



TennesseeCAN

# 2022 TENNESSEE POLICY REPORT CARD



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.



## A message from Victor Evans

At TennesseeCAN, we work to ensure that every student, regardless of zip code or economic circumstance, has access to a high-quality education through great teachers and great schools.

The impact of the COVID-19 pandemic pushed state and district leaders, and local educators, to urgently evaluate what was working and what was not working for our students, and to intensify the focus on policies and proposals to better support Tennessee schools and students.

Governor Lee and legislative leaders made an historic and game-changing investment this year by updating Tennessee's outdated public school funding formula to one that is focused on student achievement and outcomes, but clearly we still have much more work to do to address and reverse the deep learning loss experienced by too many of our students.

TennesseeCAN's 2022 Policy Report Card lays out crucial policies our state must protect or adopt to ensure that all children in Tennessee receive a high-quality education. 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 school educators as we work together to implement the state's education funding formula and look for better ways to ensure every student in Tennessee can succeed.

VICTOR J EVANS  
Executive Director

# GLOSSARY

**ASD**  
Achievement School District

**BEP**  
Basic Education Program

**CBER**  
Center for Business and Economic Research

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

**ESSA**  
Every Student Succeeds Act

**IHE**  
Institution of Higher Education

**LEA or District**  
Local Education Agency

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

**SBE**  
Tennessee State Board of Education

**State Legislature**  
Tennessee General Assembly

**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

**TACIR**  
Tennessee Advisory Commission  
on Intergovernmental Relations

**TCAP**  
Tennessee Comprehensive  
Assessment Program

**TDOE or Department**  
Tennessee Department of Education

**TISA**  
Tennessee Investment in Student Achievement

**TN**  
Tennessee

**TVAAS**  
Tennessee Value-Added Assessment System





## OUR TENNESSEE PLEDGE

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

# EXECUTIVE SUMMARY

It is no understatement to say that the COVID-19 pandemic had an extreme impact on student learning. According to the National Assessment Governing Board, the percentage of fourth graders reading on or above grade level dropped from 35% in 2019 to 30% in 2022. Those same numbers for fourth graders in mathematics dropped from 40% to 36%. Shelby County Schools saw one of the largest drops in academic achievement: students on average lost an average of 19 weeks of learning in math and 16 weeks of learning in reading.<sup>1</sup> 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 enters the workforce.<sup>2</sup>

If anything, these outcomes must bring about the urgency and bravery required to commit to big changes.

Our needs are greater, yet schools look a lot like they did before the pandemic. 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. The needs are great and must be met with not just a restructuring of the public education system but with 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 our state does big things.

The good news is that Tennessee has a long tradition of committing to bold reforms. The expected learning loss spurred tutoring reforms and a revived focus on early literacy.

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 13-21](#) 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. This year, of the 26 policy categories, two increased and one decreased. The two increases were due to TISA, greater reporting in statute and the way charter students are calculated. The one decrease was open enrollment because the policy yields info that is not high-quality. 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)

**67,404**

Teachers

**147**

School Districts

**1,833**

Schools (Including Charters)

**\$10,802**

Avg. Per-Pupil Expenditure

**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: Mr. Bob Eby, Vice Chair  
District 4: Mr. Warren Wells  
District 5: Mr. Ryan Holt  
District 6: Mrs. Lillian Hartgrove, Chair  
District 7: Mr. Nate Morrow  
District 8: Mr. Larry Jensen  
District 9: Mr. Darrell Cobbins  
Student Representative: Vacant

### Tennessee State Legislature:

The General Assembly has 33 Senators and 99 Representatives

**TCAP**

Tennessee Comprehensive Assessment Program  
(2022 Grade 3-8 TNReady Scores and HS EOC Exams)\*\*

Math: 30.8%

ELA: 36.5%

SS: 42.7%

**19.1**

Average ACT Score

**88.7%**

Graduation Rate

\* All data are 2020-21 unless otherwise noted. <https://www.tn.gov/education/data/department-reports/2021-annual-statistical-report.html>



# STATE POLICY CATEGORIES

## 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 if the state were to adopt bold and student-centered policies.



## 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 identify and 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 both rural and urban districts - are not left behind. We will pursue equitable access to 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 has 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 help 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.](#)





# 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.](#)

4

### TEACHER PREPARATION PROGRAM ACCOUNTABILITY

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.](#)

4

### PRINCIPAL PREPARATION PROGRAM ACCOUNTABILITY

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.](#)

3

### CAREER AND TECHNICAL EDUCATION

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.](#)

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

### 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. One-point increase from prior year. [See pages 52-53.](#)

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. Unfortunately, no score change from prior year. [See pages 56-57.](#)

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.](#)

# CHOICE POLICIES

## OVERVIEW OF POLICIES

1

### 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. One-point decrease from prior year. [See pages 62-63.](#)

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.](#)

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. There is also an Individualized Education Account choice program for students with disabilities. No score change from prior year. [See pages 68-69.](#)



# 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. 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.](#)

2

### 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. One-point increase from prior year. [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

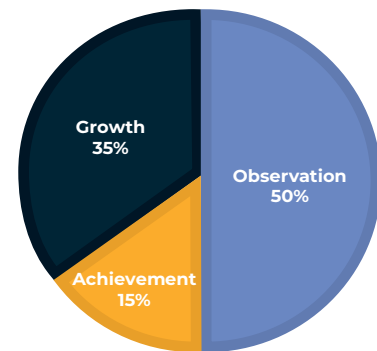
TEACHER EVALUATIONS

EXCELLENCE POLICIES

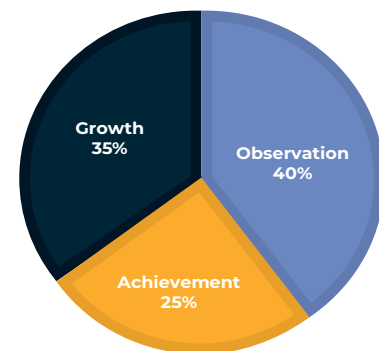
Why It Matters

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>3</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.

2010-2022 EVALUATION COMPONENTS



2022-2023 EVALUATION COMPONENTS



T. C. A. § 49-1-302(d); Public Chapter 991 of 2022; Tenn. Comp. R. & Regs. 0520-01-01; Teacher and Principal Evaluation 0520-02-01

\* 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

| 0  | 1   | 2  | 3   | 4  |
|--|---|--|---|--|
| <p>The state does not require comprehensive teacher evaluations that: (1) occur at least once every three years, (2) are based on multiple measures, including student growth based on objective measures of student achievement, and (3) include at least a three-tiered rating of effectiveness for a teacher's summative evaluation rating.</p> | <p>The state requires comprehensive teacher evaluations that: (1) occur at least once every three years, (2) are based on multiple measures, including classroom observations and student growth based on objective measures of student achievement, and (3) include at least a three-tiered rating of effectiveness for a teacher's summative evaluation rating.</p> | <p>The state requires comprehensive teacher evaluations that: (1) occur at least once every three years, (2) are based on multiple measures, including classroom observations and significant* student growth based on objective measures of student achievement, and (3) include at least a three-tiered rating of effectiveness for a teacher's summative evaluation rating.</p> | <p>The state requires comprehensive teacher evaluations that: (1) occur annually, (2) are based on multiple measures, including classroom observations and significant* student growth based on objective measures of student achievement, and (3) include at least a three-tiered rating of effectiveness for a teacher's summative evaluation rating.</p> | <p>The state requires comprehensive teacher evaluations that: (1) occur annually, (2) are based on multiple measures, including classroom observations and student growth worth between 33-50 percent of the overall evaluation based on objective measures of student achievement,* and (3) include at least a four-tiered rating of effectiveness for a teacher's summative evaluation rating with opportunities for feedback.</p> |

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 more holistic picture of their 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 qualitative component which includes classroom observations and personal conferences, and a quantitative student achievement component. 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).

Up until the 2022-23 academic year, the quantitative student achievement component was 50 percent of a teacher's total evaluation score. That 50 percent of the evaluation criteria included 35 percent of the student growth data as represented by the Tennessee Value-Added Assessment System (TVAAS), or some other comparable measure of student growth if no such TVAAS data are available; and 15 percent was based on other measures of student achievement selected from a list of measures adopted by the board. In the 2022 legislative session, the statute was amended to increase the quantitative amount from 50 percent to 60 percent. Additionally, of that 60 percent, 25 percent - not 15 percent - would be based on other measures of student achievement. This change applied only to teachers of tested subjects, an unnecessary carve out that further leads us to be concerned about the reckless approach in changing this policy without much scrutiny.

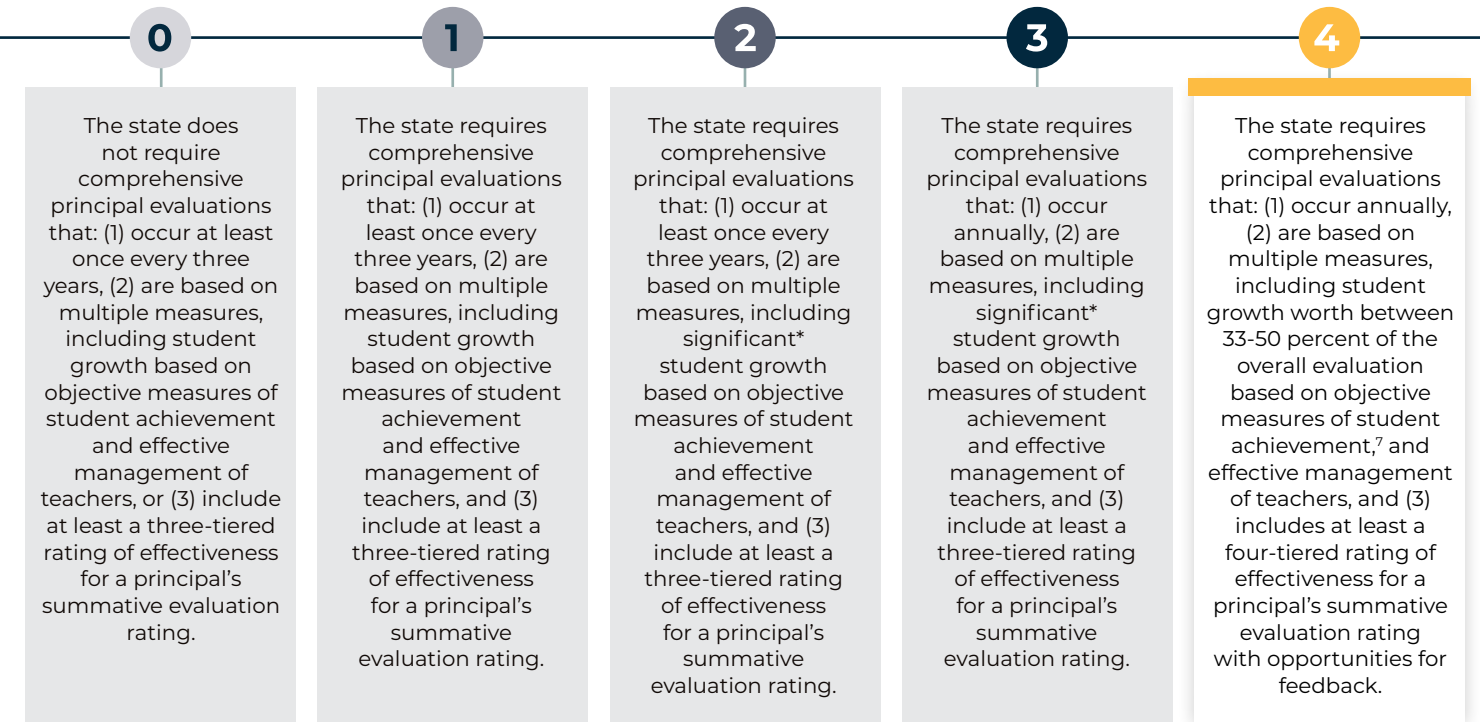
TennesseeCAN is concerned that this legislation was able to pass through the committee process so easily. Any change to the evaluation process must be led by statistical reasoning, but very little public questioning was given to why these percentages were set the way they were originally set in 2010, or how these changes would statistically improve the fidelity of the teacher evaluation system. We are keeping this rating at the highest level, but with a substantial fear that the rating may decrease in the future if further changes to weaken the evaluation system are successful.

4

# PRINCIPAL EVALUATIONS

## EXCELLENCE POLICIES

## POLICY RUBRIC: PRINCIPAL EVALUATIONS



## A NEW REALITY

### Why It Matters

Although 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>5</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>6</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 composite and 15 percent is based on educator 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.

The four areas of Tennessee's Instructional Leadership Standards (TILS) are instructional leadership for continuous improvement, culture for teaching and learning, professional learning, and growth and resource management. Yet no one principal or school leader is going to be strong in all four areas. For example, a school leader may be strong in everything except growth and resource management. The school district should be empowered to recruit an Assistant Principal or Dean who is specifically talented with growth and resource management, but Tennessee's previous resource-based funding formula, the BEP, discouraged such strategic recruitment and hiring. The Tennessee Investment in Student Achievement (TISA) funding formula provides schools with more flexible dollars that are not aligned to one principal unit per a set number of students enrolled in the school. TISA 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. While this is an intent of the new funding formula, whether or not it plays out in changed school district behavior regarding recruitment and hiring remains to be seen.

*T. C. A. § 49-1-302(d)(2)(A); § 49-2-303; Teacher and Principal Evaluation Policy 0520-02-01; Tennessee Department of Education, TEAM Administrator Evaluation Rubric (June 2022).*

*\* 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.*

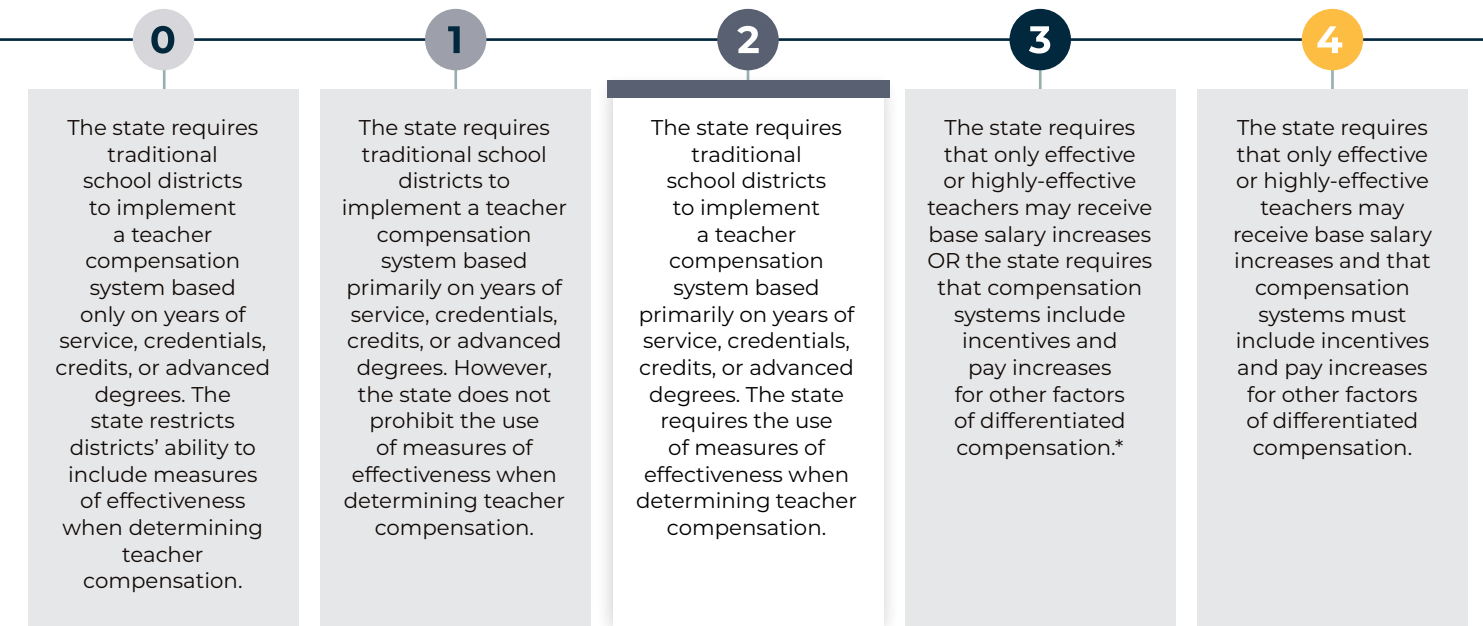


2

# DIFFERENTIATED PAY

## EXCELLENCE POLICIES

### POLICY RUBRIC: DIFFERENTIATED PAY



### A NEW REALITY

#### Why It Matters

Teacher shortages are not unique to the state of Tennessee. While unfilled, full-time teacher roles are an issue in most other states, principals are not just dealing with high vacancy rates but are more importantly facing significant shortages of quality teacher candidates.<sup>8</sup> 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>9</sup> Tennessee should ensure that districts and schools are utilizing the flexibility found in the strategic compensation policy in creating competitive compensation systems and rewarding effective teachers for the positive impact they have on student learning. Recognizing effective teachers is a positive reform regarding accountability, but if districts do not offer the same praise in the form of differentiated pay, then educators may struggle to believe in the accountability standards that they share with a less-effective teacher.<sup>10</sup>

#### 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 student outcomes will encourage more strategic teacher recruitment and mitigate high teacher turnover and shortages

Estimates show that Tennessee students returned to the 2020-2021 academic year with at least 1,200 fewer teachers than they needed.<sup>15</sup> While there are multiple factors to explain this number, we know that policymakers can increase the number of high-quality teachers through improved pay. Urgency is required here: Tennessee is one of 28 states where teachers are paid less than 80 cents on the dollar earned by similar college-educated workers in the state.<sup>16</sup> While a resource-based funding formula like the BEP would have allowed for across-the-board teacher pay raises, a student-based funding formula like TISA can encourage a strategic differentiated pay program. For example, school districts should offer higher pay for harder to staff subjects and/or schools, and they should especially target pay raises to their more effective educators who may receive better-paying offers or opportunities elsewhere.

T. C. A. § 49-1-302(a)(5)(b); § 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.

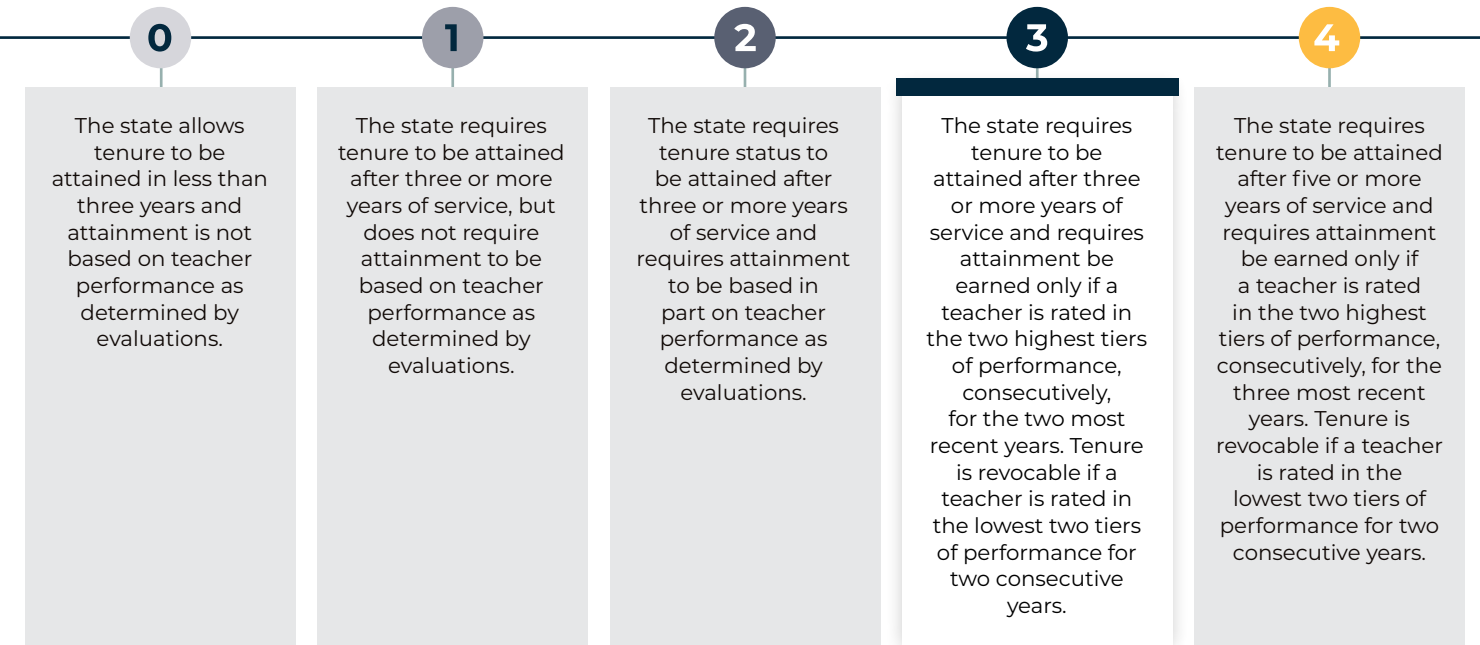
3

TENURE

EXCELLENCE POLICIES



POLICY RUBRIC: TENURE



Why It Matters

Over the last ten years there has been a significant and worrisome drop in the number of teacher candidates nationwide.<sup>11</sup> In a post-pandemic economy, 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 where there are allegations 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 deemed eligible for tenure must be recommended for tenure status by the director of schools or be non-renewed. Tenure is automatically revoked if a teacher is rated in the lowest two tiers of five performance levels for two consecutive years.

Tennessee could improve the state’s tenure law by requiring at least three prior years of strong performance, instead of two, before making a tenure determination.<sup>10</sup> This makes more sense when considering that specific 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, FAQs Tennessee Teacher Tenure (2021)*



3

# LAST IN FIRST OUT

## EXCELLENCE POLICIES

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

0

The state requires seniority or tenure status to be the key driver of layoffs during a reduction-in-force.

1

State law is silent on the role of seniority or tenure status in determining layoffs during a reduction-in-force.

2

The state allows districts to consider performance when making layoffs during a reduction-in-force, but does not prohibit seniority or tenure status from being considered in determining layoffs or prohibits seniority or permanent status from being considered in determining layoffs for new hires and non-permanent teachers only or only in specified districts.

3

The state requires districts to consider performance when making layoffs during a reduction-in-force, or seniority or tenure status is prevented from being the key driver of layoffs.

4

The state requires districts to make performance the primary factor when making layoffs during a reduction-in-force.

### A NEW REALITY

### Why It 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>12</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.

Until now, when school districts faced budget cuts they would automatically start thinking about how many positions they will have to cut. This offensive way of thinking is due to the fact that funding under a resource-based funding formula like the BEP allocated dollars based on positions by student enrollment: if you receive funds based on positions, it makes sense – sadly – that losing funds equates to losing positions. In a student-based funding formula like TISA, 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 budget more strategically: Does every single one of my students need a printed, hard copy textbook, or is there a more cost-effective way to get them the material?

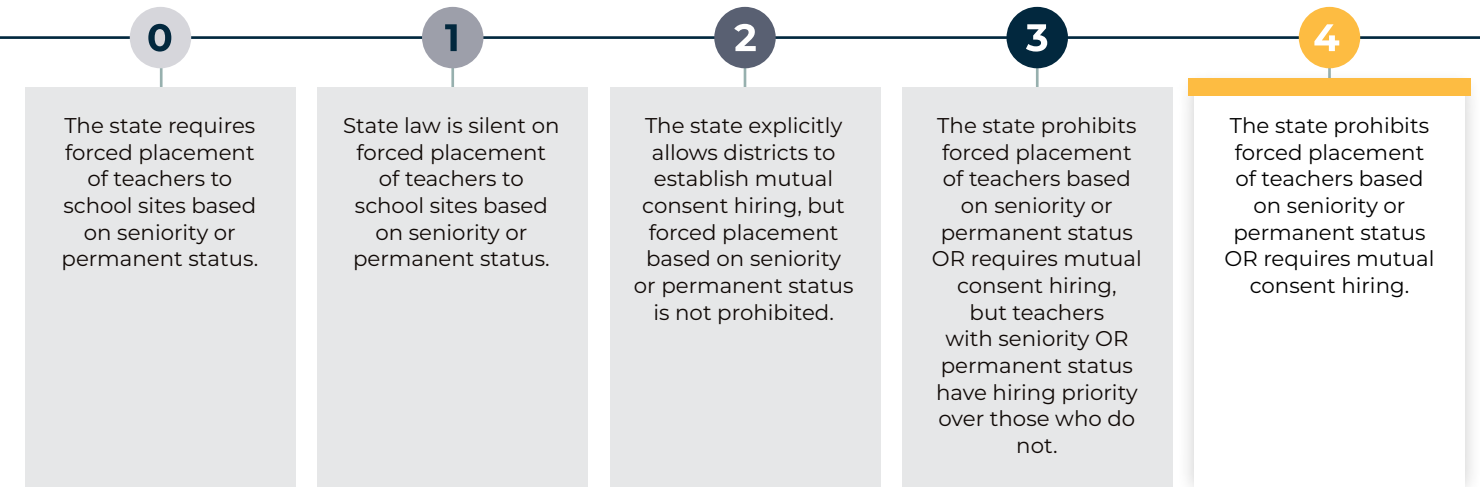
T. C. A. § 49-5-511(b)

4

# MUTUAL CONSENT / FORCED PLACEMENT

## EXCELLENCE POLICIES

### POLICY RUBRIC: MUTUAL CONSENT/FORCED PLACEMENT



### Why It 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>13</sup> For example, in Memphis-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>14</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. § 49-1-302(d)(2)(A); T. C. A § 49-5-511(b)

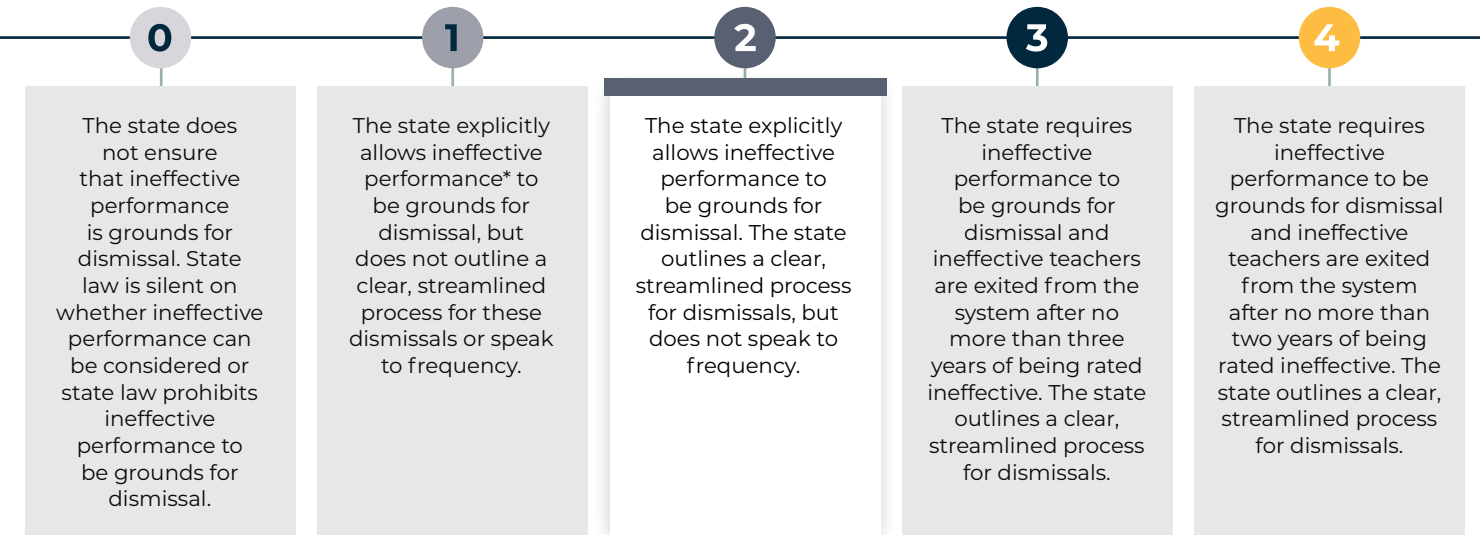


2

TEACHER DISMISSALS

EXCELLENCE POLICIES

POLICY RUBRIC: TEACHER DISMISSALS



A NEW REALITY

Teachers are whole human beings with their own strengths and weaknesses. A resource-based formula like the BEP treated teachers as a decimal point (for every certain number of students, districts would receive the average statewide salary of an instructional position) related to a ratio, creating the assumption that each teacher has the same talents as their peers. Under a student-based funding model like TISA, districts must be encouraged to be strategic about their hiring of teachers: if a teacher is persistently ineffective, and a district is forced by law to dismiss them from their teaching placement (see rubric rating 4), the district or school must have the funding flexibility to recruit an effective educator to replace the educator who is not showing positive effects for their students. Districts now also have the flexibility to fund training and development opportunities for the ineffective teacher to hold a position elsewhere in the school or district. Teachers are not just warm bodies to stand in front of students without first investing in their strengths and weaknesses. TISA is an opportunity for Tennessee school districts to create more strategic staffing models that serve students well.

Why It 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>15</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 by specifically including in the law that “inefficiency”, defined to include having evaluations demonstrating an overall performance effectiveness level that is “below expectations” or “significantly below expectations”, as being a reason for which a teacher may be dismissed. The dismissal process is specifically outlined in state law, including timelines and procedures. However, Tennessee’s teacher dismissal law 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.

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

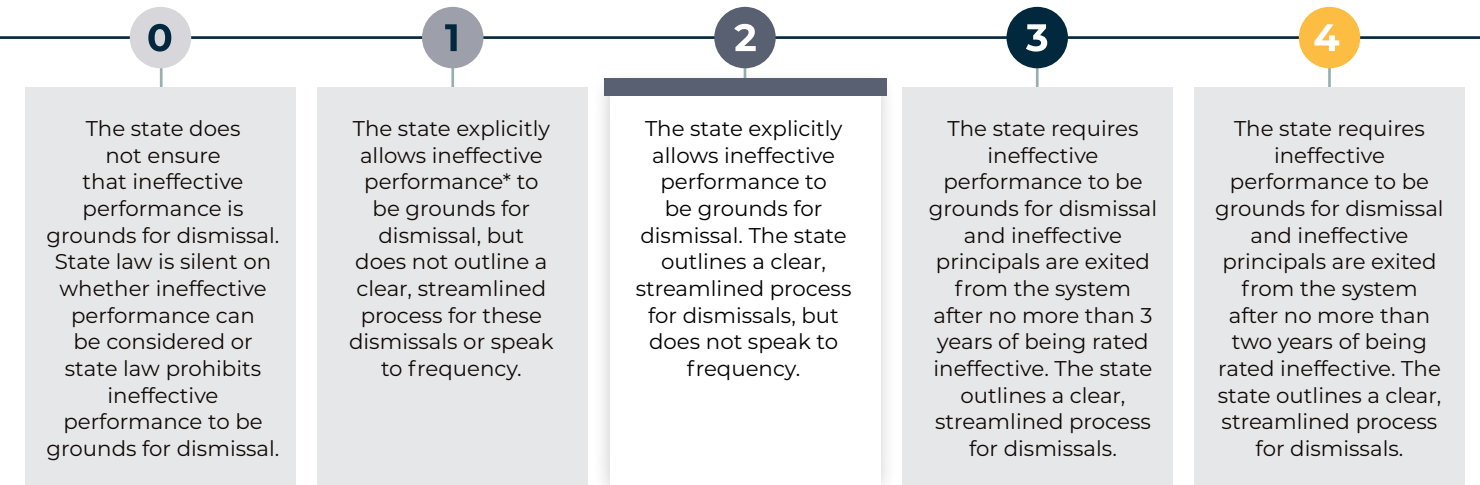
\* Ineffective means those teachers who perform in the lowest tier of performance, or teachers who perform in the two lowest tiers (for states with five rating categories, such as Tennessee) of performance but demonstrates no measurable growth. Automatic exit from the system after no more than three 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

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. In a student-based funding formula like TISA, districts must think strategically about who they employ as school leaders. The BEP defined a school principal in relation to the number of students in the school. Yet if a school – no matter the size – needs a school leader who is very strong in one area of the evaluation model, the district must use their TISA-given autonomy to build and maintain an effective leadership team by removing underperforming principals from schools and/or hire a leader who would match the needs of their school.

Why It 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 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>16</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 law 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.

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

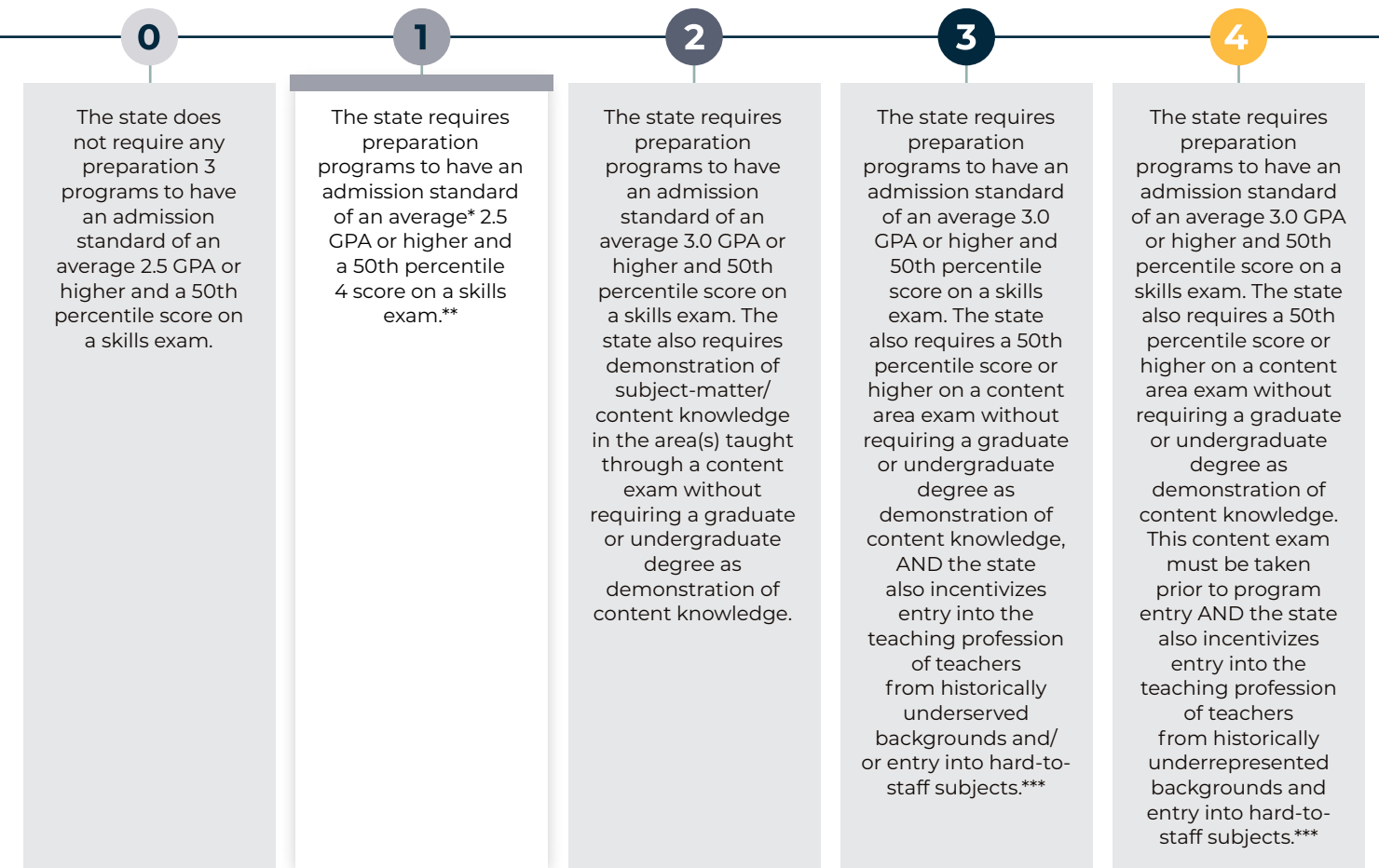
### Why It Matters

On average across the nation, students in teacher preparation programs hold lower college-entrance exam scores than their peers in their university cohorts.<sup>17</sup> Not only do teacher preparation programs control their curriculum and program experience, but they also have control of the admissions and selection criteria that will determine the teacher candidate pool. Strong admissions criteria help ensure that programs are drawing from the top half of the college-going population.<sup>18</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. In addition to expanding diversity, greater selectivity helps raise the status of the teaching profession, supports the push for higher salaries, and, most importantly, provides students with access to the highest quality teachers. In fact, racial diversity and admissions standards in teacher preparation programs should not be competing goals but instead should both be viewed as vital to accelerating student learning.<sup>19</sup>

### 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 national standard was an improvement from prior years, the bar is still not high enough. The State Board's rule requires a minimum 2.75 GPA for undergrad programs only and allows EPPs to submit an admissions appeal procedure process for approval, essentially waiving this benchmark entirely

## POLICY RUBRIC: TEACHER PREPARATION PROGRAM ADMISSIONS



In addition to strengthening standards for entry, the state has done some work to support increasing diversity in the teaching workforce. Educators of color have substantial long-term positive effects on all students, but especially students of similar backgrounds, and these effects show in both academic achievement and reduced suspension and expulsion rates.<sup>20</sup> In Tennessee, even though 39.8% of the overall student population is made up of students of color, only 15.9% of Tennessee teachers are teachers of color.<sup>21</sup> Tennessee is one of seven states recognized for its efforts in increasing student access to diverse educators by collecting teacher diversity data and using progress measures for recruitment and diversity on the Teacher Preparation Report Card. However, the percentage of teachers of color has remained constant for at least the last 3 years.<sup>22</sup>

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.

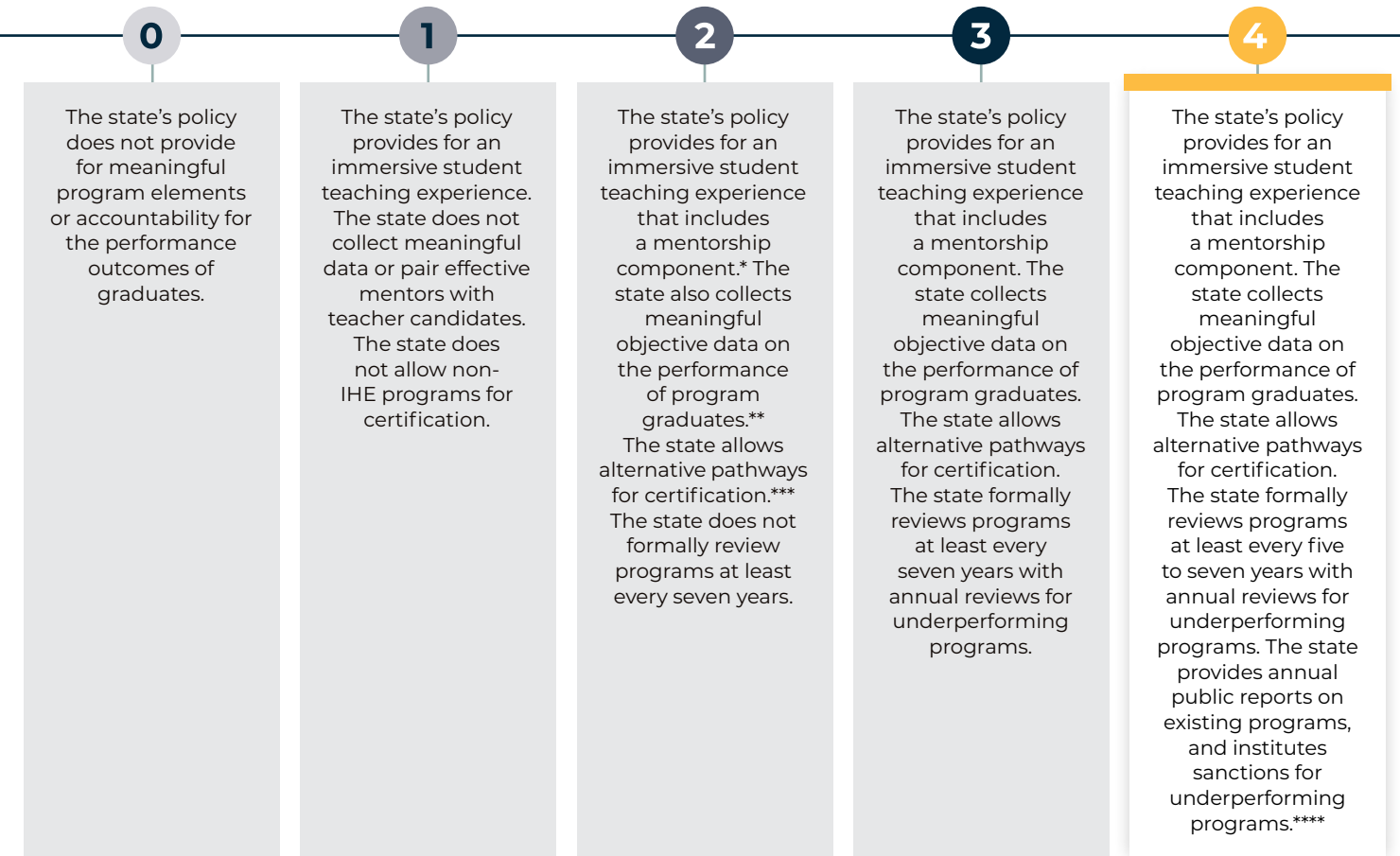
\*\*\* The state of Tennessee defines historically underserved subgroups to include: economically disadvantaged students, English language learners, special education students and Black, Hispanic, and Native American students.

4

# TEACHER PREPARATION PROGRAM ACCOUNTABILITY

EXCELLENCE POLICIES

## POLICY RUBRIC: TEACHER PREPARATION PROGRAM ACCOUNTABILITY



### Why It 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>23</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. 0520-02-04; 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.*

### Where We Are

Since 2014, Tennessee has gradually phased in requirements that all existing and new educator preparation programs adhere to national best practices on clinical practice and mentorship. These programs are now required to collect and report on data related to program performance based on graduate outcomes so the SBE can use this data to evaluate annually the performance of these programs, measure placement and retention rates, entrance examinations, and other teacher effectiveness data. Importantly, state law empowers the SBE to request data to conduct the evaluation. 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 response to an emboldened focus on early literacy, two new laws passed in 2022 that hold teacher preparation programs accountable through performance reports on preparing teachers in foundational literacy skills and strengthens communication between districts and preparation programs, and incentivizes teacher preparation programs to increase the effectiveness of their new teachers in grades K through third.

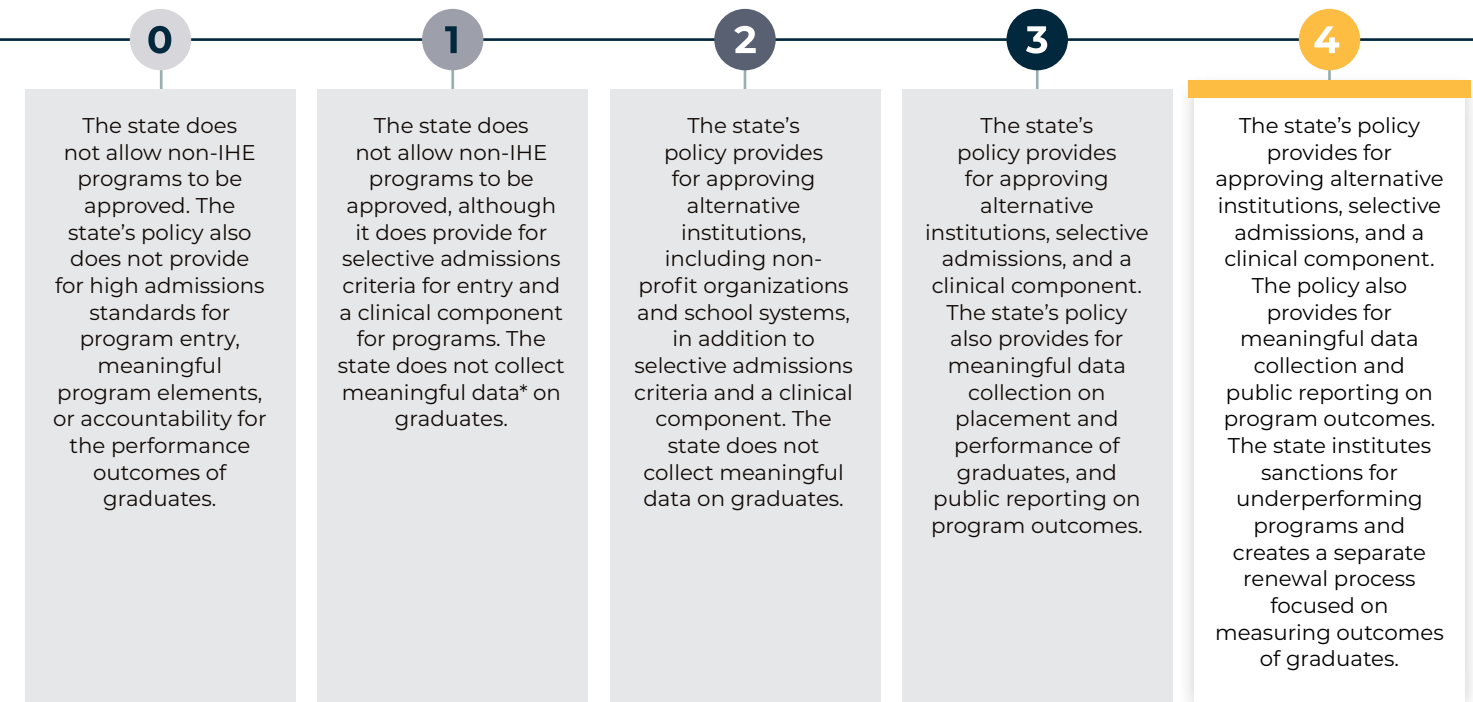


4

# PRINCIPAL PREPARATION PROGRAM ACCOUNTABILITY

## EXCELLENCE POLICIES

## POLICY RUBRIC: PRINCIPAL PREPARATION PROGRAM ACCOUNTABILITY



## A NEW REALITY

### Why It Matters

With all of the roles expected of and demands placed on school principals, principal preparation programs must allow for elements of accountability similar to 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.

In TennesseeCAN's 2022 School Leader Survey, when asked how the district's budgeting process would look differently under TISA compared to BEP, over 63% of school leader respondents said they were unsure. In order for a student-based funding formula like TISA to truly impact student learning, principals must have greater input into how dollars are allocated to and 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. In fact, in the 2022 District Leader Survey, over 57% of district leaders said they would rely heavily on previous budget years (under BEP) to inform spending decisions under TISA. 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. Now that Tennessee has a student-based funding formula like TISA, 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. 0520-02-04; 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

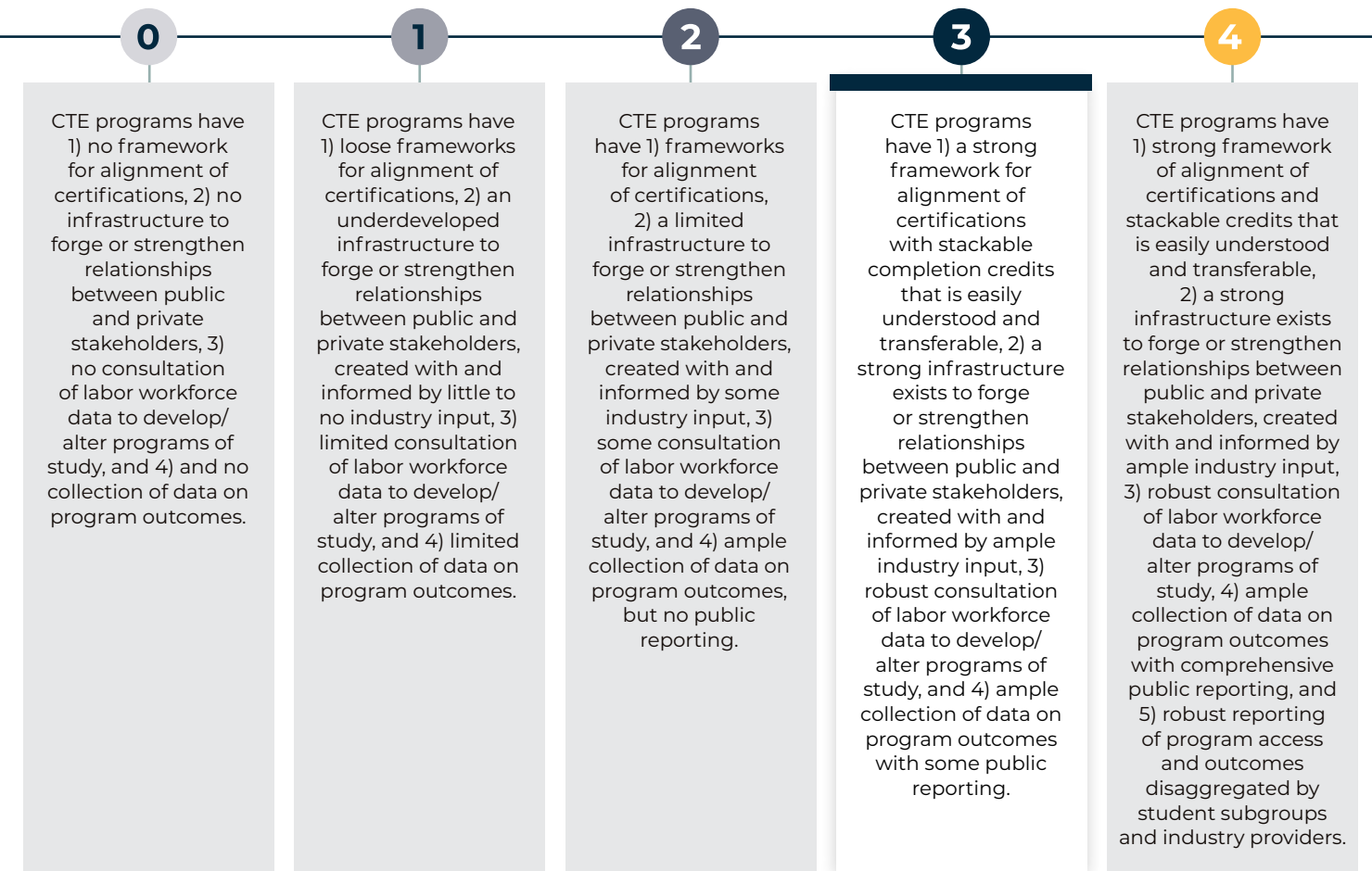
### Why It Matters

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. For too long, schools have failed to integrate soft career skills into the CTE experience - much less so into the general educational experience. Therefore, delivering high-quality CTE programs is a challenge many states face to integrate local industry partnerships into the classroom, build more high-quality CTE programs, and ensure relevance, rigor, quality, and equitable access for all students.

### Where We Are

Tennessee has been a pioneer in innovative policies aimed at closing the skills gap and increasing postsecondary credential attainment within the state. Well-known examples include the Drive to 55 initiative, TN Promise (last dollar) and TN Reconnect (last mile) scholarships, and statewide dual credit options. 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. 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.

## POLICY RUBRIC: CAREER AND TECHNICAL EDUCATION



## A NEW REALITY

In addition to the base funding and weighted funding, TISA includes a direct funding component that seeks to provide an estimated additional \$5,000 per student enrolled in a CTE program. These direct dollars seek to strengthen and expand high-value CTE offerings and are contingent on the wage-earning potential of CTE courses and the study sequence (greater funding for higher-level courses). We recommend that the direct funding be monitored and analyzed for their return on investment, ultimately to assess whether all subgroups of students have access to high-demand and high-wage pathways. We also recommend that the state provide simpler avenues and greater incentives for employers to support students in work-based learning opportunities.



# EQUITY POLICIES



4

# SCHOOL IMPROVEMENT STRATEGIES

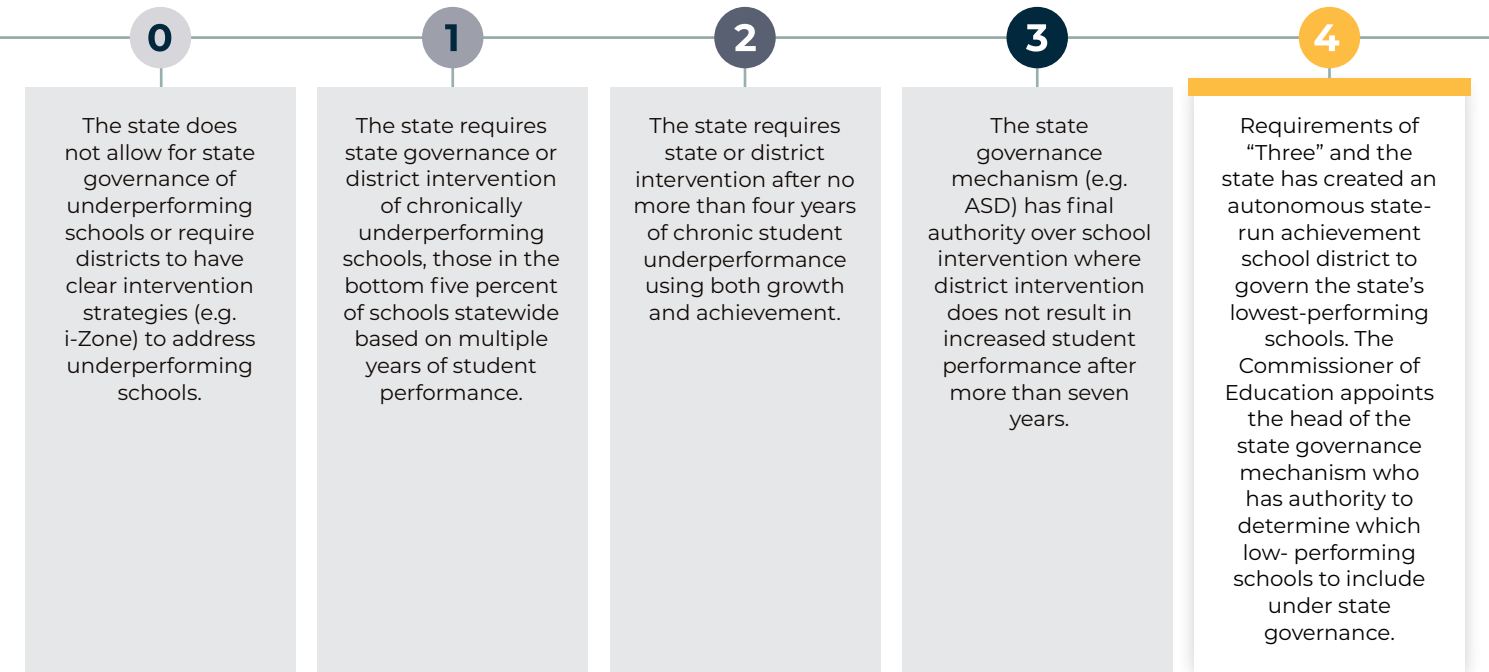
## EQUITY POLICIES



### Why It 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

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

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, including allowing higher-performing charter schools the opportunity to apply to transfer directly 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



3

FAIR FUNDING FORMULA

EQUITY POLICIES

POLICY RUBRIC: FAIR FUNDING FORMULA

0

The state's funding formula is focused on system needs rather than student needs. It contains elements that fail to correct for inequitable local tax bases at the district level and does not attempt to fund student needs, except through separate categorical funding.

1

The state's funding formula attempts to correct for inequitable local tax bases at the district level or for disparities in funding across school choice options, however, the funding formula does not sufficiently address the varying needs of students.

2

The state's funding formula attempts to correct for inequitable local tax bases at the district level or for disparities in funding across school choice options by providing funding that is somewhat responsive to varying student needs; significant discrepancies between districts or school choice options remain.

3

The state's funding formula attempts to correct for inequitable local tax bases at the district level and for disparities in funding across school choice options by providing funding that is mostly responsive to varying student needs; significant discrepancies between districts or school choice options are eliminated.

4

The state's funding formula ensures that every student receives equitable funding responsive to need, provided regardless of the school district or school choice option enrolled; valid and reliable information about student characteristics are used to consider student needs and all funding allocations.

Why It 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 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. State dollars help close the gap between high-wealth and low-wealth districts but do not do nearly enough to promote equal opportunity or increase achievement for those with the least resources and most need. Because most local communities fund schools from property taxes, and districts with more poverty generate less money than their wealthier peers, revenue disparities contribute to the wide variation in per-pupil expenditures across districts.<sup>26</sup>

Where We Are

TISA, like the BEP for over 30 years, will be the state funding formula that determines the total cost of educating students in each district. Yet instead of basing this amount on the total cost of the resources such as staff salary schedules and instructional materials, TISA calculates the amount based on student need. This total amount includes state and local dollars, with the local contribution calculation varying across districts based on fiscal capacity. Essentially, while the funding formula changed in the 2022 legislative session, the way we determine fiscal capacity did not.

In most states, fiscal capacity is one metric of local wealth, but Tennessee determines fiscal capacity as the average of two indexes. In most states, fiscal capacity is one metric of local wealth, but Tennessee determines fiscal capacity as the average of two indexes. Trying to calculate the fiscal capacity index is not just difficult but likely impossible without direct support from CBER or TACIR, and Tennessee's fiscal capacity calculation 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 when it comes to calculating fiscal capacity.

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 community 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.

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.

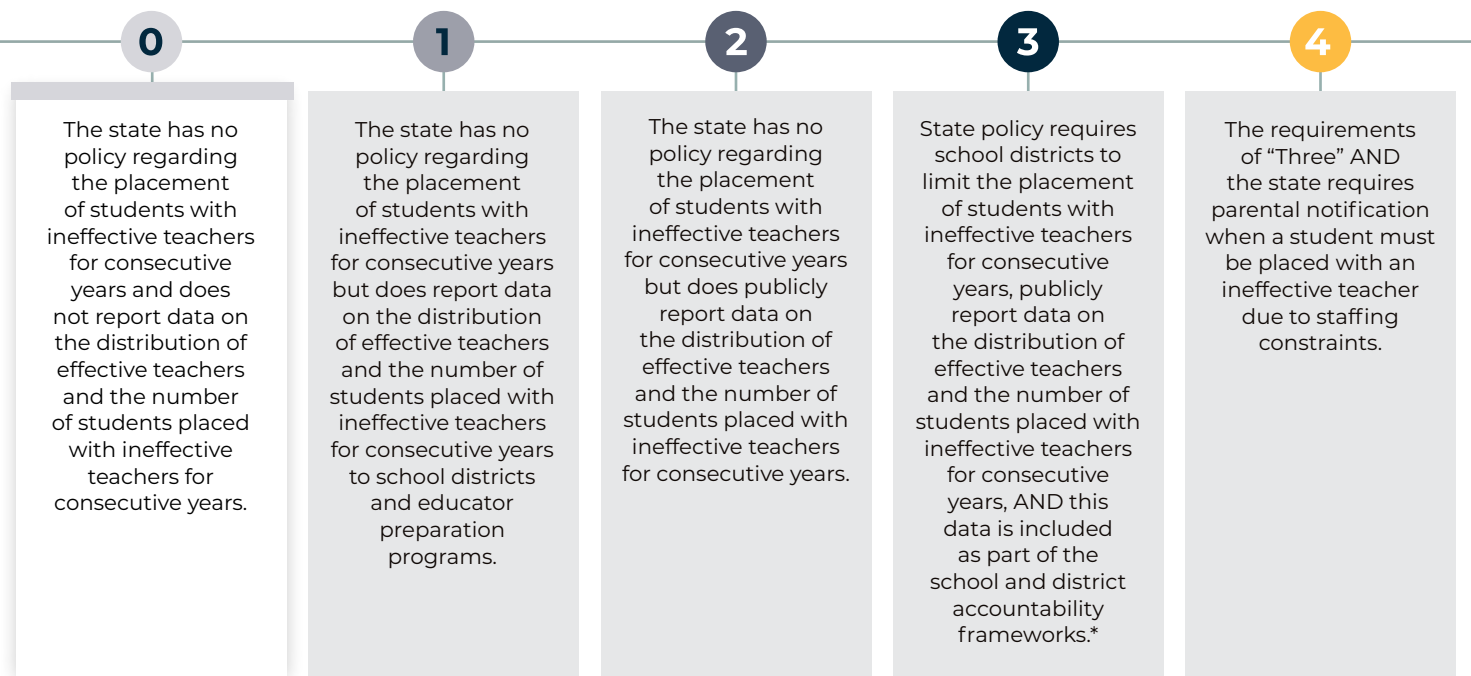
Finally, aside from ensuring equity between districts, we have moved this category's ranking up one point as a result of how TISA calculates students in public charter schools. Under the BEP, students in public charter schools received a dollar amount equal to the average per-pupil amount that was received by students in the home district. TISA will treat each student in a charter like an individual student with individual needs, ultimately eliminating the significant discrepancies between how students in district schools and charter schools are funded.

# 0 STUDENT PLACEMENT/CLASSROOM ASSIGNMENT

## EQUITY POLICIES



### POLICY RUBRIC: STUDENT PLACEMENT/CLASSROOM ASSIGNMENTS



## Why It 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 a classroom led by an underperforming teacher. 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 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>

If Tennessee adopts a student placement / classroom assignment policy closest to Rank 4 description on the rubric above, parents will have 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.

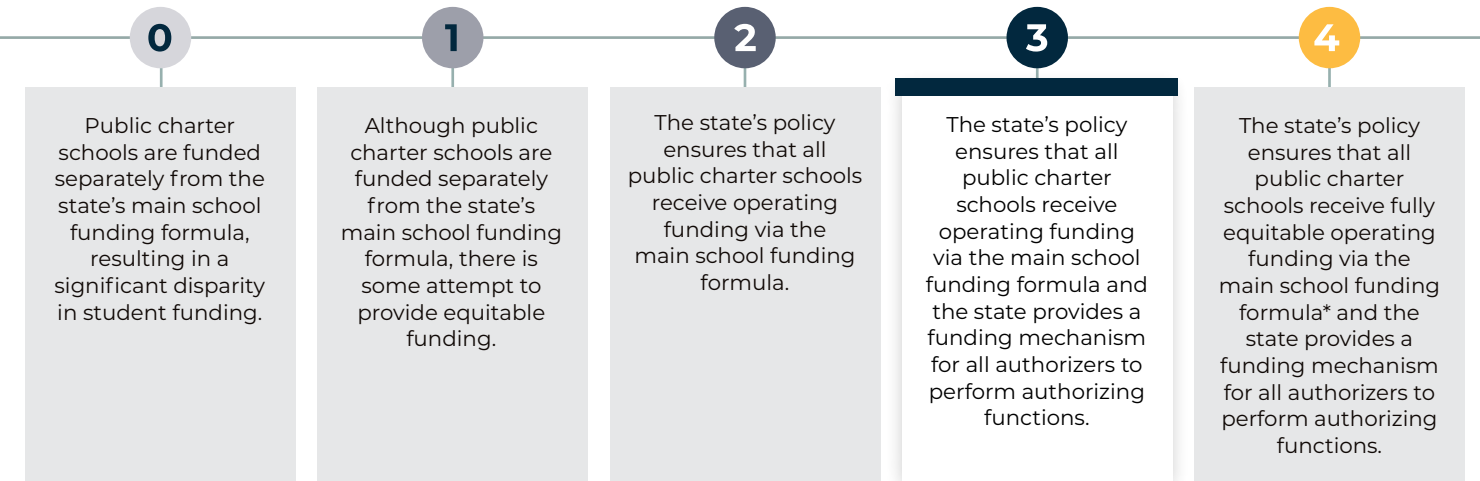


3

EQUITABLE PUBLIC CHARTER SCHOOL FUNDING

EQUITY POLICIES

POLICY RUBRIC: EQUITABLE PUBLIC CHARTER SCHOOL FUNDING



A NEW REALITY

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>30</sup> Some good news is that under TISA, each student in a charter school is slated to receive a set amount of additional dollars - set by the State Board of Education – through a direct funding allocation based on legislative appropriations. The goal with these additional dollars is to cover the expected statewide facilities needs that charter schools have requested in previous legislative sessions through a separate line item. While this is certainly an assurance from the state worthy of celebration, much remains to be seen in how charters will be treated logistically with TISA. Already we have seen concerning behavior as it relates to charter school funding in TISA, as the additional dollars were initially proposed to come from a weighted allocation, but were ultimately changed to direct funding. Unlike weighted funding that is shared between the state and district, direct funding is the sole responsibility of the state, which means that charters will receive these additional dollars only if the state makes them available. Considering 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, these dollars should have been included as a weight to ensure the students receive them. Additionally, there is insufficient guidance or process in monitoring the charter school funding procedures, even though TDOE is mandated by law to approve district allocations. For these reasons, the Comptroller's Office of Research and Education Accountability has been unable to verify the amount of funding that charter schools receive. This level of accountability is crucial to ensuring equitable public charter school funding in Tennessee.

We were hoping that we could increase the rating for this category to a four, however, until we receive assurances that public charter schools are receiving these additional operating funds via the main school funding formula, we will keep this rating to a three.

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.

Why It Matters

Charter schools are public schools educating Tennessee students just like other district-run schools, often with a greater number of students in need. Essentially, charter schools are asked to do more with less dollars and face greater consequences (closure) if performance goals are not met. Unfortunately, too often operational revenue sources like capital outlay are inaccessible to charters, exacerbating the funding disparities that exist between charter schools and 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

Charter schools in Tennessee are at a disadvantage financially for two reasons: lack of access to capital funds and the statutory requirement to pay an annual authorizer fee. Under the BEP, charter schools in Tennessee received state and local funding that equated to the average per-pupil amount that students in the district-run schools receive. In other words, one could argue that under the BEP charter schools received equal dollars as their traditional counterparts, but they could not access local funding for facilities and capital projects. Plus, student-specific needs were 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 TN Public Charter School Commission and ASD may collect up to four percent.

3

PUBLIC CHARTER SCHOOL FACILITIES ACCESS & FUNDING

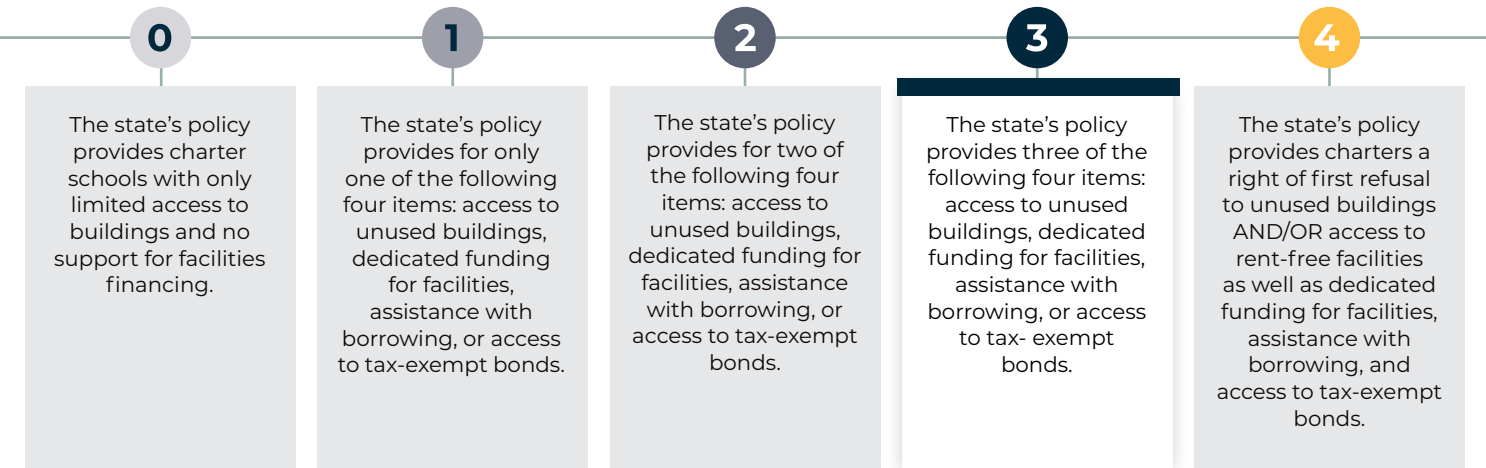
EQUITY POLICIES



Why It 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, a lack of dedicated space, and the inability to access local funding for facilities and capital projects, public charter schools are often forced to stalle 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>31</sup> Often without adequate access to state funds and local facility funds, a charter school must invest in their facility from operational budgets. 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

Since 2017, the state legislature has committed to funding these facility needs through mostly non-recurring funds in the Charter School Facilities Program. Outside of the charter school facilities program, charter schools had 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.

TISA's direct funding allocation for each charter school student is a step in the right direction in closing the financial gap in accessing high-quality and safe facilities. Potential next steps for public charter schools in Tennessee to access facilities include:

- 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 colocation of charter and traditional district schools within district-owned facilities.
- Obtaining 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.



# CHOICE POLICIES



# 1 OPEN ENROLLMENT

## CHOICE POLICIES

### Why It 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 (intra-district). Others wish to send their child to a traditional public school in a neighboring district (inter-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>32</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.

### Where We Are

Tennessee has enacted two open enrollment laws. The first one is a mandatory intradistrict policy which means that a student may transfer to another public school within their current district boundaries. The intradistrict policy requires LEAs to provide annual open enrollment periods for transfer requests, and to post the number of spaces available for enrollment at least 14 days before the start of an open enrollment period. This law 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. Unfortunately, under both enrollment policies, transportation is not provided.

In the 2022 legislative session, legislation was filed that would have streamlined the open enrollment process making it more parent-friendly. While

## POLICY RUBRIC: OPEN ENROLLMENT

|   |  |   |   |  |
|---|--|---|---|--|
| 0   | 1  | 2   | 3   | 4  |
| State law does not create open enrollment of any kind or the only type of open enrollment is voluntary intradistrict open enrollment. | State law creates a mandatory intradistrict open enrollment program or state law creates a voluntary or mandatory interdistrict open enrollment program. | State law creates a mandatory intradistrict open enrollment program or state law creates voluntary or mandatory interdistrict open enrollment, there is a system for providing high-quality information to parents about their open enrollment options,* and there are school placement preferences for low-income students and/or students in low-performing schools participating in the open enrollment program. | State law creates a mandatory intradistrict open enrollment program and a voluntary or mandatory interdistrict open enrollment program, there is a system for providing high-quality information to parents about their open enrollment options, school placement preferences for low-income students and/or students in low-performing schools, and there is a unified enrollment system in large urban districts. | All the requirements of "Three" and transportation is provided for participating students. |

the legislation ultimately did not pass, we have moved this rating from a two to a one because we realize that while Tennessee does have a mandatory open-enrollment law, the information that results is far from high-quality. Regardless of what the law is on the books, parents currently have no access to high-quality information about their open-enrollment options.

Tennessee should strengthen its open enrollment law 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 programs – 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.

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.



4

PUBLIC CHARTER SCHOOL AUTHORIZING PRACTICES

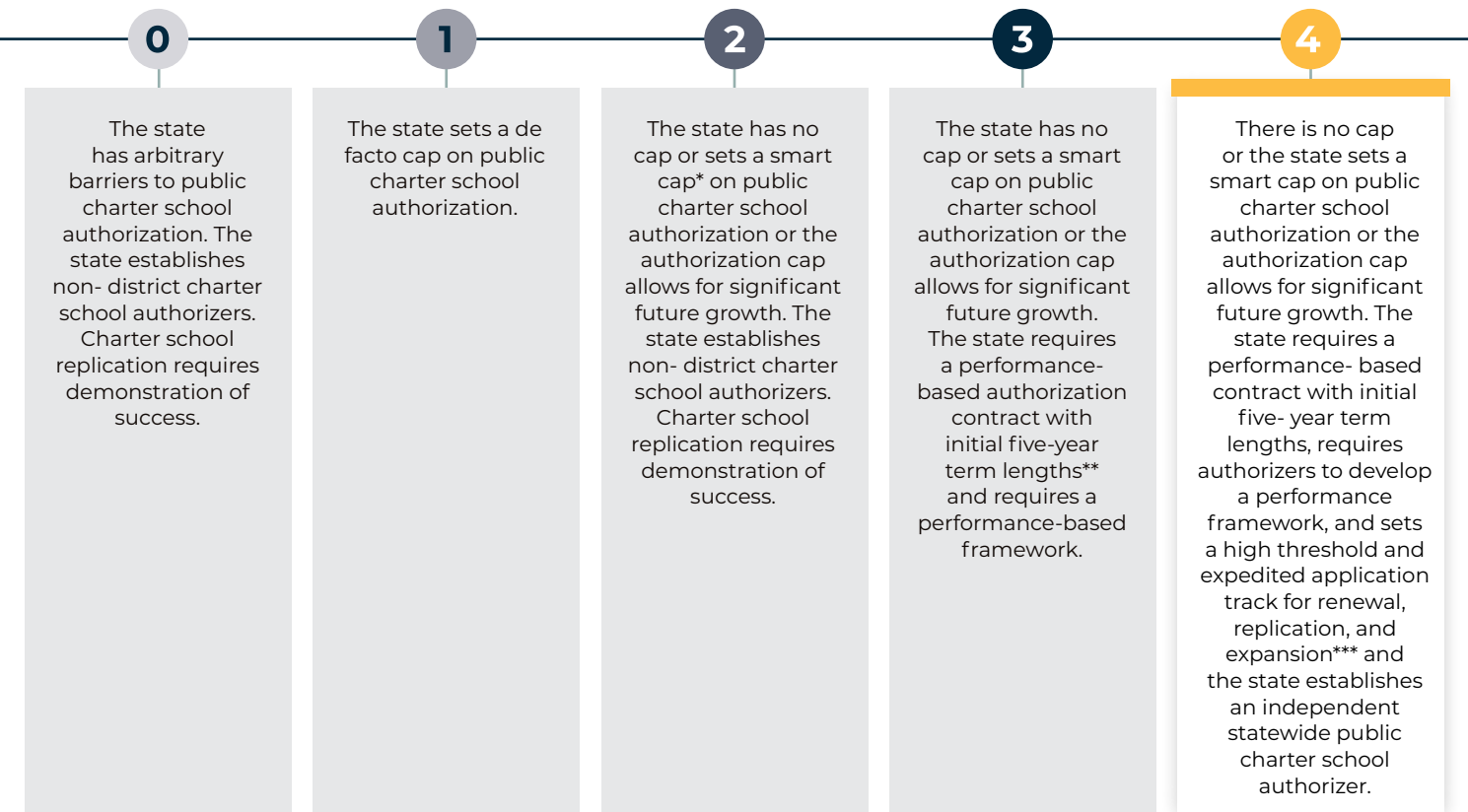
CHOICE POLICIES



Why It 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.<sup>33</sup> 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.<sup>34</sup> 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.

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.<sup>35</sup> Charter authorizing policy could be further improved by allowing the Tennessee Public Charter Schools Commission to directly approve charter applications, in the least for schools operators that have at least one school already approved by the Commission, and to create opportunities for accelerated applications and mergers.

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.

3

PUBLIC CHARTER SCHOOL ACCOUNTABILITY

CHOICE POLICIES

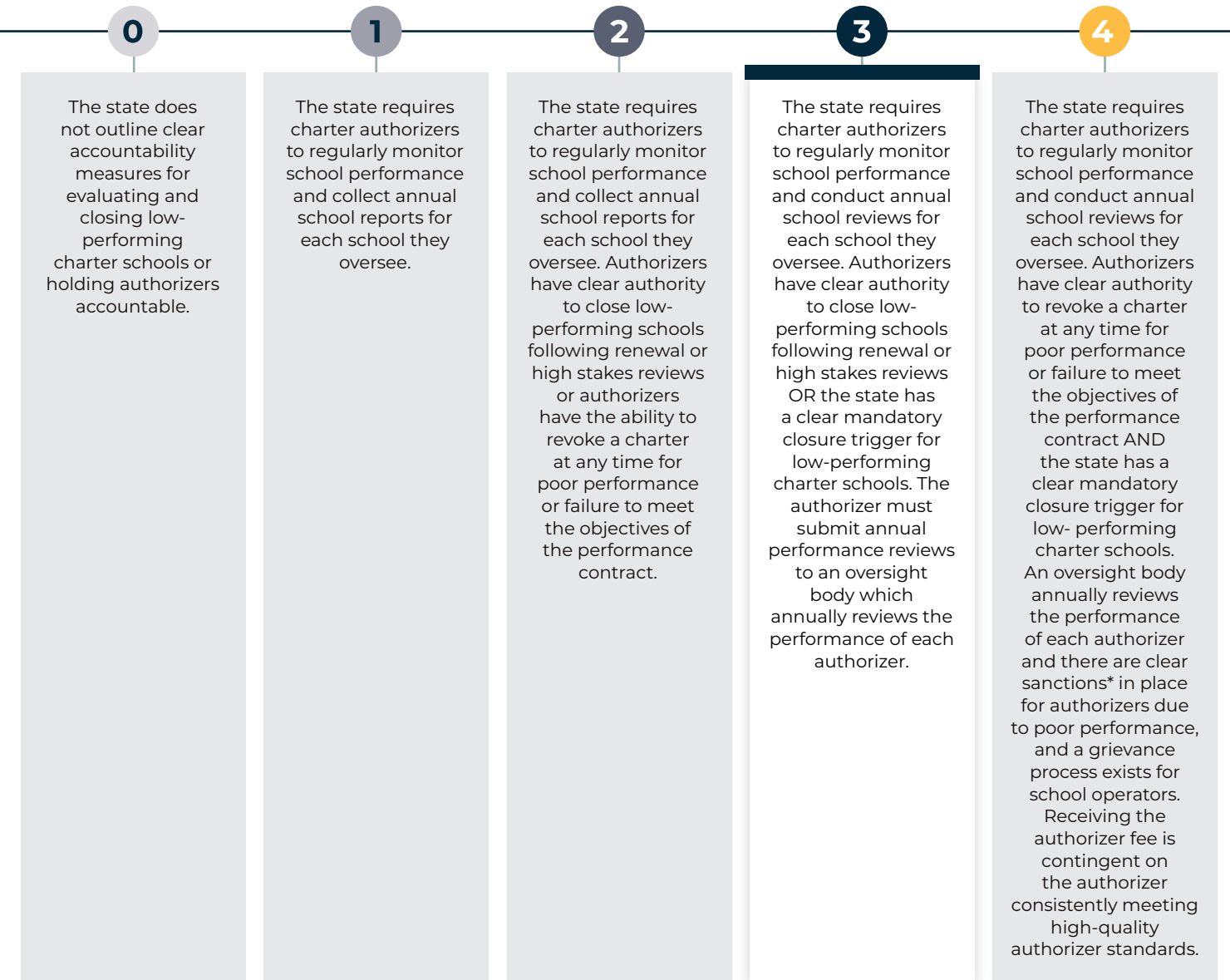
Why It Matters

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>36</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 automatically closed 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. Public charter school closures related to the priority list are not subject to appeal. 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 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.

POLICY RUBRIC: PUBLIC CHARTER SCHOOL ACCOUNTABILITY



In October 2022, it was announced that Tennessee will receive \$24M to use over two years through the federal Charter School Program's (CSP) State grant. These funds are expected to celebrate the transformative learning opportunities that are found in many of Tennessee's highest performing charter schools, and 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.

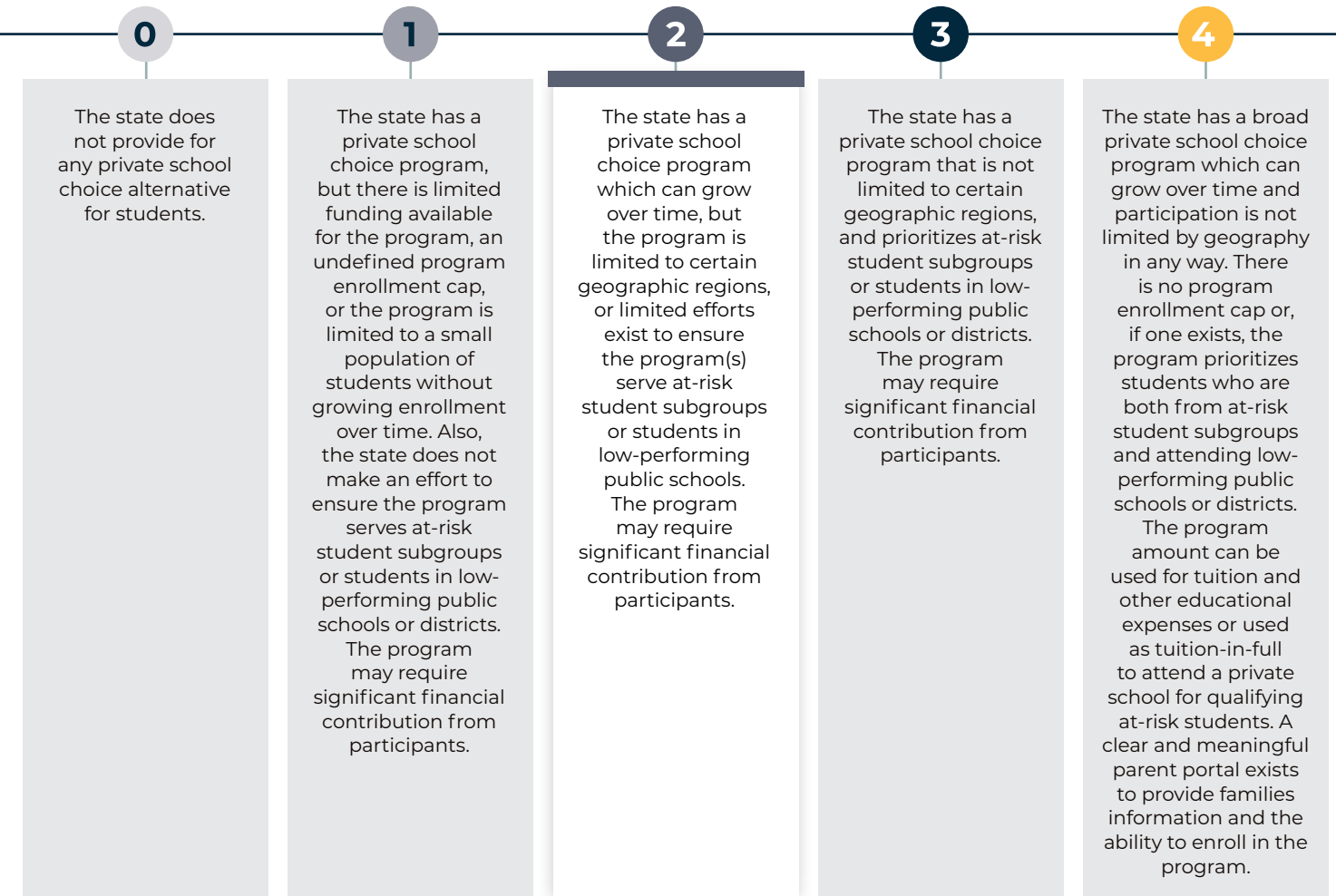


2

# PRIVATE SCHOOL CHOICE ACCESSIBILITY

## CHOICE POLICIES

### POLICY RUBRIC: PRIVATE SCHOOL CHOICE ACCESSIBILITY



### 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 Memphis-Shelby County Schools and Metro-Nashville Public Schools to use state funds to customize their child’s education, directing funding to the schools, courses, programs and services of their choice. The program, initially capped at 5,000 participants, will target low-income students in those communities. 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 legal challenge to the ESA Pilot Program forced the state to halt the application process until the legal challenge was resolved in June 2022. As of Fall 2022, nearly one thousand families have applied for an ESA and over 475 applications have been approved to receive a scholarship.

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 accepted in the IEA program 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.

### Why It Matters

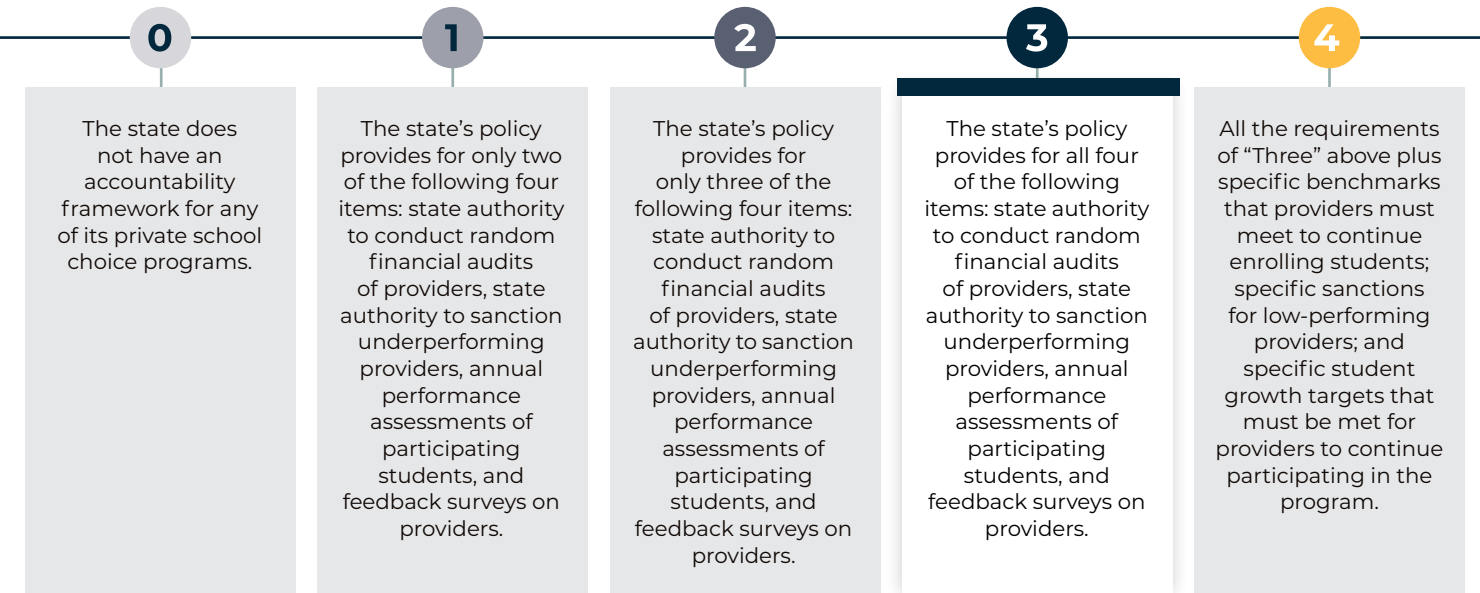
Private school choice, like education savings accounts (ESAs) or opportunity scholarships, can complement public school choice options and provide a lifeline to families desperate for a better option. These choice programs can allow eligible students immediate access to high-quality private schools. For example, scholarship programs have already shown positive effects on student outcomes without inflicting negative fiscal impacts on the existing district.<sup>37</sup>

3

PRIVATE SCHOOL CHOICE ACCOUNTABILITY

CHOICE POLICIES

POLICY RUBRIC: PRIVATE SCHOOL CHOICE ACCOUNTABILITY



Why It 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.





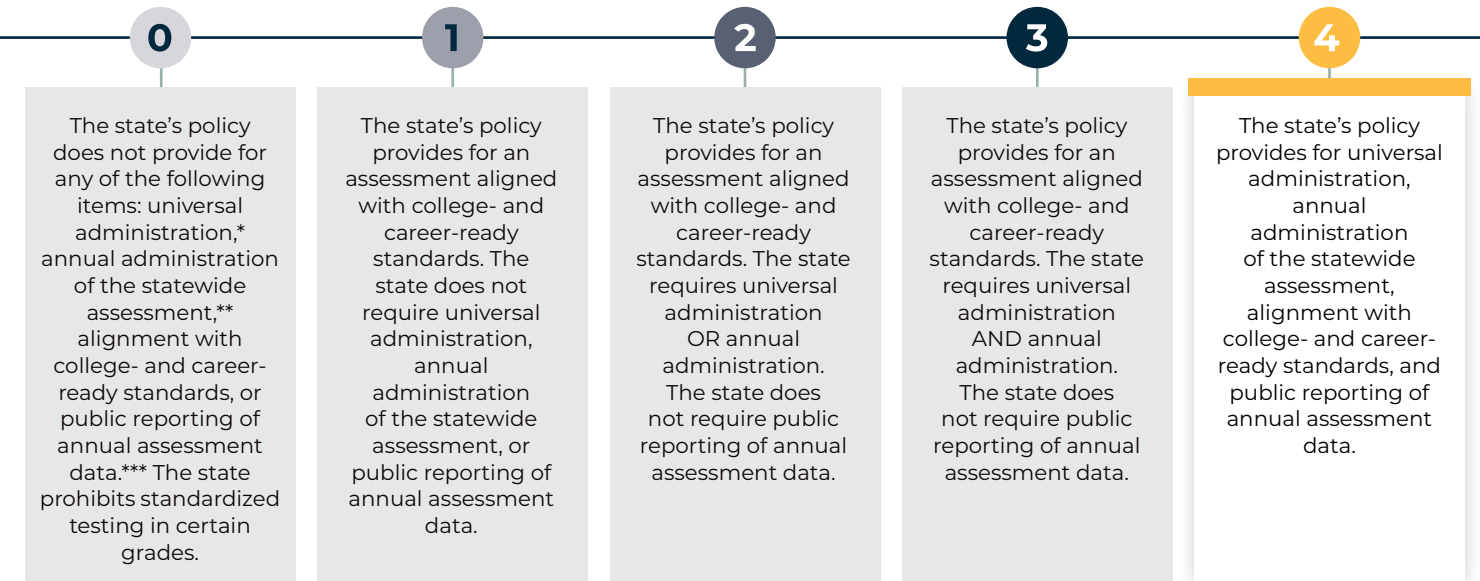
# TRANSPARENCY **POLICIES**



# ASSESSMENTS & STANDARDS

## TRANSPARENCY POLICIES

## POLICY RUBRIC: ASSESSMENTS AND STANDARDS



### Why It 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>38</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. Tennessee's policymakers should be praised for holding fast to these reforms during the COVID-19 pandemic. After statewide assessments were administered in the Spring of 2021, all Tennessee school districts achieved at least 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).

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

### A NEW REALITY

We must have an opportunity to empower parents, schools, and students to unite around data collection (assessments) and transparency (data sharing) to support student learning. While it is true that TISA provides more dollars to schools, these dollars do not come with a spending plan. Therefore, such greater spending flexibility must be accompanied with spending transparency. For example, academic outcomes in District A may show that English Language Learners (ELL) exceed expectations exponentially. With the spending transparency that is expected with TISA, other districts could 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, stakeholders could investigate how they are spending dollars to support those students. If TISA spending outcomes are reported in a transparent and student-specific manner, schools and districts will be held more accountable to serving their students well.

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

\* 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

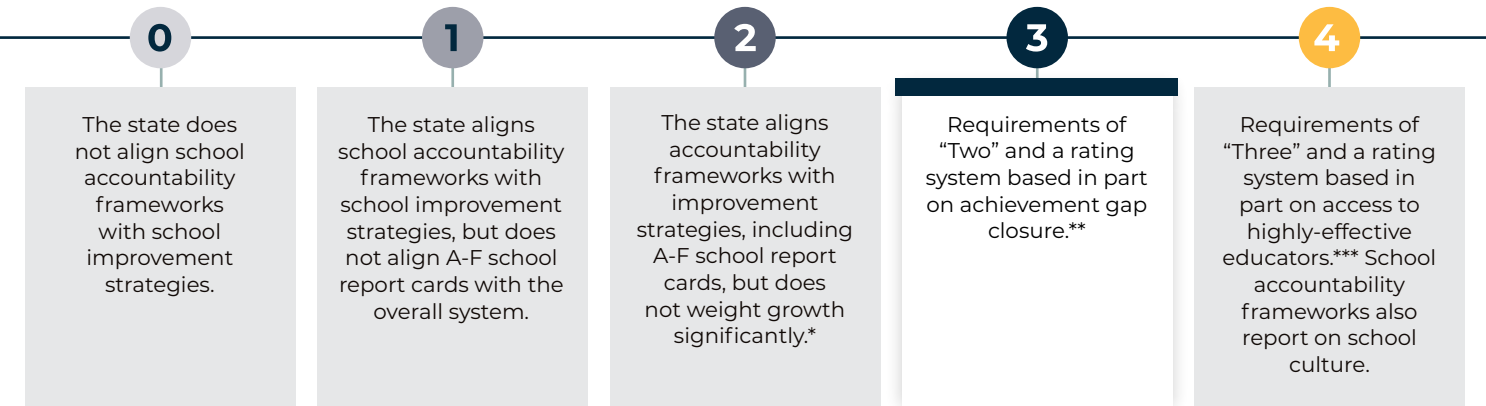
## TRANSPARENCY POLICIES



### Why It 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.

## POLICY RUBRIC: SCHOOL ACCOUNTABILITY FRAMEWORKS



### 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 also satisfied 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

Unfortunately, school letter grades for the 2021-22 accountability cycle were not released due to "the impact COVID-related disruptions had on learning and district evaluations results."<sup>39</sup> While we strongly encourage the use of multiple performance indicators and measures when determining letter grades, and these performance indicators and measures have had disruptions since the pandemic upended the learning process, we are discouraged that letter grades are not being released to families who are now – more than ever before - desperate to know how their school is serving their student academically.

T. C. A. § 49-1-211; § 49-1-228.

\* 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.

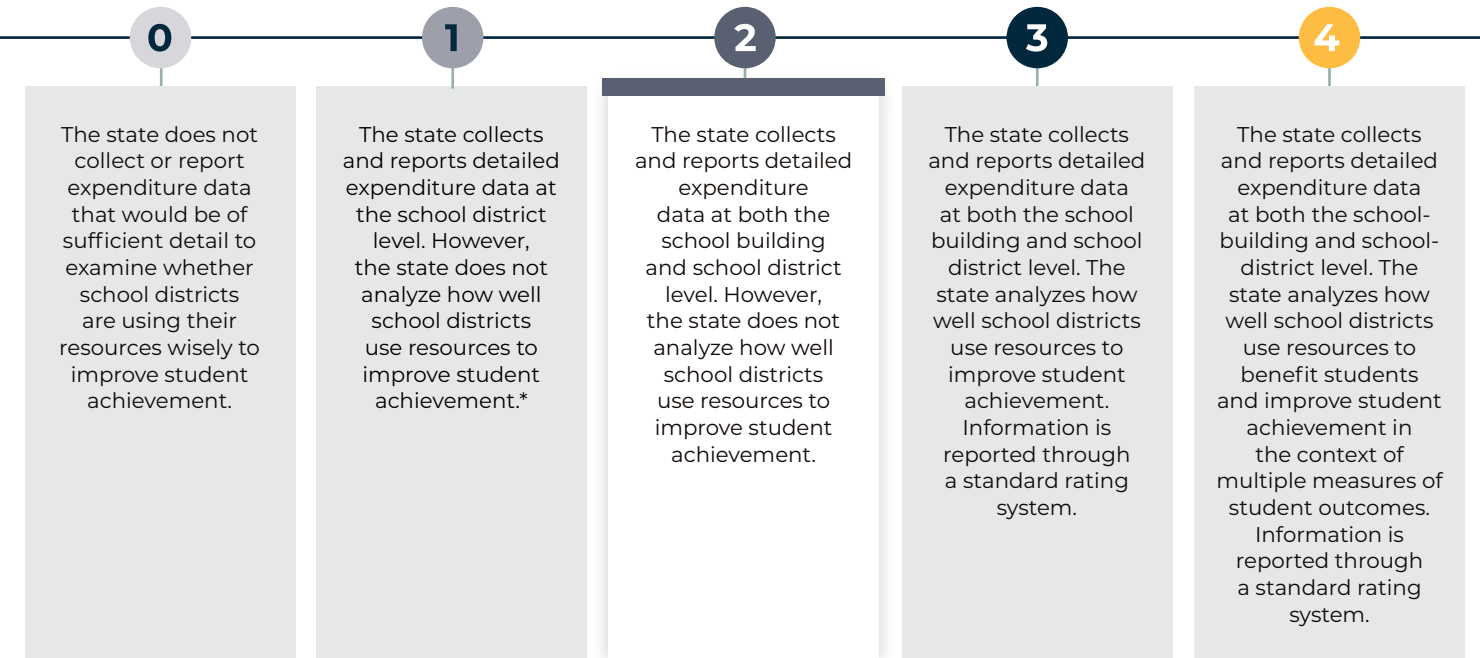
\*\*\* Effective teaching is defined as educators receiving an overall evaluation score of "at expectations" or higher.

2

# FISCAL TRANSPARENCY

## TRANSPARENCY POLICIES

### POLICY RUBRIC: FISCAL TRANSPARENCY



### Why It Matters

Per the Every Student Succeeds Act (ESSA), as of June 30, 2020, 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>40</sup>

### Where We Are

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>41</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.

In our 2021 Policy Report Card, this category was the only one out of the 26 categories 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.

However, some reporting provisions in TISA have moved the rating for this category back up one point to a two. While TISA does call for the TDOE to report annually an academic analysis of each district, it will be the role of the Comptroller to determine the effectiveness of state expenditure. The Comptroller will be required to analyze 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 the flexibility that exists in TISA 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; § 49-3-111(b); § 49-3-111(d); 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.*



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# CLASS SIZE MANDATES/ LOCAL FLEXIBILITY

## TRANSPARENCY POLICIES



### Why It Matters

Class size mandates are important in ensuring that schools do not assign 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>42</sup> This policy is not so much about class size mandates as it is about giving local leaders 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. While the BEP did not prescribe specific expenditure amounts for individual components, funds generated through the BEP by the instructional components were limited to being spent on instruction, and funds generated by the classroom components were limited to either instruction or other classroom areas.

## POLICY RUBRIC: CLASS SIZE MANDATES/LOCAL FLEXIBILITY

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The state requires school districts to limit class sizes in grades K-12 based on class size maximums. A significant portion of state funding is arbitrarily restricted or earmarked for specific activities.

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The state only requires school districts to limit class sizes in grades 4-12 based on class size averages. A significant portion of state funding is arbitrarily restricted or earmarked for specific activities.

2

The state does not restrict class size in grades 4-12 OR schools have some limited spending flexibility.

3

The state does not restrict class size in grades 4-12 and schools have some limited spending flexibility.

4

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.

## A NEW REALITY

Since TISA allocates dollars to schools based on student needs, not teacher-student ratios, we were hopeful that the state would also lift the class size mandates. However, thanks to the direct funding portion of TISA, the new funding formula is not a completely student-based funding formula that encourages flexibility in spending. Remember, the goal in lifting class size mandates is to provide flexibility so schools can be nimbler and more innovative in their educational practices. Instead of giving elementary schools additional dollars through a weight so they may afford their early learners with the additional supports they need, schools are given a direct dollar amount for those supports. While this way of allocating dollars is superior to the BEP, we believe that it keeps the arbitrary restrictions or earmarks for specific activities that prevents this ranking from increasing.

T. C. A. § 49-1-104; § 49-3-351(c); § 49-3-354(b); Tenn. Comp. R. & Regs. 0520-01-03-.03

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