rating of 3 in our rubric, where the state does not restrict class size in grades K-12 and school districts have flexibility to use state dollars, free of arbitrary restrictions or earmarks for specific activities. Eventually, when districts prove that they are supporting teachers as professionals and students have the instructional support they need, Tennessee should aim for a rating of 4 on our rubric.

# REFERENCES AND SOURCES

- 1 <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/covid-19-and-education-the-lingering-effects-of-unfinished-learning>
- 2 The New Teacher Project. (2012). *The Irreplaceables: Understanding the Real Retention Crisis in America's Urban Schools*. Retrieved from [http://tntp.org/assets/documents/TNTP\\_Irreplaceables\\_2012.pdf](http://tntp.org/assets/documents/TNTP_Irreplaceables_2012.pdf).
- 3 The New Teacher Project. (2012). *The Irreplaceables: Understanding the Real Retention Crisis in America's Urban Schools*. Retrieved from [http://tntp.org/assets/documents/TNTP\\_Irreplaceables\\_2012.pdf](http://tntp.org/assets/documents/TNTP_Irreplaceables_2012.pdf).
- 4 Leithwood, K., Louis, K., Anderson, S., & Wahlstrom, K. (2004). *How Leadership Influences Student Learning, Learning from Leadership Project*. Retrieved from <http://www.wallacefoundation.org/knowledge-center/school-leadership/key-research/Documents/How-Leadership-Influences-Student-Learning.pdf>.
- 5 The New Teacher Project. (2012). *The Irreplaceables: Understanding the Real Retention Crisis in America's Urban Schools*. Retrieved from [http://tntp.org/assets/documents/TNTP\\_Irreplaceables\\_2012.pdf](http://tntp.org/assets/documents/TNTP_Irreplaceables_2012.pdf).
- 6 New Leaders for New Schools. (2010). *Evaluating Principals; Balancing Accountability with Professional Growth*. Retrieved from [http://www.newleaders.org/wp-content/uploads/NL\\_evaluationhandbook\\_vFNL6.pdf](http://www.newleaders.org/wp-content/uploads/NL_evaluationhandbook_vFNL6.pdf).
- 7 Desiree Carver-Thomas and Linda Darling Hammond (2017). *Teacher Turnover: Why It Matters and What We Can Do About It*. Palo Alto, CA: Learning Policy Institute.
- 8 The New Teacher Project. (2014). *Rebalancing Teacher Tenure*. Retrieved from [http://tntp.org/assets/documents/TNTP\\_RebalancingTenure\\_2014.pdf](http://tntp.org/assets/documents/TNTP_RebalancingTenure_2014.pdf).
- 9 Boyd, D., Lankford, H., Loeb, S., & Wyckoff, J. (October, 2010). *Teacher Layoffs: An Empirical Illustration of Seniority Versus Measures of Effectiveness*. Education Week. Retrieved from [https://www.edweek.org/media/layoffs10oct2010\\_appa.pdf](https://www.edweek.org/media/layoffs10oct2010_appa.pdf).
- 10 [https://nces.ed.gov/whatsnew/press\\_releases/06\\_28\\_2021.asp](https://nces.ed.gov/whatsnew/press_releases/06_28_2021.asp)
- 11 Guin, Kacey. (2004). *Chronic Teacher Turnover in Urban Elementary Schools*. Education Evaluation and Policy Analysis. Retrieved from <http://epaa.asu.edu/ojs/article/view/197>.
- 12 The New Teacher Project. (March, 2015). *Mutual Consent Hiring Benefits Principals, Teachers and Schools*. Retrieved from <https://tntp.org/publications/view/mutual-consent-hiring-new-york-citys-shift-to-mutual-consent-in-teacher-hiring>.
- 13 National Center for Education Statistics. (2011-2012). *Schools and Staffing Survey, Table 8. Average number of public school teachers and average number of public school teachers who were dismissed in the previous year or did not have their contracts renewed based on poor performance, by tenure status of teachers and state: 2011-12*. Retrieved from [http://nces.ed.gov/surveys/sass/tables/sass1112\\_2013311\\_d1s\\_008.asp](http://nces.ed.gov/surveys/sass/tables/sass1112_2013311_d1s_008.asp).
- 14 Manna, Paul. (2015). *Developing Excellent School Principals to Advance Teaching and Learning: Considerations for State Policy*. The Wallace Foundation. Retrieved from <https://www.wallacefoundation.org/knowledge-center/Documents/Developing-Excellent-School-Principals.pdf>.
- 15 <https://www.tn.gov/content/dam/tn/stateboardofeducation/documents/bepcommitteeactivities/2019-bep/BEPHandbook%20revised%20September%202018.pdf>
- 16 Koedel, C., "Grade Inflation for Education Majors and Low Standards for Teachers: When Everyone Makes the Grade," (Washington D.C.: American Enterprise Institute for Public Policy Research, August 2011).
- 17 Greenberg, J., Walsh, K., & McKee, A. (February, 2015). *2014 Teacher Prep Review*. National Council on Teacher Quality. Retrieved from [http://www.nctq.org/dmsView/Teacher\\_Prep\\_Review\\_2014\\_Report](http://www.nctq.org/dmsView/Teacher_Prep_Review_2014_Report).
- 18 Lindsay, C. & Hart, C. (2017). *Exposure to Same-Race Teachers and Student Disciplinary Outcomes for Black Students in North Carolina*. Education Evaluation and Policy Analysis. Retrieved from <http://journals.sagepub.com/doi/abs/10.3102/0162373717693109?journalCode=epaa>.
- 19 "Is Your State Prioritizing Teacher Diversity & Equity?." The Education Trust. (November, 2020): Tennessee Report Card. Retrieved from <https://edtrust.org/>.
- 20 Tennessee State Board of Education. (December, 2018). *Tennessee 2018 Educator Preparation Report Card*. Retrieved from <https://teacherprepreportcard.tn.gov/>.
- 21 National Council on Teacher Quality. *Teacher Preparation Policies*. Retrieved from <https://www.nctq.org/publications/2018-Teacher-Prep-Review>.
- 22 Notably, the SBE annually evaluates performance of programs focused on placement and retention rates, entrance examinations, and other teacher effectiveness data. Importantly, state law empowers the SBE to request data to conduct the evaluation. T. C. A. § 49-5-108
- 23 National Council on Teacher Quality. *2018 Teacher Prep Review Findings*. Retrieved from <https://www.nctq.org/review/search/topTen>.
- 24 Manna, Paul. (2015). *Developing Excellent School Principals to Advance Teaching and Learning: Considerations for State Policy*. The Wallace Foundation. Retrieved from <https://www.wallacefoundation.org/knowledge-center/pages/developing-excellent-school-principals.aspx>.
- 25 <https://newclassrooms.org/2021/10/05/from-planning-to-action-advancing-tailored-acceleration/>
- 26 Baker, Bruce. (July, 2014). *America's Most Financially Disadvantaged School Districts and How They Got that Way*. Center for American Progress. Retrieved from <https://cdn.americanprogress.org/wp-content/uploads/2014/07/BakerSchoolDistricts.pdf>; Baker, Bruce, & Corcoran, Sean. (September, 2012). *The Stealth Inequities of School Funding*. Center for American Progress. Retrieved from <https://www.americanprogress.org/wp-content/uploads/2012/09/StealthInequities.pdf>.
- 27 Hahnel, C. & Jackson, O. (January, 2012). *Learning Denied: The Case for Equitable Access to Effective Teaching in California's Largest School District*. The Education Trust-West. Retrieved from [http://edtrust.org/wp-content/uploads/2013/10/ETW-Learning-Denied-Report\\_0.pdf](http://edtrust.org/wp-content/uploads/2013/10/ETW-Learning-Denied-Report_0.pdf).
- 28 Sanders, W. & Rivers, J. (November, 1996). *Cumulative and Residual Effects of Teachers on Future Student Academic Achievement: Tennessee Value-Added Assessment System*. Retrieved from <https://www.beteronderwijsnederland.nl/files/cumulative%20and%20residual%20effects%20of%20teachers.pdf>.
- 29 Podesta, K. *Students in Tennessee instructed by consecutive ineffective teachers*. Office of Research and Educational Accountability. (March, 2019). Retrieved from <https://www.comptroller.tn.gov/office-functions/research-and-education-accountability/publications/k-12-education/content/student-placement.html>
- 30 Dorn, E., Hancock, B., Sarakatsannis, J., & Viruleg, E. (June, 2020). *COVID-19 and student learning in the United States: The hurt could last a lifetime*. Retrieved from <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/covid-19-and-student-learning-in-the-united-states-the-hurt-could-last-a-lifetime>.
- 31 Tennessee Charter School Center. *2020 Impact Report*. Retrieved from <http://www.tnchartercenter.org/sites/554/uploaded/files/TNCharterSOS201415.pdf>
- 32 Rebarber, T. & Consoletti Zgainer, A. (2014). *2014 Survey of America's Charter Schools*. Center for Education Reform. Retrieved from <https://www.edreform.com/wp-content/uploads/2014/02/2014CharterSchoolSurveyFINAL.pdf>.
- 33 Mikulecky, Marga. (June, 2013). *Open Enrollment is on the Menu—But Can You Order It?* Education Commission of the States. Retrieved from <http://www.ecs.org/clearinghouse/01/07/96/10796.pdf>.
- 34 National Association of Charter School Authorizers. (2018). *Principles and Standards for Quality Charter School Authorizing*. 2018. Retrieved from <https://www.qualitycharters.org/for-authorizers/principles-and-standards/>
- 35 Forster, Greg. (May, 2016). *A Win-Win Solution: The Empirical Evidence on School Choice*, 4th ed. Friedman Foundation for Educational Choice. Retrieved from <http://www.edchoice.org/wp-content/uploads/2016/05/A-Win-Win-Solution-The-Empirical-Evidence-on-School-Choice.pdf>.
- 36 Porter-Magee, Kathleen. (September 8, 2014). *The Importance of Testing and the Power of Hard Facts*. Thomas B. Fordham Institute. Retrieved from <http://edexcellence.net/articles/the-importance-of-testing-and-the-power-of-hard-facts>.
- 37 [https://edonomicslab.org/wp-content/uploads/2018/03/Interstate-Financial-Reporting\\_FINAL-V2.pdf](https://edonomicslab.org/wp-content/uploads/2018/03/Interstate-Financial-Reporting_FINAL-V2.pdf)
- 38 See trends in education spending in the Tennessee Department of Education Annual Statistical Reports. (2019). Retrieved from <https://www.tn.gov/education/data/department-reports.html>.
- 39 Chingos, Matthew. (2013). *Class size and Student Outcomes: Research and Policy Implications*. Journal of Policy Analysis and Management, 32(2): 411-438. Retrieved from [http://www.matthchingos.com/Chingos\\_JPAM\\_prepub.pdf](http://www.matthchingos.com/Chingos_JPAM_prepub.pdf).



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