



# TPRC <sup>2015</sup>

tennessee policy report card

## acknowledgements

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#### **NATIONAL**

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This report and other resources are available for download at <http://studentsfirst.org/tennessee/reportcard>.

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**KEY**

- IHE** – Institution of Higher Education
- ASD** – Achievement School District
- TDOE or Department** – Tennessee Department of Education
- SBE** – Tennessee State Board of Education
- TCAP** – Tennessee Comprehensive Assessment Program
- LEA or district** – Local Education Agency
- BEP** – Basic Education Program
- TN** – Tennessee
- Commissioner** – Commissioner of Education, Tennessee Department of Education
- State Legislature** – Tennessee General Assembly
- House** – Tennessee House of Representatives
- Senate** – Tennessee Senate
- Priority Schools List** – Priority Schools are the lowest-performing 5 percent of schools in Tennessee in terms of academic achievement. A list of these schools is published triennially.<sup>1</sup>
- Tennessee Succeeds** – the TDOE Strategic Plan



Horace Mann once described education as “the great equalizer of the conditions of man.” While we know that there is no more powerful a force for individual opportunity and success than a great education, the reality for young people in our country today is that their schooling remains anything but equal. Instead, the education policies enacted have all too often failed to live up to our nation’s promise of giving every student access to the high-quality instruction needed to keep pace in today’s globally competitive environment.

It was under the shadow of this education crisis that I first founded StudentsFirst in 2010. More than just a network of education activists, StudentsFirst was designed to be an organizational catalyst for a revolution of thought in the education community. Our mission was, and still remains, to inspire a seismic transformation of the conventional wisdom within the educational establishment and a wholesale realignment of our fundamental priorities governing education policy. Since then, StudentsFirst has pursued an ambitious vision to reshape the education landscape and successfully promoted a vast array of innovate policies that prioritize the academic needs of our students before the institutional agendas of adults within the system.

In recent years, Tennessee has emerged as a national leader in implementing this reform philosophy, and the results thus far are compelling. A shining example of what can be accomplished with the right blend of political decisiveness and non-sectarian policy innovation, the Volunteer State has experienced remarkable gains in student growth and proficiency across nearly every subject since adopting an initial slate of bold reforms in 2010. Thanks to improvements like a new teacher evaluation system, tenure reforms, and a pioneering school turnaround model in the Achievement School District, Tennessee has earned the right to call itself the fastest-improving state in the nation for education.

However, Tennessee’s work is far from finished, and today its citizens stand at a crossroads. The march towards further progress demands a robust new approach to school choice and transparency policies. Far too many Tennessee students continue to languish in underperforming classrooms with little hope of today’s turnaround efforts taking hold in time to help. Their families, shackled by the circumstance of an arbitrary ZIP code, are rendered powerless by a system that limits their school options and falls short of delivering concise, understandable information about the quality of their child’s school. Although the General Assembly this year demonstrated its commitment to statewide accountability by expanding enrollment opportunities in the ASD, other key measures stalled. In order to maintain momentum and witness the next academic breakthrough for children, Tennesseans must insist on more opportunities and options for the state’s most educationally at-risk students and transparent school grades for families. The stakes are simply too high.

It is my hope that this Tennessee Policy Report Card will not serve as just a static policy depiction of the current state of our education system, but a measure of how far we have come and a dynamic blueprint for where we must now go. Charting a path towards the next evolution of academic achievement will require the same investment of political courage that Tennessee policymakers once showed in boldly reforming educator quality policies and implementing a state-level school intervention structure. It will mean elevating our state teacher corps and equipping them with the tools and support they need to meet the new demands of a more competitive classroom setting. It will oblige our lawmakers to empower parents and families with better information and the authority to choose the best school options for their children. Most of all, it will compel us all to reaffirm our fundamental promise to our students that their education remains our single most inviolable civic priority.

A handwritten signature in black ink that reads "Michelle Rhee".

**Michelle Rhee**  
Founder of StudentsFirst



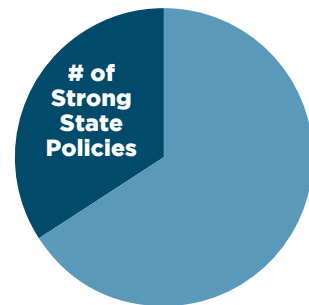
Since 2010, starting with Tennessee’s First to the Top Act,<sup>2</sup> our state has undergone significant policy changes. Each year, we evaluate Tennessee’s education policy landscape and assess our state’s progress along a defined roadmap. While we have made significant gains in student achievement and educational outcomes over the past several years, our state still has room to improve.\* This report is not an analysis of student achievement or school and district-level performance, nor is it a prescriptive manual for drafting legislation or regulatory guidelines. As policies are enacted, our state must transition toward careful planning and implementation to ensure each policy fully realizes its intended positive impact. Moreover, our state’s strategy must also acknowledge the interconnected nature of these policies and their statutory reliance and compounding effect on one another. With these limitations in mind, the Tennessee Policy Report Card should serve as a concise analysis of our state’s education policies and how each policy compares to national best practices. Between the publication of each report, we plan to release individual policy briefs that detail more specific recommendations and highlight in greater depth how individual policies will positively impact the education landscape in Tennessee.

This iteration of the policy report card differs from its predecessor in many ways. First, it is Tennessee-specific. Second, it provides a deeper local context explaining how individual policies interact within our state. However, there are several elements from previous versions that remain, most notably the research-based rubrics comparing each policy against national best practices.

Our report analyzes the 24 policies we believe are the most critical levers for Tennessee to achieve strong educational progress and a high-quality educator pipeline. Only a strong policy structure can give our families greater access to quality school options, help our leaders foster and develop strong teacher talent pipelines, and unburden our local systems to grant greater flexibility to educators. While we understand the urgent nature of the work that still lies ahead, we also recognize that our policymakers need to methodically formulate a sensible policy strategy for Tennessee’s students, educators, and schools. After all, some policies should not be adopted until others are put in place. A high-stakes educator accountability framework, for example, first requires implementing a robust evaluation system. Fortunately in this particular area, Tennessee has crafted its own gold standard when it comes to educator evaluations.

**Select Highlights from the 2015 Tennessee Policy Report Card:**

- During the 2015 Legislative Session, the Tennessee General Assembly passed laws that codified an in-state review process for our state’s K-12 education standards; maintained a robust evaluation system that will phase-in the impacts of the new state assessment, TN Ready; and expanded enrollment opportunities for students seeking to attend a school in the ASD.
- This report also includes a new focus on educator quality policies, including preparation programs for teachers and principals.
- In this iteration, we tried to identify and incorporate model examples of district-level policies that could be emulated across the state. For example, this year Metro Nashville Public Schools fully implemented student-based budgeting, giving principals control of over 50% of their individual school budgets. While we conducted a thorough search



*In one third of the 24 policies included in this report, Tennessee is categorized as a “Three” or “Four,” indicating strong state policy. 2 policies are categorized as a “Three,” while 6 policies are categorized as a “Four.”*

\*This is particularly evidenced by our state’s performance on the 2015 National Assessment of Educational Progress (NAEP). Tennessee was noted as the top state in the nation in terms of student growth since 2011, and performed in the top half of all states in 4th grade math. However, Tennessee still ranked in the bottom half of states on student achievement in 4th grade math and 8th grade math and reading. More information is available at <http://www.nationsreportcard.gov/>.

of examples across the state, it was likely not comprehensive. We will continue seeking out model practices across the state and include those practices in updated reports and individual policy briefs.

- Overall, our state did well on policies related to educator evaluations and preparation programs. In many respects, Tennessee is viewed as a national model for our implementation of a 5-tiered evaluation rubric that incorporates value-added student growth measures (Tennessee Value-Added Assessment System, "TVAAS"). Nonetheless, our state needs to continue work on educator accountability, rewarding high performance, focusing on professional development for struggling teachers, and exiting those educators and school leaders that persistently fail to meet adequate performance.
- With regard to school choice, our state continues to expand school options for students across the state. We allow any LEA to serve as a charter authorizer, and follow the National Association of Charter School Authorizers' ("NACSA") authorization practices. We have created and continue to expand options for students in our state's lowest performing schools with the Achievement School District and Innovation Zones. In a historic action, our state passed private school choice options for our students across the state with significant learning disabilities. However, our state must continue to support choice programs by providing adequate funding and resources for access to facilities and services for high-need student populations, including the adoption of an Opportunity Scholarships program.

Looking forward, one of our state's most pressing needs centers on access to high-quality educational options, regardless of family or geographic circumstance. Our state must continue the push toward academic excellence for all students by fostering a strong talent pipeline and elevating educators in our state as they undertake their incredibly challenging and important classroom work. As a state, we have a long way to go toward achieving our promise to the students of this state: **that we will help every student realize his or her potential and provide them opportunities for success in life.** Yet, we remain extremely optimistic in the dedication of our advocates and communities, policymakers, educators, and of course, students.

#### HOW TO READ THE POLICY RUBRICS AND STATE ANALYSIS:

Each policy is broken down into five tiers, similar to our categorization of educator performance in Tennessee. Categorization ranges from "Zero" to "Four," with "Zero" indicating minimal or no progress toward model standards, and "Four" indicating state enacted law that encompasses research-based national best practices. In order to attain a higher category, say moving from a "One" to a "Two," a state must codify in law or regulation all elements of the higher category. Thus, if a state enacts partial elements of a higher category, it would still be rated in the lower category (e.g. see Charter School Accountability).

Tennessee Commissioner of Education: Dr. Candice McQueen

Tennessee State Board Members:

- Mr. B. Fielding Rolston, Chairman, 1st District
- Mr. Mike Edwards, 2nd District
- Ms. Allison Chancey, 3rd District
- Mr. Lonnie Roberts, 4th District
- Ms. Carolyn Pearre, Vice Chair, 5th District
- Ms. Lillian Hartgrove, 6th District
- Ms. Wendy Tucker, 7th District
- Mr. Cato Johnson, 8th District
- Dr. William E. Troutt, 9th District

Tennessee State Legislature: The General Assembly has 33 Senators and 99 Representatives.

Number of Students: 995,892

Average Per-pupil Expenditure: \$9,346.30\*

Number of Teachers: 63,170

Number of Districts: 146

Number of Schools: 1811 (including charter schools)

Public Charter Schools: 80 schools (around 21,000 students) accounting for around 2% of the overall student population in Tennessee

Tennessee Comprehensive Assessment Program ("TCAP") Grade 3-8 Scores:

- Math: 55.6% of students scored Proficient or Advanced
- Reading: 48.4% of students scored Proficient or Advanced
- Science: 64.5 % of students scored Proficient or Advanced

Average ACT Score: 19.4 (the benchmark for college- and career-ready, including eligibility for the HOPE scholarship is 21)

Average State Graduate Rate: 87.8%

Postsecondary Education Enrollment:

- 4-year institution: 35%
- 2-year institution: 21%
- Tennessee College of Applied Technology ("TCAT"): 2%

Postsecondary Education Persistence:

- Students who complete a postsecondary degree or certificate: 24%

NOTE: All data reflects information from the 2014-15 school year; available on the Tennessee State Report Card.

\*2013-14 school year; Tennessee State Report Card

**Educator Quality Policies** – Tennessee stands out as a national leader in its teacher and principal evaluation practices. Importantly, our state uses a robust evaluation framework to reward educators based on performance while simultaneously holding persistently underperforming teachers accountable. Great teachers and principals make great schools, and our state’s policies must therefore incentivize and reward exceptional educators.

- 4 **TEACHER EVALUATIONS:** Our state requires annual comprehensive teacher evaluations that utilize a 5-tiered rating system based on classroom evaluations, personal conferences, and a 50% assessment-driven student growth component. Tennessee could further strengthen its evaluation framework by requiring that all districts incorporate student surveys as an additional measure.
- 4 **PRINCIPAL EVALUATIONS:** Tennessee principals are evaluated annually based on achievement data and a 5-tier rating of effectiveness. 50% of the evaluations are based on school-level value-added growth. Performance is measured around 4 areas, including instructional leadership for continuous improvement, culture for teaching and learning, professional learning and growth, and resource management.
- 2 **DIFFERENTIATED PAY:** State law requires that evaluations play a role in compensation decisions. 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.
- 3 **TENURE:** Our state requires teachers to undergo a probationary period of 5 years and at least 2 prior years of above-expectations performance before obtaining 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.
- 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 case of a tiebreaker.
- 1 **TEACHER DISMISSALS:** State law requires evaluations be used for dismissing ineffective teachers. However, Tennessee policy does not establish a 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.
- 1 **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.
- 1 **TEACHER PREPARATION PROGRAM ADMISSIONS:** Tennessee requires preparation programs to have an admission standard of a 2.5 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.



- 4 **TEACHER PREPARATION PROGRAM ACCOUNTABILITY:** Tennessee is phasing-in requirements that all existing and new programs adhere to national best practices around student teaching and mentorship. State policy provides for meaningful data collection and relevant program elements, including a student teaching and mentoring component.
- 2 **PRINCIPAL PREPARATION PROGRAM ACCOUNTABILITY:** State policy requires programs have selective admissions criteria and provide for accrediting alternative institutions. Importantly, our state requires a clinical component. Tennessee can strengthen its principal preparation policy by requiring programs to report candidate graduation data and by facilitating information-sharing among programs.

**School Choice Policies** – Tennessee parents and families deserve the right to access an education setting that best fits their child’s needs. School choice policies provide an avenue for families seeking an alternative school environment. Public options, including open enrollment initiatives, charter schools, and the Achievement School District, as well as private school choice, offer important educational choices for students with the highest need. When families are empowered with a meaningful choice in their child’s education, communities become more invested in their students’ educational outcomes.

- 2 **OPEN ENROLLMENT:** Tennessee has an intradistrict mandatory transfer policy for students attending low-performing schools and a intradistrict and interdistrict voluntary 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.
- 2 **CHARTER AUTHORIZING PRACTICES:** Our state has 10-year charter terms, multiple authorizers, and does not have charter authorization caps. Tennessee should permit all charter applicants to apply directly to a non-district authorizer and require a 5-year interim review that is as rigorous as a renewal application review.
- 2 **CHARTER SCHOOL ACCOUNTABILITY:** Tennessee charter schools falling in the bottom 5% of all schools across the state must be closed immediately following the end of the school year. Charter schools are required to submit an annual report to the authorizer and commissioner, but there is no requirement for the authorizer to conduct annual reviews. Tennessee should require annual reviews of charter school performance and create an oversight body that reviews the performance of individual authorizers.
- 2 **EQUITABLE CHARTER FUNDING:** Tennessee’s funding formula provides equal per-pupil funding for district and charter school students. In the future, Tennessee must continue to protect equal per-pupil allocation by ensuring that charter schools are fully funded for the students they serve and that authorizers are funded to perform oversight duties.
- 2 **CHARTER FACILITIES ACCESS:** Currently, LEAs must make underutilized and vacant properties available to charter schools at or below fair market value. Charter schools in Tennessee also have access to tax-exempt financing, including Qualified Zone Academy Bonds. Moving forward, Tennessee should grant charter schools access to available non-LEA public buildings and provide multiple sources of funding and financing for facilities.

- 4 STATE-MANAGED ACHIEVEMENT SCHOOL DISTRICT:** The ASD in Tennessee assumes governance over the lowest-performing schools in the state and is fully funded through a percent of its BEP allocation. The ASD also has access to the facilities of converted local district-run schools.
- 0 OPPORTUNITY SCHOLARSHIPS:** Tennessee has been unsuccessful in passing legislation to establish a publicly funded scholarship program over the last several years. Our state should establish a student scholarship program to ensure all low-income students in low-performing schools or districts have access to scholarship or voucher options to attend a high-quality private school alternative.

**Data & Transparency Policies** – Information empowers students, families, and educators alike. As a public service, transparency around the academic and financial performance of schools and districts helps ensure we are maximizing the impact of taxpayer money. Moreover, performance data helps ensure that our improvements to education policy are making real progress towards our goals on student outcomes. With further transparency and an increased focus on data-driven policies, we can monitor student and school progress and provide better information to the public about the performance of our institutions.

- 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 recorded publicly and aligned with college- and career-ready standards.
- 1 SCHOOL REPORT CARDS:** TDOE issues school and district-level report cards with information on student performance in many subject areas. However, state law does not require that all schools earn a single summative rating based on school performance. Tennessee could improve the accessibility of its school report card for parents by assigning an overall summative rating to each school.
- 1 FISCAL TRANSPARENCY:** Every LEA is required to submit a certified copy of its budget, prior year expenditures, and financial audit to the Commissioner of Education. Tennessee 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.

**School Systems Policies** – Tennessee state policies must work to empower school and system leaders to determine the staffing needs of their schools. Our state should also endeavor to ensure that all students, regardless of need, are afforded the opportunity to reach their highest potential. With targeted funding, spending flexibility for schools, and staffing flexibility, Tennessee can ensure that educators have the tools to give every student the best education possible.

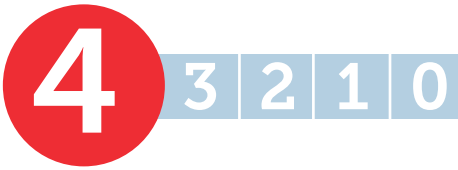
- 0 STUDENT PLACEMENT/CLASSROOM ASSIGNMENT:** Tennessee prohibits information regarding a teacher's impact on student educational progress from being released to parents. Because of this provision, parents have no knowledge when their child is placed in an underperforming classroom. To ensure students have access to the best possible education, Tennessee should guarantee that no student is assigned to underperforming teachers for multiple consecutive years.
- 4 MUTUAL CONSENT/FORCED PLACEMENT:** Our state has eliminated forced placement policies and requires teachers and principals to mutually agree on an excessed teacher's school placement. Tennessee must continue to ensure that schools have the authority to build and maintain an effective instructional team without forced placement.
- 2 FAIR FUNDING FORMULA:** Tennessee should more efficiently fund students using existing resources to ensure that targeted funding reaches the students it is intended to serve based on need. The current formula does not adequately include targeted funding that takes into account individual student or school need, but is instead heavily influenced by the local district's ability to contribute.
- 0 CLASS SIZE/SPENDING FLEXIBILITY:** Tennessee 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.

A young girl with long dark hair, wearing a bright pink t-shirt, is sitting at a desk and writing in a notebook with a yellow pencil. She is smiling and looking down at her work. An adult woman with dark hair, wearing a grey blazer over a light pink top, is leaning over her shoulder, looking at the notebook. The background is a blurred green wall. A dark teal horizontal band is overlaid across the middle of the image, containing the text "Educator Quality Policies" in white.

# Educator Quality Policies



**TEACHER EVALUATIONS** – Teachers are the most important in-school factor affecting student achievement.<sup>3</sup> On average, students with the highest-performing teachers gain five to six more months of learning than students in classrooms with the lowest-performing teachers.<sup>4</sup> To understand the performance of our educators and develop their skills, we need to ensure our means of evaluating their work is accurate and objective. Robust teacher evaluations 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.



**WHERE WE ARE:** The Tennessee First to the Top Act of 2010 established annual teacher evaluations that include a 5-tiered rating of effectiveness, classroom observations and

personal conferences, and a 50% student growth component (of which 35% is based on a student growth estimate and 15% is based on locally selected achievement measures). Evaluations must be used as a tool to provide feedback and professional development for teachers. Additionally, the Achievement School District (“ASD”) and several other districts are implementing student surveys as a component to assess teacher effectiveness within the overall evaluation.

Tennessee could further strengthen its evaluation framework by requiring that all districts incorporate student surveys as an additional measure.

T. C. A. § 49-1-302(d); Tenn. Comp. R. & Regs. 0520-01-01

**LEGISLATIVE HIGHLIGHT:** In 2015, Pub. Ch. 158 passed the Tennessee State Legislature (“Legislature”). The law phases in the effects of the new state assessment, TN Ready, over a three-year period for both tested and non-tested subject teachers on their evaluation component attributed to student growth and performance. This bill still maintains the same components that have been nationally recognized as a robust evaluation system.

**POLICY IN ACTION:** As part of Tennessee Succeeds,<sup>5</sup> the Tennessee Department of Education’s (“TDOE”) strategic plan, the Department will provide differentiated mentorship to beginning teachers and differentiated opportunities for development for all teachers. Evaluations help inform educators on what level and type of mentoring and development they need.

TDOE’s efforts to use evaluations as a meaningful measure of teacher effectiveness are evidenced by a 2015 survey noting over two-thirds of teachers saying the evaluation process has improved their teaching (increasing each year since 2012). Moreover, 81% of teachers reported that the evaluation helps them identify areas where they can improve and 71% say it provides them with clear expectations for their teaching.<sup>6</sup>

\*Significant is not specifically defined within federal guidelines, but research has identified basing 33-50% 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.<sup>7</sup> However, any individual component in isolation will not ensure a robust evaluation framework. Instead, a comprehensive framework will include multiple measures and effective implementation.

**POLICY RUBRIC**

**ZERO** - 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 3-tiered rating of effectiveness for a teacher’s summative evaluation rating.

**ONE** - 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 3-tiered rating of effectiveness for a teacher’s summative evaluation rating.

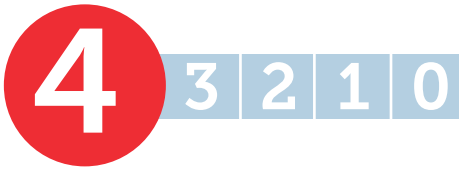
**TWO** - The state requires comprehensive teacher evaluations that: (1) occur at least once every three years, (2) are based on multiple measures, including classroom observations and significant\* student growth based on objective measures of student achievement, and (3) include at least a 3-tiered rating of effectiveness for a teacher’s summative evaluation rating.

**THREE** - 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 3-tiered rating of effectiveness for a teacher’s summative evaluation rating.

**FOUR** - 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% of the overall evaluation based on objective measures of student achievement, and (3) include at least a 4-tiered rating of effectiveness for a teacher’s summative evaluation rating with opportunities for feedback.



**PRINCIPAL EVALUATIONS** – While teachers have the strongest impact on student achievement within the classroom, principals serve as the instructional leaders for those teachers within the school. In fact, principals have the second-highest impact on student achievement after teachers.<sup>8</sup> Principals are responsible for ensuring that the teachers they place in classrooms are high quality and are provided with meaningful opportunities for development. The efficacy of principals empowers teachers and is tied to increased retention of high quality teachers.<sup>10</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, principals are evaluated annually. The evaluation is based on achievement data and criteria developed by the Teacher Evaluation Advisory Committee

using a 5-tier rating of effectiveness. Fifty percent of a principal’s evaluation is based on school-level value-added growth, and the other half includes measures related to effective management of teachers, 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.

T. C. A. § 49-1-302(d)(2)(A); § 49-2-303; Tennessee Department of Education, Administrator Evaluation Rubric (2015)

**POLICY IN ACTION:** After being revised in 2014 to align with the Tennessee Instructional Leadership Standards (“TILS”), Tennessee’s new principal evaluation rubric was implemented during the 2014-15 school year.

**POLICY RUBRIC**

**ZERO** - The state does not require comprehensive principal 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 effective management of teachers, or (3) include at least a 3-tiered rating of effectiveness for a principal’s summative evaluation rating.

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\*Significant is not specifically defined within federal guidelines, but research has identified 50% as the ideal weight for the student outcomes component of the overall principal evaluation score.<sup>11</sup> However, any individual component in isolation will not ensure a robust evaluation framework. Instead, a comprehensive framework will include multiple measures and effective implementation.

**DIFFERENTIATED PAY** – Today, across the country, principals are facing significant shortages of quality teacher candidates.<sup>12</sup> States should empower school leaders with resources to attract and retain the right teachers. Tennessee should ensure that effective teachers are compensated for the positive impact they have on student learning. Tennessee should maintain district and school flexibility to create competitive compensation systems reflective of their needs.



**WHERE WE ARE:** State law requires evaluations be a factor in compensation decisions. In 2013, the Tennessee State Board of Education (“SBE”) required all school districts to adopt and implement

a differentiated pay plan. The purpose of the policy is to aid the staffing of hard-to-staff subject areas and schools and to assist in the hiring and retention of highly qualified teachers. The TDOE has developed exemplary differentiated pay models that districts can choose to adopt. Although salary schedules contain increases for advanced degrees, school districts may submit to the Commissioner of Education (“Commissioner”) and the SBE their own proposed salary schedules for review and approval.

While our state has taken an important step towards flexibility, 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.

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

**POLICY IN ACTION:** In its 2014-15 Differentiated Pay Plan Summary,<sup>13</sup> the TDOE noted more than one-hundred districts developed plans to recognize teachers taking on additional responsibilities, and nearly half of districts included hard-to-staff elements. One-third of districts included some type of individual, school, or district performance incentive.<sup>14</sup> As of 2015, 54 out of 146 districts in Tennessee tie teacher pay to their performance.<sup>15</sup>

As part of Tennessee Succeeds, the Department will provide support for flexible salary schedules and differentiated pay plans to align to instructional priorities.

**POLICY RUBRIC**

**ZERO** - The state requires traditional school districts to implement a teacher compensation system based only on years of service, credentials, credits, or advanced degrees. The state restricts districts’ ability to include measures of effectiveness when determining teacher compensation.

**ONE** - The state requires traditional school districts to implement a teacher compensation system based primarily on years of service, credentials, credits or advanced degrees. However the state does not prohibit the use of measures of effectiveness when determining teacher compensation.

**TWO** - The state requires traditional school districts to implement a teacher compensation system based primarily on years of service, credentials, credits or advanced degrees. The state requires the use of measures of effectiveness when determining teacher compensation.

**THREE** - The state requires that only effective or highly effective teachers may receive base salary increases OR the state requires that compensation systems include incentives and pay increases for other factors of differentiated compensation.\*

**FOUR** - The state requires that only effective or highly effective teachers may receive base salary increases and that compensation systems must include incentives and pay increases for other factors of differentiated compensation.

\*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.

**TENURE** – Education policy often requires balancing the professional interests of adult employees with the educational needs and rights of students.<sup>16</sup> Tenure can provide a greater sense of stability for educators looking to make teaching a career-long profession. After attaining tenure, teachers are provided stronger due process in instances of misconduct or poor performance and objectivity in times of layoff. However, in exchange for additional protections, like increased job stability, teachers must demonstrate strong and consistent performance.



**WHERE WE ARE:** Tennessee requires a probationary period of 5 years and at least two prior years of performance where the teacher has been rated above expectations. In Tennessee, tenure is revocable if a

teacher is rated in the lowest two tiers of performance for two consecutive years.

Tennessee should require at least three prior years, instead of two, of strong performance before making a tenure determination.

T. C. A. § 49-5-503; § 49-5-504(e); § 49-5-511(a)(2); Tennessee Department of Education, New Tenure Law FAQ (2014)<sup>17</sup>

**POLICY RUBRIC**

**ZERO** - The state allows tenure to be attained in less than 3 years and attainment is not based on teacher performance as determined by evaluations.

**ONE** - The state requires tenure to be attained after 3 or more years of service, but does not require attainment to be based on teacher performance as determined by evaluations.

**TWO** - The state requires tenure status to be attained after 3 or more years of service AND requires attainment to be based in part on teacher performance as determined by evaluations.

▶ **THREE** - The state requires tenure to be attained after 3 or more years of service AND requires attainment be earned only if a teacher is rated in the two highest tiers of performance, consecutively, for the 2 most recent years. Tenure is revocable if a teacher is rated in the lowest two tiers of performance for 2 consecutive years.

**FOUR** - The state requires tenure to be attained after 5 or more years of service AND requires attainment be earned only if a teacher is rated in the two highest tiers of performance, consecutively, for the 3 most recent years. Tenure is revocable if a teacher is rated in the lowest two tiers of performance for 2 consecutive years..

**LAST IN FIRST OUT (“LIFO”)** – Sometimes enrollment changes and decreases in funding require districts to reconsider staffing needs. Research indicates that when districts conduct seniority-based layoffs, they end up firing some of their most effective educators.<sup>18</sup> When 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, ensuring students have access to the greatest amount of high-performing teachers available.



**WHERE WE ARE:** Tennessee requires that districts consider performance 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 a RIF, and explicitly prohibit districts from using seniority as a factor except in the case of a tiebreaker for similarly rated teachers.

T. C. A. § 49-5-511(b); § 49-1-302(d)(2)(A)

**POLICY IN ACTION:** In 2015, 5 districts in Tennessee still consider years of service over performance in layoffs, rehiring, or both layoffs and rehiring practices. We should encourage these districts to adopt practices that use performance as the primary factor when making layoffs during a RIF.

**POLICY RUBRIC**

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

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

**TWO** - 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.

**THREE** - 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.

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

\*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.

**TEACHER DISMISSALS** – The role of teachers is to focus on student learning and classroom culture. Notably, 81 percent of administrators and 57 percent of teachers say there is a tenured teacher in their school who is performing poorly, and 43 percent of teachers say there is a tenured teacher who should be dismissed for poor performance.<sup>19</sup> In Tennessee after the 2010-11 school year, only 0.2 percent of tenured teachers were dismissed or did not have their contracts renewed due to poor performance.<sup>20</sup> Sometimes, persistently underperforming teachers need to be dismissed from a school based on performance. 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.



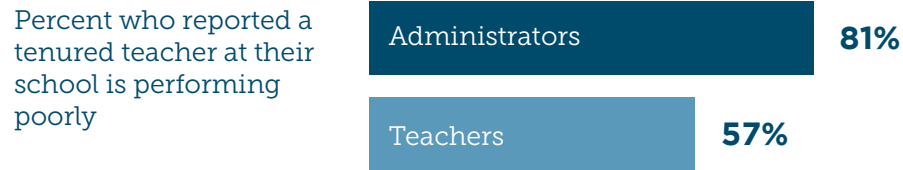
**WHERE WE ARE:** State law requires evaluations to be used when making determinations for dismissing ineffective teachers. State law also empowers district leaders to dismiss inefficient teachers. The

dismissals process is specifically outlined in state law, including timelines and procedures. However, Tennessee policy does not establish a 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

**POLICY IN ACTION:** During the 2013-14 school year, 12% (around 7,600) of teachers fell into the bottom two tiers of performance based on their overall evaluation score. During the 2012-13 school year, 10% (around 6,500) of teachers fell into the bottom two tiers of performance based on their overall evaluation score.



**POLICY RUBRIC**  
**ZERO** – The state does not ensure that ineffective performance is grounds for dismissal. State law is silent on whether ineffective performance can be considered or state law prohibits ineffective performance to be grounds for dismissal.

**ONE** – The state explicitly allows ineffective performance\* to be grounds for dismissal, but does not outline a clear, streamlined process for these dismissals or speak to frequency.

**TWO** – The state explicitly allows ineffective performance to be grounds for dismissal. The state outlines a clear, streamlined process for dismissals, but does not speak to frequency.

**THREE** – The state requires ineffective performance to be grounds for dismissal AND ineffective teachers are exited from the system after no more than 3 years of being rated ineffective. The state outlines a clear, streamlined process for dismissals.

**FOUR** – The state requires ineffective performance to be grounds for dismissal AND ineffective teachers are exited from the system after no more than 2 years of being rated ineffective. The state outlines a clear, streamlined process for dismissals.

\* Ineffective means those teachers that perform in the lowest tier of performance, or teachers who perform in the two lowest tiers (for states with five rating categories) of performance but demonstrates no measurable growth. Automatic exit from the system after no more than 3 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. For model components on teacher evaluations, including links to professional development opportunities, see the “Teacher Evaluations” section on page 12.



**PRINCIPAL DISMISSALS** – The role of school leaders is to focus on instructional leadership and development. Principals play multidimensional roles in keeping schools operational and safe, and in fostering productive work cultures where teachers and staff can serve students as they pursue their academic goals.<sup>21</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. Tennessee should ensure that district leaders have the authority to build and maintain an effective leadership team by removing underperforming principals from schools.



**WHERE WE ARE:** Dismissals of principals are treated in the same manner as dismissals of teachers. State law requires evaluations to be used when making determinations for dismissing ineffective principals.

State law also empowers district leaders to dismiss inefficient principals. However, Tennessee policy does not establish a frequency threshold for when ineffectiveness leads to dismissal.

To strengthen its focus on retaining effective school leaders, our state should ensure that principals with multiple consecutive years of ratings below expectations are dismissed from their leadership placement.

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)

**POLICY RUBRIC**

**ZERO** – The state does not ensure that ineffective performance is grounds for dismissal. State law is silent on whether ineffective performance can be considered or state law prohibits ineffective performance to be grounds for dismissal.

**ONE** – The state explicitly allows ineffective performance\* to be grounds for dismissal, but does not outline a clear, streamlined process for these dismissals or speak to frequency.

**TWO** – The state explicitly allows ineffective performance to be grounds for dismissal. The state outlines a clear, streamlined process for dismissals, but does not speak to frequency.

**THREE** – The state requires ineffective performance to be grounds for dismissal AND ineffective principals are exited from the system after no more than 3 years of being rated ineffective. The state outlines a clear, streamlined process for dismissals.

**FOUR** – The state requires ineffective performance to be grounds for dismissal AND ineffective principals are exited from the system after no more than 2 years of being rated ineffective. The state outlines a clear, streamlined process for dismissals.

\* Ineffective means those principals that perform in the lowest tier of performance, or principals who perform in the two lowest tiers (for states with five rating categories) of performance but demonstrates no measurable growth. Automatic exit from the system after no more than 3 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. For model components on principal evaluations, including links to professional development opportunities, see the “Principal Evaluations” section on page 13.

**TEACHER PREPARATION PROGRAM ADMISSIONS** – As the gateway to the teaching profession, teacher preparation programs control the admissions and selection criteria that will dictate the teacher candidate pool. Strong admissions criteria help ensure that programs are drawing from the top half of the college-going population.<sup>22</sup> While reviewing teacher preparation program accountability, attention must be paid to the standards for candidate entry.



**WHERE WE ARE:** In 2014, the SBE revised its policy governing accreditation for teacher preparation programs. Under those revisions, our state will phase in requirements that all existing

and new programs adhere to national best practices, including selective admissions criteria. The new requirements will be fully implemented in 2018.

Our state should increase the standard for entry to ensure preparation programs are drawing from the top half of the postsecondary student population. Tennessee should require preparation programs have an admission standard of an average 3.0 GPA or higher and 50th percentile on both a skills exam and content area exam.

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

**POLICY RUBRIC**

**ZERO** – The state does not require any preparation programs to have an admission standard of an average 2.5 GPA or higher, and a 50th percentile score on a skills exam.

**ONE** – The state requires preparation programs to have an admission standard of an average\* 2.5 GPA or higher, and a 50th percentile score on a skills exam.\*\*

**TWO** – The state requires preparation programs to have an admission standard of an average 3.0 GPA or higher and 50th percentile score on a skills exam. The state also requires demonstration of subject-matter/content knowledge in the area(s) taught through a content exam without requiring a graduate or undergraduate degree as demonstration of content knowledge.

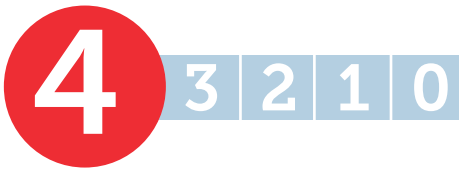
**THREE** – The state requires preparation programs to have an admission standard of an average 3.0 GPA or higher and 50th percentile score on a skills exam. The state also requires a 50th percentile score or higher on a content area exam without requiring a graduate or undergraduate degree as demonstration of content knowledge.

**FOUR** – The state requires preparation programs to have an admission standard of an average 3.0 GPA or higher and 50th percentile score on a skills exam. The state also requires a 50th percentile score or higher on a content area exam without requiring a graduate or undergraduate degree as demonstration of content knowledge. This content exam must be taken prior to program entry.

\*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.

**TEACHER PREPARATION PROGRAM ACCOUNTABILITY** – State governments have the strongest impact on the work of America’s more than 3.5 million public school teachers.<sup>23</sup> This includes state oversight of teacher preparation programs. While individual programs can do a lot to improve the preparation they provide, states also must be responsible for ensuring adequate teacher preparation right from the start.<sup>24</sup> While creating state standards for teacher preparation programs, attention must be paid to the quality of program elements (including opportunities for student teaching/clinical practice), and the performance outcomes of graduates that go into the teaching profession. Including a clinical practice component allows teacher candidates to gain valuable and quality mentorship and supervision.



**WHERE WE ARE:** In 2014, the SBE revised its policy governing accreditation for teacher preparation programs. Under those revisions, our state will phase in requirements that all existing and

new programs adhere to national best practices around student teaching and mentorship. Importantly, it also will collect and report on data related to program performance based on graduate outcomes.<sup>^</sup> The new requirements will be fully implemented in 2018.

Our state permits alternative certification pathways, including programs not affiliated with an Institution of Higher Education (“IHE”), for teacher candidates.

T. C. A. § 49-5-5601; Tennessee State Board of Education; Tennessee Educator Preparation Policy 5.504

**POLICY IN ACTION:** In a comprehensive 2014 review of the nation’s teaching programs, the National Council for Teacher Quality (“NCTQ”) ranked Tennessee as one of three states with the most “top ranked” programs, with three programs ranking among the top 10 programs nationally.<sup>25</sup>

**POLICY RUBRIC**

**ZERO** – The state’s policy does not provide for meaningful program elements or accountability for the performance outcomes of graduates.

**ONE** – The state’s policy provides for an immersive student teaching experience. The state does not collect meaningful data or pair effective mentors with teacher candidates. The state does not allow non-IHE programs for certification.

**TWO** – The state’s policy provides for an immersive student teaching experience that includes a mentorship component.\* The state also collects meaningful objective data on the performance of program graduates.\*\* The state allows alternative pathways for certification.\*\*\* The state does not formally review programs at least every 7 years.

**THREE** – The state’s policy provides for an immersive student teaching experience that includes a mentorship component. The state collects meaningful objective data on the performance of program graduates. The state formally reviews programs at least every 7 years with annual reviews for underperforming programs.

**FOUR** – The state’s policy provides for an immersive student teaching experience that includes a mentorship component. The state collects meaningful objective data on the performance of program graduates. The state formally reviews programs at least every 5-7 years with annual reviews for underperforming programs. The state provides annual public reports on existing programs and institutes sanctions for underperforming programs.\*\*\*\*

\* 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.

<sup>^</sup>Notably, the SBE already annually evaluates performance of programs focused on placement and retention rates, entrance examinations, and other teacher effectiveness data. Importantly, state law empowers the SBE to request data to conduct the evaluation. T. C. A. § 49-5-108

**PRINCIPAL PREPARATION PROGRAM ACCOUNTABILITY** – While we know that accountability for principal preparation programs should include similar elements to teacher programs, we do not yet have the same wealth of data to make many projections on national best practices. Yet, states can ensure schools have principals who advance teaching and learning by setting principal standards and overseeing principal preparation.<sup>26</sup> Thus, attention must still be given to the types of programs available, the review and oversight of programs by the state, and the data states have available to better understand program performance.



**WHERE WE ARE:** Tennessee policy requires programs have selective admissions criteria, including a minimum of three years of successful K-12 education working experience. Programs must

provide a clinical component that includes mentorship and performance evaluations. State policy allows providers beyond IHEs to become accredited. State review of programs includes conditional approval with an interim review within 18 months before full approval. While the state may approve a program with stipulations, there are no mechanisms for sanctions for underperforming providers.

Tennessee can strengthen its principal preparation policy by requiring programs to report candidate and graduate data, and by facilitating sharing between programs to identify best practices.

Tennessee State Board of Education; Learning Centered Leadership Policy 5.101

**POLICY IN ACTION:** As part of Tennessee Succeeds, the Department will develop a transformational leadership advisory council that will facilitate the design, implementation, replication, promotion, and evaluation of exemplary leadership development programs throughout Tennessee. The Department will also develop regional transformational school leadership hubs with partnerships between districts, preparation programs, and business partners. Additionally, the Governor’s Office, in conjunction with TDOE, Vanderbilt University, and local school districts, will launch the Governor’s Academy for School Leadership, a one-year leadership development experience for assistant principals across Tennessee.

**POLICY RUBRIC**

**ZERO** – The state does not allow non-IHE programs to be accredited. The state’s policy does not provide for high admissions standards for program entry, meaningful program elements, or accountability for the performance outcomes of graduates.

**ONE** – The state does not allow non-IHE programs to be accredited. The state’s policy provides for selective admissions criteria for entry and a clinical component for programs. The state does not collect meaningful data on graduates.

**TWO** – The state’s policy provides for accrediting alternative institutions, including non-profit organizations and school systems, in addition to selective admissions criteria and a clinical component. The state does not collect meaningful data on graduates.

**THREE** – State policy provides for alternative institutions, selective admissions, and a clinical component. The state’s policy also provides for meaningful data collection on placement and performance of graduates, and public reporting on program outcomes.

**FOUR** – State policy provides for alternative institutions, selective admissions, and a clinical component. The state’s policy provides for meaningful data collection and public reporting on program outcomes. The state institutes sanctions for underperforming programs, and creates a separate renewal process focusing on outcome measures of graduates.

\*Meaningful data collection should be similar to what we expect from teacher preparation programs. States need to make sure that 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.



# School Choice Policies





**OPEN ENROLLMENT** – While 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. Some families can navigate burdensome processes, giving them more education options because their families have the means to purchase homes in neighborhoods with good schools, to enroll in a private school, or they possess the social capital to navigate the various options offered.<sup>27</sup> Part of providing a suitable learning environment means that states have policies designed to increase all students’ access to high-quality schools, including other district options.



**WHERE WE ARE:** Tennessee has enacted two open enrollment policies. The first one is an intradistrict (transfers within district boundaries) mandatory policy. This statute allows students attending

low-performing schools, as determined by the Priority Schools List, to attend a different school within their school district. The second one is a voluntary intradistrict and interdistrict (transfers across district boundaries) policy, which subjects student transfers to approval by local school boards. Under both enrollment policies, transportation is not provided.

Tennessee should strengthen its open enrollment policies by expanding its mandatory intradistrict transfer program to all students within the district, while still assigning priority to students from low-income households or in low-performing schools. Our state should also provide for transportation with these programs to facilitate greater access for open enrollment programs.

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

**LEGISLATIVE HIGHLIGHT:** In 2015, the Legislature passed Pub. Ch. 507, expanding enrollment opportunities for students to attend a school within the ASD. The bill permits ASD schools to enroll other students in the district who are struggling academically (allowing expanded enrollment up to 25% of the overall school enrollment).

**POLICY IN ACTION:** In 2015, Metro Nashville Public Schools, in partnership with the Nashville Mayor’s Office, expanded its transportation offering via the StrIDE Program<sup>28</sup> for students in grades 5-12 attending an out-of-zone school. Previously, the program was only offered to students in grades 9-12.

**POLICY RUBRIC**

**ZERO** - State law does not create open enrollment of any kind OR The only type of open enrollment is voluntary intradistrict open enrollment.

**ONE** – State law creates a mandatory intradistrict open enrollment program OR State law creates a voluntary or mandatory interdistrict open enrollment program.

▶ **TWO** – State law creates a mandatory intradistrict open enrollment program OR State law creates a voluntary or mandatory interdistrict open enrollment AND There are school placement preferences for low-income students and/or students in low-performing schools participating in the open enrollment program.

**THREE** – State law creates a mandatory intradistrict open enrollment program and a voluntary or mandatory interdistrict open enrollment program. Transportation for low-income students is provided, and there are school placement preferences for low-income students and/or students in low-performing schools.

**FOUR** - State law creates a mandatory intradistrict open enrollment program and a voluntary or mandatory interdistrict open enrollment program. Transportation for low-income students is provided, and there are school placement preferences for low-income students and/or students in low-performing schools. There is a system for providing high-quality information to parents about their open enrollment options.

**CHARTER AUTHORIZING PRACTICES** – Public charter schools provide an alternative education setting for Tennessee students zoned to a school that does not meet their needs. Charter authorizers serve as gateways, filtering through charter applications for quality and rigor before approving them. 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>29</sup> Even after approving a charter, a quality authorizer will continuously monitor schools in its portfolio to ensure accountability and autonomy for its schools.



**WHERE WE ARE:** Tennessee does not have charter authorization caps. Our state allows for multiple authorizers. In addition to Local Education Agencies (“LEAs”), the SBE can serve as an authorizer for

applications denied by LEAs with at least one school on the Priority Schools List. Upon approval, charters are granted a 10-year term length, and subject to interim reviews every 5 years.

Our state should permit charter applicants (other than LEA-sponsored applications) to apply directly to a non-district authorizer (currently, applicants must first go through their local governing body before appealing to the SBE). Tennessee should also require initial 5-year term lengths or structure the 5-year interim review to be as rigorous as a renewal application review.

T. C. A. § 49-13-104; § 49-13-108; § 49-13-141; Tennessee Charter Interim Review Guidelines (June 2013)

**POLICY IN ACTION:** In October 2015, the SBE approved an appeal from charter operator KIPP to open two new schools in Nashville. This is the first instance where the SBE will serve as the authorizer for a charter school.<sup>30</sup>

**OTHER CHARTER AUTHORIZING POLICY:** Under § 49-13-106(b)(2)(A), a 60% majority of parents or teachers may petition to convert a district-run school to a public charter school with LEA permission. This law, known as Parent Trigger, could be strengthened by creating multiple intervention strategies for districts to turnaround underperforming schools.

**POLICY RUBRIC**

**ZERO** – The state has arbitrary barriers to charter school authorization.

**ONE** – The state sets a de facto cap on charter school authorization.

**TWO** – The state has no cap or sets a smart cap on charter school authorization or the authorization cap allows for significant future growth. The state establishes non-district charter school authorizers. Charter school replication requires demonstration of success.

**THREE** – The state has no cap or sets a smart cap on charter school authorization or the authorization cap allows for significant future growth. The state establishes an independent statewide charter school authorizer. The state requires a performance-based authorization contract with initial 5-year term lengths.\*

**FOUR** – There is no cap or the state sets a smart cap on charter school authorization or the authorization cap allows for significant future growth. The state establishes an independent statewide charter school authorizer. The state requires a performance-based contract with initial 5-year term lengths, and sets a high threshold and expedited application track for renewal, replication, and expansion.\*\*

\*A state may have either 5-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 5 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 “Charter School Accountability” section on page 24.

**CHARTER SCHOOL ACCOUNTABILITY** – In exchange for providing greater flexibility around governance and operations, 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.<sup>31</sup> Establishing clear, strong mechanisms for closing low-performing schools and making authorizers answerable for their schools’ performance can strengthen accountability for public charter schools.



to the Priority Schools List), must be closed immediately following the end of the school year. Schools overseen by the ASD are closed if they fall on two consecutive Priority Schools Lists.

Charter schools may also be closed at the end of any year for poor academic, organizational, or fiscal performance. Charter schools are required to submit an annual report to their authorizer and the Commissioner, but there is no requirement for the authorizer to conduct annual reviews (only a requirement for the Commissioner to give the Legislature an annual report on the entire charter sector). Authorizers are also not required to submit annual reports regarding overall school performance in their portfolios.

Tennessee could do much to strengthen charter school accountability, including requiring annual reviews of school performance and creating an oversight body that reviews the performance of individual authorizers.

T. C. A. § 49-13-120; § 49-13-121; § 49-13-122

**LEGISLATIVE HIGHLIGHT:** In 2015, 4 charter schools were slated to be closed after falling on our state’s triennial Priority Schools List. However, the Legislature clarified implementation of the recently enacted Pub. Ch. 171 to go into effect starting with the 2017 Priority School List, delaying default closure of those schools for two years.

**WHERE WE ARE:** In 2014 and 2015, Tennessee passed legislation putting triggers in place for closing low-performing charters. Charter schools included the bottom 5% of all schools in our state (according

**POLICY RUBRIC**

**ZERO** - The state does not outline clear accountability measures for evaluating and closing low-performing charter schools or holding authorizers accountable.

**ONE** - The state requires charter authorizers to regularly monitor school performance and collect annual school reports for each school they oversee.

**TWO** - The state requires charter authorizers to regularly monitor school performance and collect annual school reports for each school they oversee. Authorizers have clear authority to close low-performing schools following renewal or high stakes reviews OR authorizers have the ability to revoke a charter at any time for poor performance or failure to meet the objectives of the performance a contract.

**THREE** - The state requires charter authorizers to regularly monitor school performance and conduct annual school reviews for each school they oversee. Authorizers have clear authority to close low-performing schools following renewal or high stakes reviews OR the state has a clear mandatory closure trigger for low performing charter schools. The authorizer must submit annual performance reviews to an oversight body. The oversight body annually reviews the performance of each authorizer and there are clear sanctions\* in place for authorizers due to poor performance.

**FOUR** - The state requires charter authorizers to regularly monitor school performance and conduct annual school reviews for each school they oversee. Authorizers have clear authority to revoke a charter at any time for poor performance or failure to meet the objectives of the performance contract AND the state has a clear mandatory closure trigger for low performing charter schools. An oversight body annually reviews the performance of each authorizer and there are clear sanctions in place for authorizers due to poor performance.

\*Sanctions should relate to the specific privileges or functions of authorizers and only be instituted after there are multiple authorizers operating within a state. 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.

**EQUITABLE CHARTER FUNDING** – Charter schools are public schools educating Tennessee students just like any other district-run school. As such, charter schools should be funded at the same level as other public schools in the district. However, the state education funding mechanism and outside revenue sources, including local funding raised through property taxes, often create disparities in funding between charter schools and district-run schools.<sup>32</sup> Tennessee is one of a few states that ensures an equal pass-through of state and local funds to charter schools through its funding formula (as compared to district-run schools). Tennessee must fund authorizers to perform oversight duties, while continuing to ensure charter schools receive full funding for the students they serve.



**WHERE WE ARE:** Tennessee’s funding formula, the Basic Education Program (“BEP”), provides equal per-pupil funding for all students enrolled in traditional district-run or charter schools.

Presently, authorizers are not permitted to charge charter schools fees for authorizing duties, and there is no separate funding mechanism for authorizers other than the ASD.

Tennessee should ensure that students in charter schools receive parity through SBE regulations.

Our state should also provide a reasonable funding mechanism for all authorizers to cover the costs of performing their authorizing functions.

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

**POLICY IN ACTION:** While there is state-level policy ensuring an equal calculation of state-allocated funds to charter schools, local district accounting practices make it difficult to determine whether the pass-through to charter schools is equitable to other district-run schools. Further, charter schools in the ASD that serve a higher percentage of students with greater need are disproportionately affected on funding calculations that are determined based on their neighboring district rather than the student population of the ASD itself.

**LEGISLATIVE HIGHLIGHT:** In 2015, our state legislature passed Pub. Ch. 507 requiring schools authorized by the ASD to provide a fee to their authorizer to perform authorizing duties.

**POLICY IN ACTION:** During the 2015 legislative session, HB 947 and SB 879 were introduced. These bills would institute a funding mechanism for the SBE and LEAs in their authorizing functions. In 2015, HB 947 passed the House Education Instruction & Programs Committee, and remains in the House Finance Committee. SB 879 remains in the Senate Education Committee.

**POLICY RUBRIC**

**ZERO** - Public charter schools are funded separately from the state’s main school funding formula, resulting in a significant disparity in student funding.

**ONE** - Although public charter schools are funded separately from the state’s main school funding formula, there is some attempt to provide equitable funding.

▶ **TWO** – The state’s policy ensures that all public charter schools receive operating funding via the main school funding formula.

**THREE** – The state’s policy ensures that all public charter schools receive equitable\* operating funding via the main school funding formula. The state provides a funding mechanism for some authorizers to perform authorizing functions.

**FOUR** - The state’s policy ensures that all public charter schools receive equitable operating funding via the main school funding formula and the state provides a funding mechanism for all authorizers to perform authorizing functions.

\*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.



**CHARTER FACILITIES ACCESS**– Due to unfavorable lending terms and a lack of dedicated school space, public charter schools are often forced to settle for less-than-ideal classroom spaces for their students, such as former stores or office buildings.<sup>33</sup> Unlike district-run schools, charter schools are often responsible for securing their own facilities. This can put a significant strain on their operational budgets, as state funding does not provide adequate resources for facilities allowances. Also, while charter schools are eligible for capital outlay allocations, in practice, they do not receive any revenue generated through local district bonds. In order to ensure all students have access to appropriate and well-equipped facilities, states should grant charter schools access to available non-LEA public buildings and provide multiple sources of funding and financing for facilities.



**WHERE WE ARE:** In Tennessee, LEAs must make underutilized and vacant properties available for use by charter schools at or below fair market value. Also, state law requires portions of underutilized

properties be made available, allowing co-location in school district facilities. In Tennessee, charter schools authorized by the Achievement School District (“ASD”) have the right to use all facilities and property that are part of the intervened school free of charge.

In terms of charter facility financing, Tennessee provides some financing for charter school facilities through a per-pupil facilities allowance calculated in the BEP– our state’s funding mechanism for schools. Charter schools may also be able to obtain financing through federal tax-credit bond programs. Charter schools that have the support of their local taxing authority are eligible to access tax-exempt financing through the Tennessee Local Development Authority (“TLDA”). Charter schools also have access to Tennessee Qualified Zone Academy Bonds (“QZAB”) with support from their LEA.

The law should be strengthened to permit co-location in a variety of public spaces, which would provide greater options for school choice. Our state should also provide capital financing programs dedicated to charter schools, such as direct loan or credit enhancement programs.

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

**POLICY IN ACTION:** Many ASD-authorized charter schools that utilize a phase-in model, growing by a single grade each year, often co-locate with district-run schools to maximize facility use and reduce costs for utilities and maintenance. However, as of 2015, Shelby County Schools Superintendent Dorsey Hopson announced that district-run schools would no longer co-locate with ASD charter operators.<sup>34</sup>

**POLICY RUBRIC**

**ZERO** - The state’s policy provides charter schools with only limited access to buildings and no support for facilities financing.

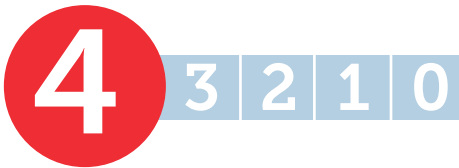
**ONE** - The state’s policy provides for only one of the following four items: access to unused buildings, dedicated funding for facilities, assistance with borrowing, or access to tax-exempt bonds.

**TWO** - The state’s policy provides for only two of the following four items: access to unused buildings, dedicated funding for facilities, assistance with borrowing, or access to tax-exempt bonds.

**THREE** - The state’s policy provides charters a right of first refusal to unused buildings. In addition, it provides for two of the following three items: dedicated funding for facilities, assistance with borrowing, or access to tax-exempt bonds.

**FOUR** - The state’s policy provides charters a right of first refusal to unused buildings, dedicated funding for facilities, assistance with borrowing, and access to tax-exempt bonds.

**STATE-MANAGED ACHIEVEMENT SCHOOL DISTRICT** – In 2010, Tennessee established a state-managed ASD to govern our state’s lowest-performing schools ranking in the bottom 5% based on student achievement. This mechanism permits the state to immediately intervene in chronically underperforming schools across our state. In this regard, it serves as an accountability measure that works in tandem with local district innovation zones and other choice options.



**WHERE WE ARE:** The ASD is an organizational unit of the TDOE, assuming governance over the lowest-performing schools in our state. The Commissioner appoints the superintendent of the ASD.

Also, the ASD is fully funded through a percent of its BEP allocation and has access to the facilities of converted local district-run schools.

T. C. A. § 49-1-614

**LEGISLATIVE HIGHLIGHT:** In 2015, the Legislature passed Pub. Ch. 390, which limits the eligibility of schools entering the ASD to those that have demonstrated low growth in the previous year. This allows schools demonstrating high growth to remain under the purview of their local district. While this does restrict the authority of the ASD, it does not negatively affect the policy as a whole because only schools demonstrating high-growth on student performance are exempt for a temporary period.

For information on Pub. Ch. 507, a 2015 law that expands enrollment options for schools in the ASD, see the “Open Enrollment” section on page 22.

**POLICY IN ACTION:** As of the 2015-16 school year, the ASD operates 29 schools, with 27 in Memphis and 2 in Nashville. Our state model has been recognized nationally and is being used as a template for other states’ efforts to address persistently underperforming schools. Also starting in 2015, the ASD implemented a new conversion process utilizing Neighborhood Advisory Councils. The councils, made of community members, parents, and students, accompany a new community input process to assess a proposed school operator’s fit.

**POLICY RUBRIC**

**ZERO** - The state does not allow for state governance of underperforming schools or districts.

**ONE** - The state allows for limited state control of underperforming schools or districts.

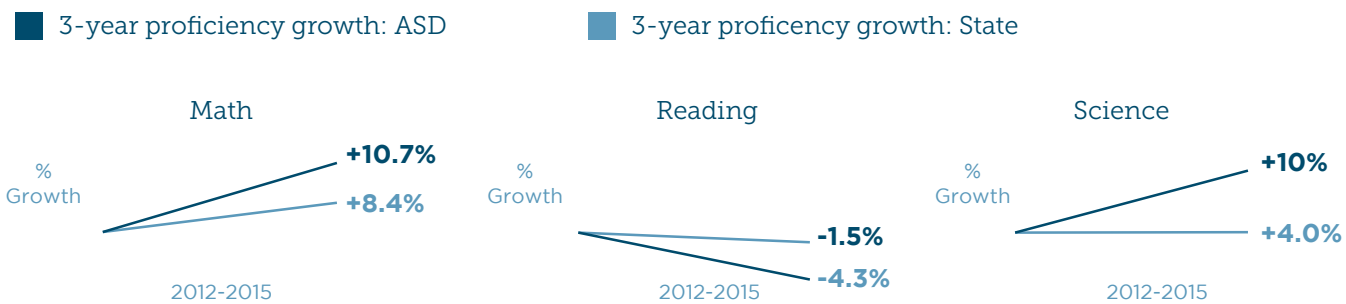
**TWO** - The state has created a state-run achievement school district to govern the state’s lowest-performing schools. The authority of the achievement school district leader is limited.

**THREE** – The state has created a state-run achievement school district to govern the state’s lowest-performing schools. The commissioner of education appoints the achievement school district leader who has full governance authority over the district and its schools.

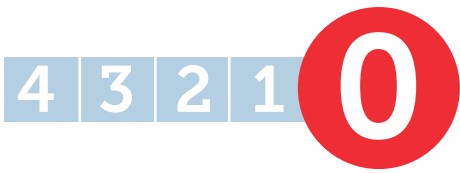
**FOUR** - **The state has created a state-run achievement school district to govern the state’s lowest-performing schools. The state commissioner of education appoints the achievement school district leader who has full governance authority over the district and its schools, including the autonomy to choose which low-performing schools become part of the achievement school district.**

**ASD Proficiency Growth Outpaces state in Math and Science**

SOURCE: Tennessee Department of Education, State Report Card, available at <http://www.tn.gov/education/topic/report-card>



**OPPORTUNITY SCHOLARSHIPS** – After creating a new school or implementing a school turnaround strategy, it can take several years to fully realize the impact on student achievement. Opportunity scholarships can provide an immediate lifeline, allowing eligible students to access high-quality private schools. Scholarship programs have already shown positive effects on student outcomes without inflicting negative fiscal impacts on the existing district.<sup>35</sup> Tennessee should ensure that students from low-income backgrounds or enrolled in low-performing public schools or districts have access to scholarship or voucher options to attend a high-quality private school alternative.



**WHERE WE ARE:** Despite legislative efforts to establish a publicly funded scholarship program over the last several years, Tennessee has been unsuccessful in passing scholarship legislation.

**POLICY RUBRIC**  
**ZERO** – The state does not provide scholarship or voucher options for students.

**ONE** – The state has scholarship or voucher options, but there is limited funding available for the program or an undefined program enrollment cap. Also, the state does not ensure the program serves low-income students or students in low-performing public schools or districts.

**TWO** – The state has scholarship or voucher options, but limited efforts exist to ensure the program(s) serve low-income students or students in low-performing public schools or districts.

**THREE** – The state provides scholarship or voucher options for low-income students OR students in low-performing public schools or districts. There is an undefined program enrollment cap or the program may require significant financial contribution from participants.

**FOUR** – The state provides scholarship or voucher options for low-income students OR students in low-performing public schools or districts. There is no program enrollment cap or, if one exists, the program prioritizes students who are both from low-income households and attending low-performing public schools or districts. The scholarship amount is payment-in-full for tuition and school costs. .

To increase the availability of quality school choices, our state should establish a student scholarship program targeted to low-income students in low-performing schools or districts and accepted as payment-in-full at participating schools. Similar to accountability for district students, the program should also require scholarship students to take state-approved assessments, publicly report on aggregate student performance to determine program success, and hold participating schools accountable by hinging continued involvement on demonstrated student growth.

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

**LEGISLATIVE HIGHLIGHT:** During the 2015 legislative session, HB 1049 and SB 999 were introduced. These bills would institute a targeted scholarship program available to students in underperforming schools from low-income households. The proposed program would be capped and rolled out over 5 years. Notably, participating schools would be required to take the scholarship amount as payment-in-full. In 2015, SB 999 passed the Senate for the third time, while its companion bill still remains stalled in the House Finance Subcommittee.

**OTHER PRIVATE SCHOOL CHOICE LEGISLATION:**

In 2015, the Legislature passed Pub. Ch. 431, the Individualized Education Act. This program, modeled after Education Savings Account (“ESA”) programs in other states, is restricted to students with special needs. Available funds can be used for a number of approved services or programs. Implementation of the program will start with the 2016-17 school year.

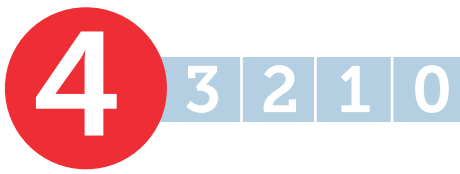


# Data & Transparency Policies





**ASSESSMENTS & STANDARDS** – State education standards provide a roadmap for where our students should be at certain milestones in their K-12 education. Over a periodic cycle, the state reviews these standards to ensure they are adequately preparing students for college and the careers of tomorrow. Statewide assessments provide insight into the status of an individual student’s movement along that roadmap, telling families and educators where students are progressing.<sup>36</sup> For those grades where standardized summative assessments are age- and grade-appropriate, assessments are a valuable tool for educators to tailor instruction to individual student needs. Assessing all students in our state can also provide the public with a gauge of how entire grades and our state as a whole are growing toward content mastery.



**WHERE WE ARE:** In 2010, Tennessee updated its existing education standards to address changing postsecondary and workplace expectations and to prepare students for college and

career settings. In 2015, the Legislature codified a formal state review process to ensure Tennessee’s academic needs are specifically met in the adoption of quality, rigorous standards by the SBE.

In Tennessee, student Tennessee Comprehensive Assessment Program (“TCAP”) scores in grades 3-8 comprise a percentage of the student’s final grade (ranging from 15-25%).

Our state also requires annual administration of assessments in grades 3-11 and diagnostic assessments to be administered in grades 8, 10, and 11 to improve student preparation for postsecondary achievement and increase graduation rates.\*

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

\*Starting with the 2015-16 school year, the diagnostic assessment requirement for grades 8 and 10 will be accomplished with one assessment—the TN Ready test—instead of two, reducing the amount of testing in those grades.

**LEGISLATIVE HIGHLIGHT:** In 2015, the Legislature passed Pub. Ch. 423 that codified a comprehensive state review of our education standards, including review committees comprised of Tennessee educators and the greater public community.

**POLICY RUBRIC**

**ZERO** – The state’s policy does not provide for any of the following items: universal administration\*, annual administration of the statewide assessment\*\*, alignment with college- and career-ready standards, or public reporting of annual assessment data\*\*\*. The state prohibits standardized testing in certain grades.

**ONE** – The state’s policy provides for an assessment aligned with college- and career-ready standards. The state does not require universal administration, annual administration of the statewide assessment, or public reporting of annual assessment data.

**TWO** – The state’s policy provides for an assessment aligned with college- and career-ready standards. The state requires universal administration OR annual administration. The state does not require public reporting of annual assessment data.

**THREE** – The state’s policy provides for an assessment aligned with college- and career-ready standards. The state requires universal administration AND annual administration. The state does not require public reporting of annual assessment data.

**FOUR** – The state’s policy provides for universal administration, annual administration of the statewide assessment, alignment with college- and career-ready standards, and public reporting of annual assessment data.

\*Federal guidelines permit up to 1% 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 3, 8, and 10. The minimum required for attaining a “two” is administration in grades 3-8, and administration in grades 3-11 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.

## ASSESSMENTS & STANDARDS (CONT'D)

### **POLICY IN ACTION:**

Tennessee has administered an annual assessment, the TCAP, since 1988, well before the 2002 federal Elementary and Secondary Education Act's ("ESEA") No Child Left Behind ("NCLB") requirement. In the 2015-16 school year, Tennessee will use a new testing mechanism, TN Ready. This test will account for ~1% of overall instructional time to administer.<sup>37</sup> Requiring one annual statewide summative assessment in each of the core subjects under this new test type will not contribute to over-testing because of the structure of the test. Given the test's focus on critical thinking and response, less time needs to be spent on learning how to take the test, allowing more time to focus on high quality instruction.

Also, in September of 2015, the Tennessee Task Force on Student Testing and Assessments (formed by Commissioner McQueen in March of 2015 and comprised of 18 educators and education leaders from across our state) made several recommendations. They included increasing transparency around test items, reducing the number of tests administered to students, continued alignment with postsecondary and workforce expectations, and continued support for districts around implementation logistics.

For additional information, see the SCORE report on assessments highlighting teacher, principal, and district leaders' perspectives.<sup>39</sup>

As part of Tennessee Succeeds, the Department will make an optional Tennessee-specific second grade assessment available to districts by 2016-17.

**SCHOOL REPORT CARDS** – Data on school performance is most powerful when it provides the public, and especially families, with accessible information. School report cards can give insight into the performance of a school for families making decisions about where to send their child to school or what questions they should be asking school leaders. When creating reporting systems around school performance, state leaders should consider whether public reports are providing increased transparency and serving the needs of parents and communities.<sup>40</sup> Also, reports that are useful and accessible should include a single summative rating based on student outcomes.



**WHERE WE ARE:** The TDOE publicly issues school and district-level report cards<sup>41</sup> with information on student performance in individual subject areas, such as reading, writing, social studies,

and science, across various student demographic populations. The report cards also provide graduation data for high schools, identify growth trends in subject performance, and include subpopulation data. However, state law does not require that all schools earn a single summative rating based on student performance.

While the publicly available information is extensive and relevant, our state could improve the accessibility and clarity of its school report card for parents by assigning an overall summative rating to each school.

T. C. A. § 49-1-211.

**POLICY IN ACTION:** In 2015, parents in Memphis launched the Memphis School Guide.<sup>42</sup> The site provides detailed information to help parents better understand their school options.

**LEGISLATIVE HIGHLIGHT:** During the 2015 legislative session, HB 155 and SB 300 were introduced. These bills would institute a framework for school report cards based on multiple measures of student learning. In 2015, SB 300 passed the senate, while HB 155 is currently held in the House Finance Subcommittee.

**POLICY RUBRIC**

**ZERO** – The state does not require that all K-12 schools earn annual school report cards based on student achievement.

▶ **ONE** – **The state provides school report cards based on student achievement for all K-12 public schools.**

**TWO** – The state provides school report cards for all K-12 public schools with a single summative rating based on multiple measures, including measures of student learning growth.

**THREE** – The state provides school report cards for all K-12 public schools that include an accessible\* summative rating for each school based on multiple measures, including measures of student learning growth, achievement gap closure, and college and career readiness for high schools.

**FOUR** – The state provides school report cards for all K-12 public schools that include an accessible summative rating based on multiple measures, including measures of student learning growth, achievement gap closure, and college- and career- readiness for high schools. School report cards also report on school culture.

\* Accessible ratings should be recognizable and easily understood by the general public, e.g. A-F or 1-5 rating systems.

**FISCAL TRANSPARENCY** – Tennessee is one of a handful of states that continued to increase education funding throughout the economic downturn.<sup>43</sup> However, there is little information publicly available to determine which schools are spending money in a way that maximizes student outcomes. Tennessee should promote greater fiscal transparency by analyzing how well school districts use their resources to improve student achievement.



**WHERE WE ARE:** Tennessee law empowers the Commissioner and the Comptroller of the Treasury to develop and revise as necessary a standardized system of financial accounting and reporting for

all LEAs. Each year, every LEA is required to submit a certified copy of its budget, prior year expenditures, and financial audit to the Commissioner.

The Commissioner should use this authority to further strengthen our state’s fiscal transparency system, including reporting on school-level expenditures. Also, our state should require TDOE to link expenditure and student achievement data in a way that allows policymakers and the public to identify and share best practices to maximize student achievement while spending taxpayer funds efficiently.

Additionally, Tennessee should develop a standard rating system to measure fiscal responsibility and performance among peers.

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

**POLICY IN ACTION:** During the 2014-15 school year, TDOE fully implemented ePlan,<sup>44</sup> a planning and management system facilitating greater transparency around budgeting and expenditures among stakeholders.<sup>45</sup> However, this school-level information is not publicly reported.

**POLICY RUBRIC**

**ZERO** – The state does not collect or report expenditure data that would be of sufficient detail to examine whether school districts are using their resources wisely to improve student achievement.

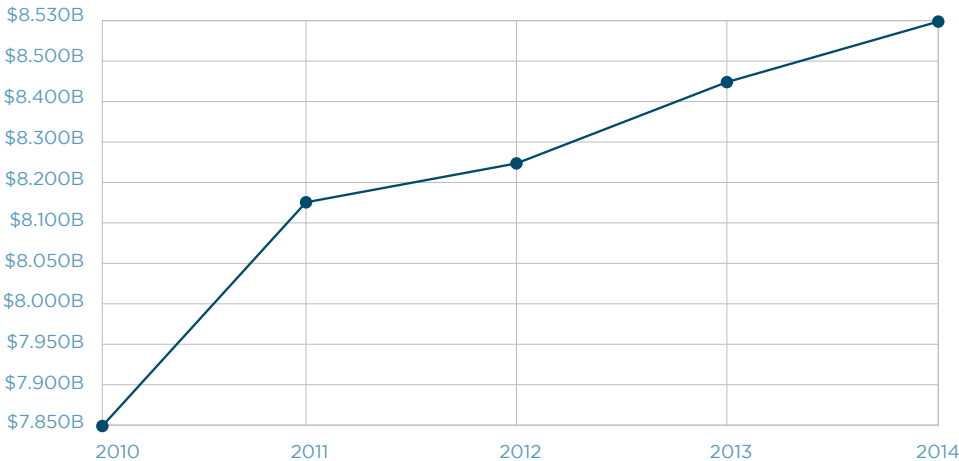
**ONE** – The state collects and reports detailed expenditure data at the school district level. However, the state does not analyze how well school districts use resources to improve student achievement.

**TWO** – The state collects and reports detailed expenditure data at both the school building and school district level. However, the state does not analyze how well school districts use resources to improve student achievement.

**THREE** – The state collects and reports detailed expenditure data at both the school building and school district level. The state analyzes how well school districts use resources to improve student achievement. Information is reported through a standard rating system\*.

**FOUR** – The state collects and reports detailed expenditure data at both the school building and school district level. The state analyzes how well school districts use resources to benefit students and improve student achievement in the context of multiple measures of student outcomes. Information is reported through a standard rating system.

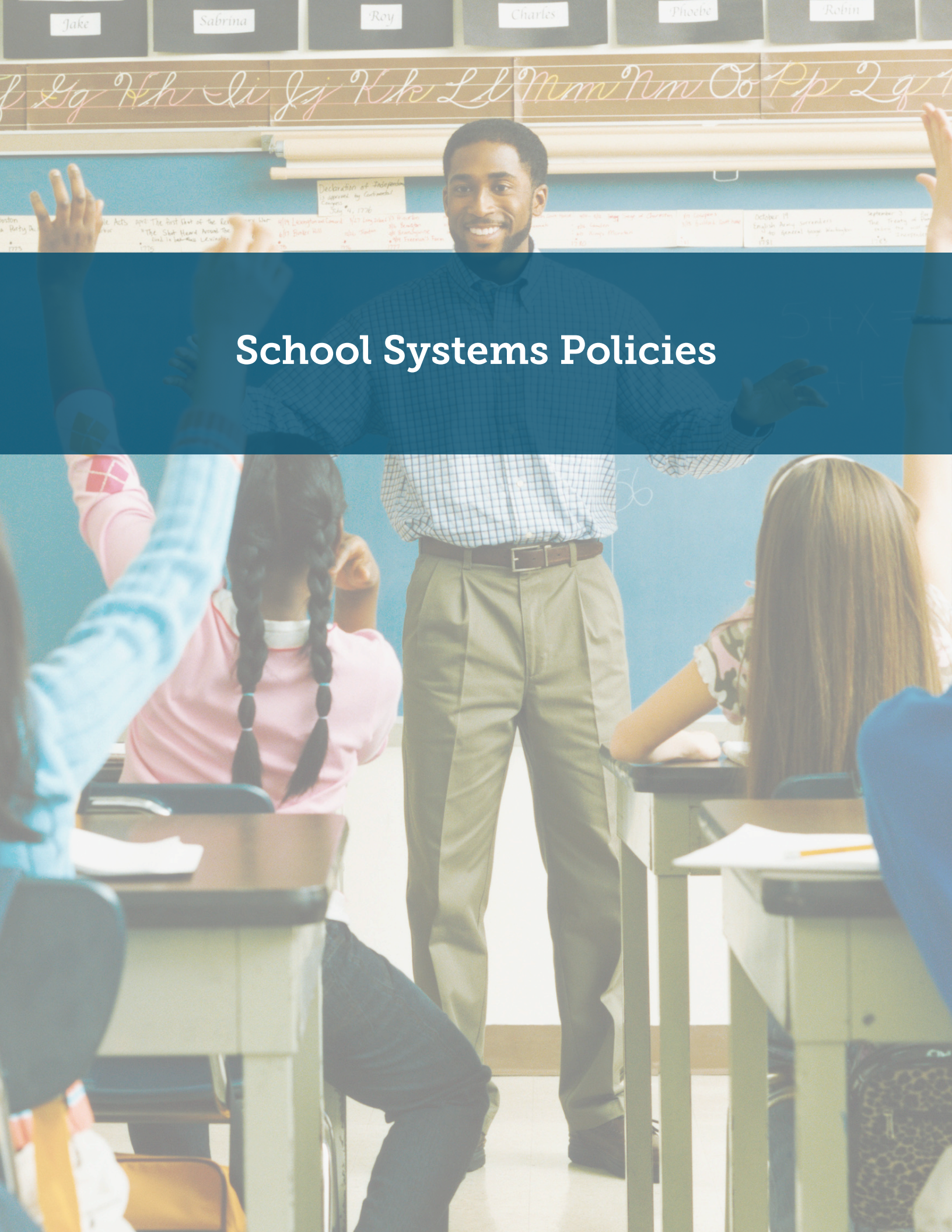
■ TN Education Spending vs. Year



SOURCE: Tennessee Department of Education Annual Statistical Reports, available at <https://www.tn.gov/education/topic/departments-reports>.

\*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.

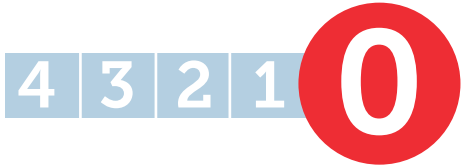




# School Systems Policies



**STUDENT PLACEMENT** – With every ineffective teacher, a student loses an average of 3.5 months of learning per year.<sup>46</sup> When a student has two ineffective teachers over two years, that student can lose up to 7 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>47</sup> Ideally, student placement policies ensure that students are placed with effective teachers on a consistent basis.



**WHERE WE ARE:** Tennessee prohibits information regarding teacher impact on student educational progress from being released to parents. Because of this provision, parents cannot be

notified when a student has been placed in an underperforming classroom.

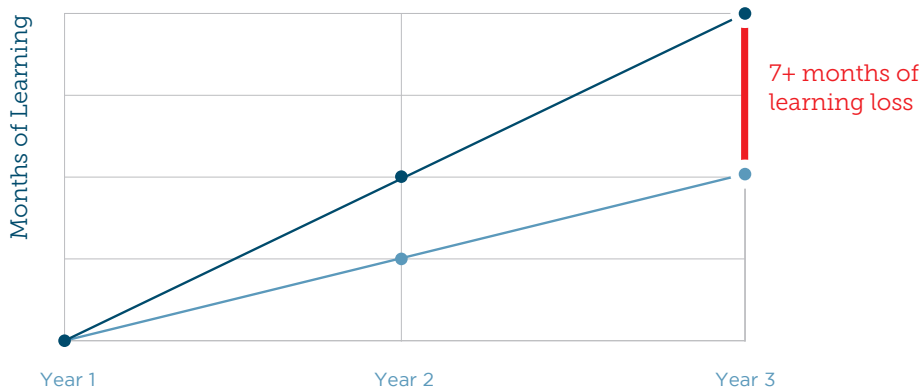
Tennessee should guarantee that no student is assigned to an underperforming teacher for two consecutive years. However, where placement is necessary because of staffing constraints, our state should require parental notification when a student is placed with an ineffective teacher, after the teacher has been rated “below expectations” or “significantly below expectations” for two or more years.

T. C. A. § 49-1-606

^Starting with the 2015-16 school year, the diagnostic assessment requirement for grades 8 and 10 will be accomplished with one assessment—the TN Ready test—instead of two, reducing the amount of testing in those grades.

**POLICY IN ACTION:** As part of Tennessee Succeeds, the Department will facilitate data sharing and best practice networking aimed at closing district teaching equity gaps. This collaboration is intended to help provide greater access to highly-effective teachers for all students.

■ Student with ineffective teachers   ■ Student with effective teachers



**POLICY RUBRIC**  
**ZERO** – The state does not allow for parental access to teacher evaluation information or school-level teacher effectiveness data, does not require parental notification regarding teacher effectiveness, and does not prohibit students from being placed with an ineffective teacher for three consecutive years.

**ONE** – The state allows for parental access to teacher effectiveness information upon request.\* The state does not require parental notification regarding teacher effectiveness, and does not prohibit students from being placed with an ineffective teacher for three consecutive years.

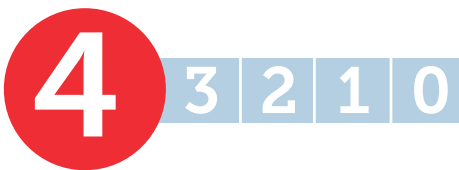
**TWO** – The state requires parental notification when a student is placed with an ineffective teacher. The state does not prohibit students from being placed with an ineffective teacher for three consecutive years.

**THREE** –The state requires that no student be placed with an ineffective teacher for three consecutive years. However, the state does not require parental notification when a student must be placed with an ineffective teacher due to staffing constraints.

**FOUR** - The state requires parental notification when a student must be placed with an ineffective teacher due to staffing constraints AND requires that no student be placed with an ineffective teacher for two consecutive years.

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

**FORCED PLACEMENT/MUTUAL CONSENT** – Teachers should be given their placements based on school fit and merit, not seniority or other arbitrary factors. Forced placement requires principals to hire certain teachers assigned by the district to a school without regard for principal or teacher input. When teachers are required to teach at a school for which they are not suitably fitted, there is a negative impact on school culture.<sup>48</sup> In Shelby County Schools, mutual consent hires were more likely to rank in the highest teacher effectiveness category and less likely to rank in the lowest category.<sup>49</sup> Principals need to feel empowered to hire staff based on merit and fit rather than require placements based on tenured positions on a list or other arbitrary measures. Similarly, teachers should also have a say in their place of employment. Thus, 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 an excessed teacher’s school placement.

Tennessee prioritizes teacher re-hiring off of a reemployment list based on effectiveness. Only teachers with the top three performance evaluation ratings are placed on the preferred reemployment list. Teachers remain on an excessed list until they have rejected 4 offers for employment.

T. C. A. § 49-5-511(b)

**POLICY IN ACTION:** In 2014, the Memphis teachers union filed a lawsuit, *Kelley v. Shelby County Board of Education*, against the school district implicating our state’s mutual consent laws. The litigation is currently pending, and no judgments have been made as of October 2015.

**POLICY RUBRIC**

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

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

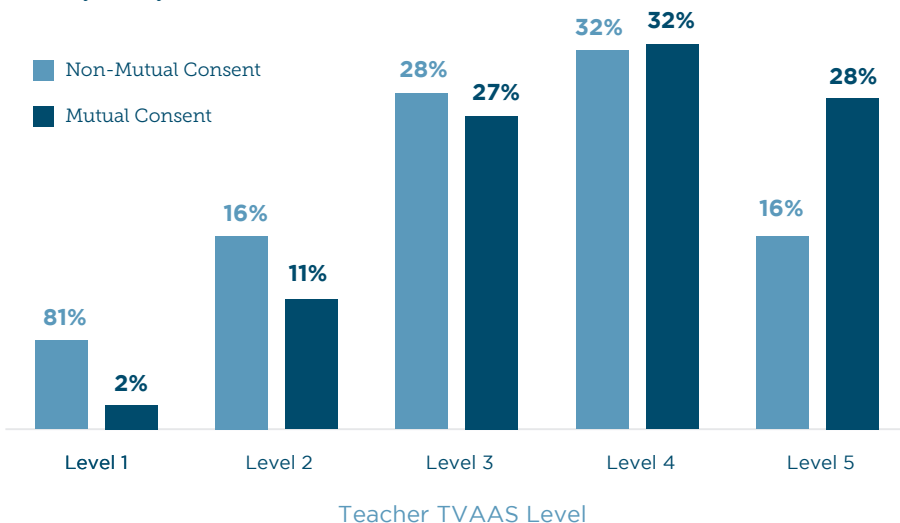
**TWO** – The state explicitly allows districts to establish mutual consent hiring, but forced placement based on seniority or permanent status is not prohibited.

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

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

**Mutual consent hires outperform non-mutual consent hires.**

Shelby County Schools, 2012



**FAIR FUNDING FORMULA** – Property tax revenue disparities remain the dominant contributor to variations in local revenue in states with the largest total funding disparities.<sup>50</sup> The way we fund K-12 education needs to focus on equity—how we specifically account for individual student needs—and adequacy—how much we are providing for education. In Tennessee, the BEP, the funding mechanism for education in our state, focuses almost entirely on inputs rather than student need and student outcomes. In this respect, the formula more closely resembles a revenue model and not a spending mechanism. Tennessee should more efficiently fund students using existing resources based on educational need regardless of the town they live in or the type of public school they attend.



**WHERE WE ARE:** Tennessee’s funding mechanism, the BEP, calculates funding allocations for districts based on 45 components. Many of the components calculate staffing requirements based on

educational needs. The formula does not adequately include targeted funding that takes into account individual student or school need, but is heavily influenced by the local district’s ability to contribute.

Tennessee should change its funding formula for education to focus on individual student needs and ensure that targeted funding reaches the students it is intended to serve.

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

**POLICY IN ACTION:** In March 2015, the BEP Task Force (convened by Governor Haslam in 2014 and comprised of 12 representatives from across our state) provided a report with recommendations on revisions to the current funding model. These recommendations include: using one fiscal capacity model, switching to a school-system level model, allocating funds based on student need, and increasing transparency of spending.

Notably, Tennessee is ranked as the 6th best state when it comes to allocating more resources to high-need districts, and is one of only a handful that actually allocates more to these districts than to low-need districts. Tennessee allocates 27% more in state funding to these high-need districts.<sup>51</sup>

**DISTRICT EXAMPLE:** After a three-year phase in, Metro Nashville Public Schools shifted its budgeting practice to a student-based budgeting model, granting greater control to principals in determining how best to spend money on their students.<sup>52</sup>

**POLICY RUBRIC**

**ZERO** – 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.

**ONE** – 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.

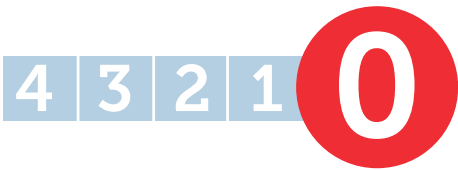
▶ **TWO** – The state’s funding formula attempts to correct for inequitable local tax bases at the district level or for disparities in funding across school choice options by providing funding that is mostly responsive to varying student needs; significant discrepancies between districts or school choice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

**THREE** – 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.

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



**CLASS SIZE MANDATES/SPENDING FLEXIBILITY** – When considering policies that influence student outcomes, we must determine more than just the presence or absence of any measurable positive effect. We must also consider whether these policies can deliver the most impactful use of education dollars for their associated costs. One costly state policy, aside from teacher salaries and benefits schedules, that restricts the way schools spend scarce funds is class-size mandates. Notwithstanding the demonstrated benefits of smaller classes among certain student populations, class-size mandates must still be considered in the context of alternative uses of tax dollars for education.<sup>53</sup> Effective teachers could be granted opportunities to teach additional students to free up needed resources for other staffing and services. Thus, Tennessee should provide local school leaders with the flexibility to staff their schools according to their unique student needs and remove arbitrary restrictions on how funds can be used.



**WHERE WE ARE:** Tennessee restricts individual class size totals and school averages for grades K-12. Tennessee’s funding mechanism, the BEP, does not prescribe specific levels of expenditures

for individual components. However, funds generated through the BEP by the instructional components must be spent on instruction, and funds generated by the classroom components must be spent on either instruction or other classroom areas.

Our state should eliminate class size restrictions above the 3rd grade and permit local districts to determine class size guidance to allow greater flexibility in academic programming and resource allocation.

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

**A NOTE ON CLASS SIZE MANDATES:** We fully recognize there are benefits to smaller class sizes in certain classrooms with highly effective teachers.<sup>55</sup> Nonetheless, our focus for this policy recommendation highlights the need to permit local districts and schools to determine their staffing needs in individual classrooms and schools. Having state mandates on class sizes can have extremely burdensome budgetary effects on individual schools and districts. For example, in financially-strained rural districts and schools with only one class per grade, one additional student could require a district to hire an additional employee to meet the class size restriction. The ideal with lifting class size mandates is to provide flexibility so schools can be more nimble and innovative in their educational practices.

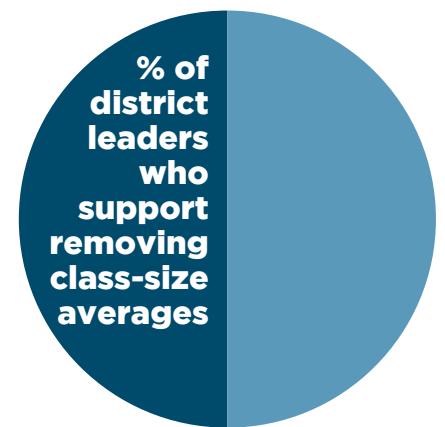
**POLICY RUBRIC**  
**ZERO** – The state requires school districts to limit class sizes in grades 4-12 based on class size maximums. A significant portion of state funding is arbitrarily restricted or earmarked for specific activities.

**ONE** – 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.

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

**THREE** – The state does not restrict class size in grades 4-12 AND schools have limited spending flexibility.

**FOUR** – The state does not restrict class size in grades 4-12 AND school districts have flexibility to use state dollars, free of arbitrary restrictions or earmarks for specific activities.



During Summer 2015, StudentsFirst Tennessee surveyed district leaders across our state and found that 50% of district leaders who responded would support removing mandatory class-size averages in order to receive greater flexibility in budgeting and spending.<sup>54</sup>

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