

Tennessee Policy Report Card

2016

The logo for TennesseeCAN, featuring a white graduation cap icon to the left of the text "TennesseeCAN" in a white sans-serif font, all contained within a white rectangular border.

TennesseeCAN

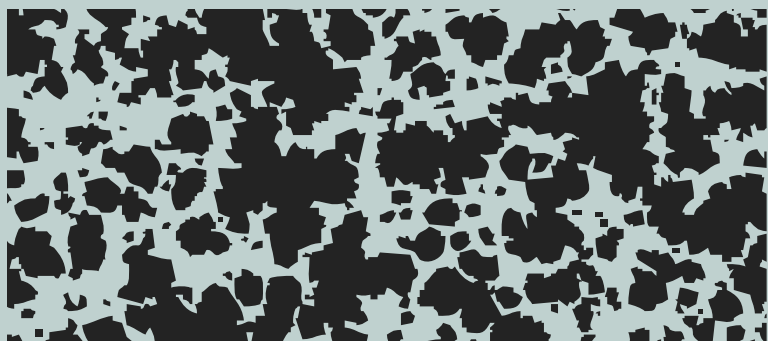
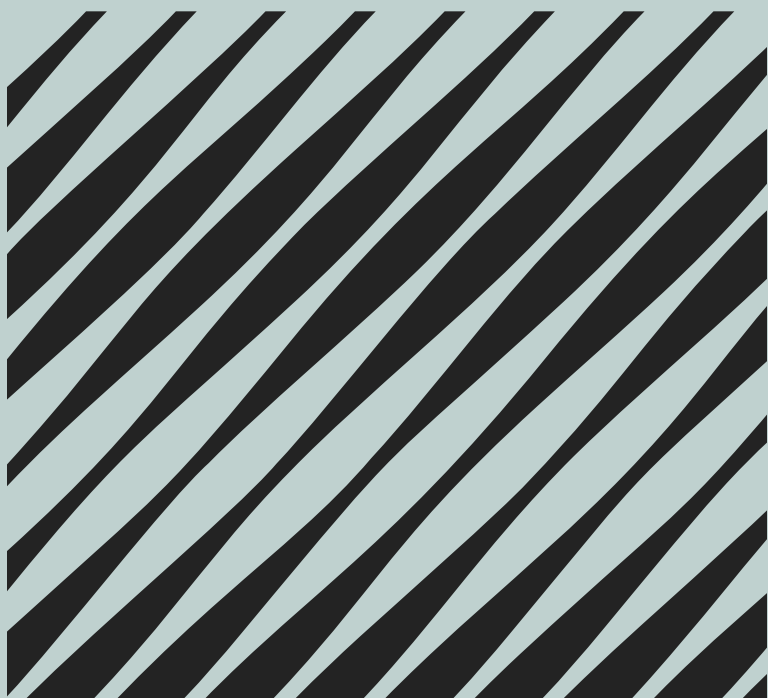


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Key

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

Introductory Letter

2016 has been a year of transformation for the 50CAN organization and the state teams that make up our network. As the effort to reform education policies across the country matures, the work in states is following that lead. With the merger of our group and StudentsFirst, the goal was simple... take the best of both organizations and allow that to flourish at the local level. This fits the mold of a core principle of our organization of “plussing it.” That is the act of taking something and working deeply to learn and improve upon it.

The essence of our teams are that they are locally led and nationally supported, and the work of the Tennessee team is a great example of what type of change can be created when you have a diligent team placed in an area with a ready climate.

This report is a snapshot of the state policy levers that we can pull to cause change for thousands of students. With each year that passes, this document is a guide for our Tennessee team’s work in state level policy conversations and how those policy changes can impact local schools and districts.

All of these policies lead toward our overall mission of ensuring that every Tennessee student has access to great teachers and great schools.

We hope you will take the time to read through this document and be a partner with us on how we can make some of these items realities for students and families in the Volunteer State in 2017.

A handwritten signature in black ink, reading "Marc Magee". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Marc Porter Magee, Ph.D.
CEO and founder of 50CAN

Executive Summary

2016 marked a significant milestone in our state's education landscape. This year marks half a decade since the first policies enacted under Tennessee First To The Top. As evidenced by our state's performance on the "Nation's Report Card" (National Assessment of Educational Progress, or NAEP), Tennessee's approach to educational transformation with state policy has translated to the strongest growth gains in the nation for nearly half a decade. While this report is not an analysis of student or school performance, it is a barometer on the state policy efforts that have contributed to that environment of academic success. It is an outline and reflection on the work our legislators and state agencies have done to support the incredible instruction of our teachers and school leaders. This is also a milestone year because the federal government reauthorized the Elementary and Secondary Education Act with the Every Student Succeeds Act (ESSA). ESSA marks a big moment for our state government to reaffirm our commitment to strong accountability and flexibility for our school leaders and teachers across the state, from rural to suburban to urban systems.

As we have mentioned before, these policy recommendations serve as a guide to the model practices developed by state-based entities in conjunction with state and national research. However, we must still emphasize the same disclaimer from prior years, policy is only as good as its implementation. Thus, with these policy frameworks in mind, our state must continue to implement the enacted policies with fidelity and focus to ensure our most vulnerable student populations are receiving the highest quality of education and afforded every opportunity to succeed.

Here are a few updated notes on the purpose and structure of our policy report card moving forward. With each biennium, we plan to have our policy report card follow the legislative cycle. In even years, with the conclusion of the two-year sessions we will include substantive changes to this report card, including

potential revisions of the policies we want to include as key levers for change in Tennessee. In odd years, we will make iterative changes that reflect the updates and highlights of legislative and regulatory action for that year.

Our report analyzes the 25 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.

This iteration of the policy report card includes a few policy rubric updates and a new policy: *Private School Choice Accountability*. The updates are necessary to ensure we are aligned with research-based best practices and the evolving needs of our school communities. Adding Private School Choice Accountability is necessary because when January 2017 rolls around, our state's first private school choice program, the Individualized Education Account Program, will begin with a cohort of students. We separated accountability from accessibility because we recognize the need to let some programs get off the ground, but want to ensure fidelity of using public funds and quality of school environments once those programs are structured and in place. That said, as with all our policy recommendations, integrating strong accountability systems into programs is paramount to success.

Highlights

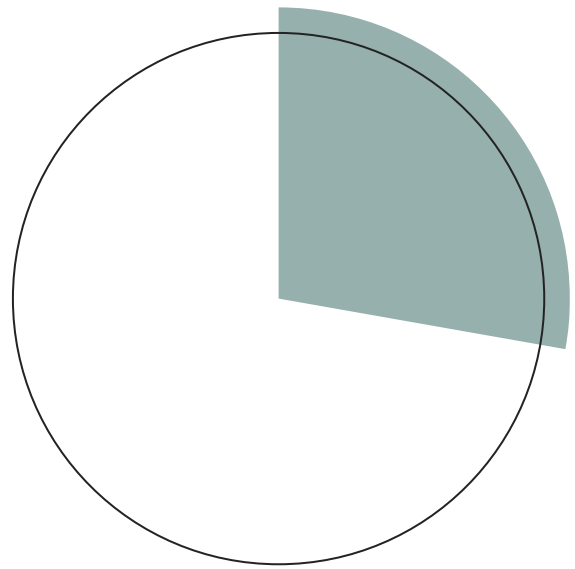
- During the 2016 legislative session, our state enacted laws requiring A-F school report grading, assessment transparency, greater detail around priority school rankings, a state board authorizer fee, and some updates to the state's education funding formula.
- We made substantive changes to some existing policy rubrics, including:
 - Adding a requirement for performance frameworks with *Charter Authorizing Practices*;
 - Broadening the ASD to *School Improvement Strategies* to include various improvement plans;
 - Changing Opportunity Scholarships to Private School Choice and separating it into *Accessibility* and *Accountability*; and
 - Broadening School Report Cards to *School Accountability Frameworks*.
- As with last year, the state maintains its model standard with identifying quality instruction and practice with educators through robust evaluation rubrics and performance-based policies. Tennessee continues its commitment to providing students quality school options through expanded school choice programs. This year's legislature also saw strong efforts to ensure our educators, state entities, and the greater public have increased access to school- and student-level data.
- Tennessee continues to need improvement around student assignment practices and school improvement strategies. Current practice does not require any action from districts and schools toward addressing chronically underperforming schools and placement of students in those classrooms and schools.

Strong Policies

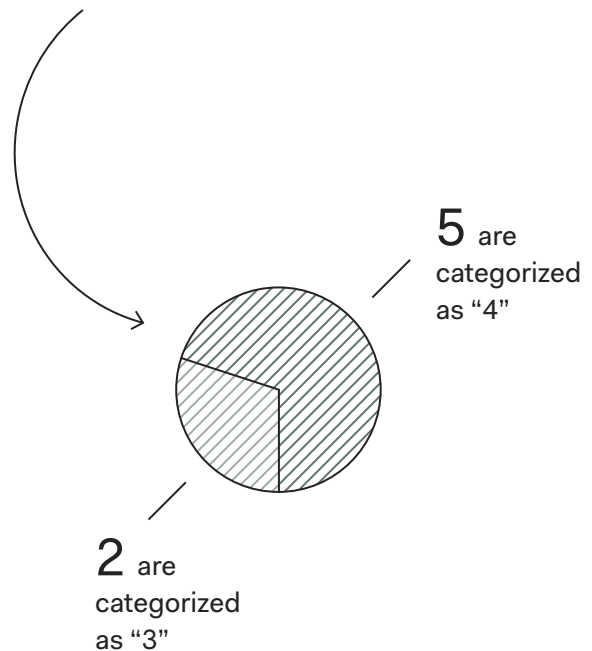
In 7 of the 25 policies included in this report, Tennessee is categorized as a "3" or "4," indicating strong state policy.

7/25

Are strong state policies in Tennessee



Out of the 7



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

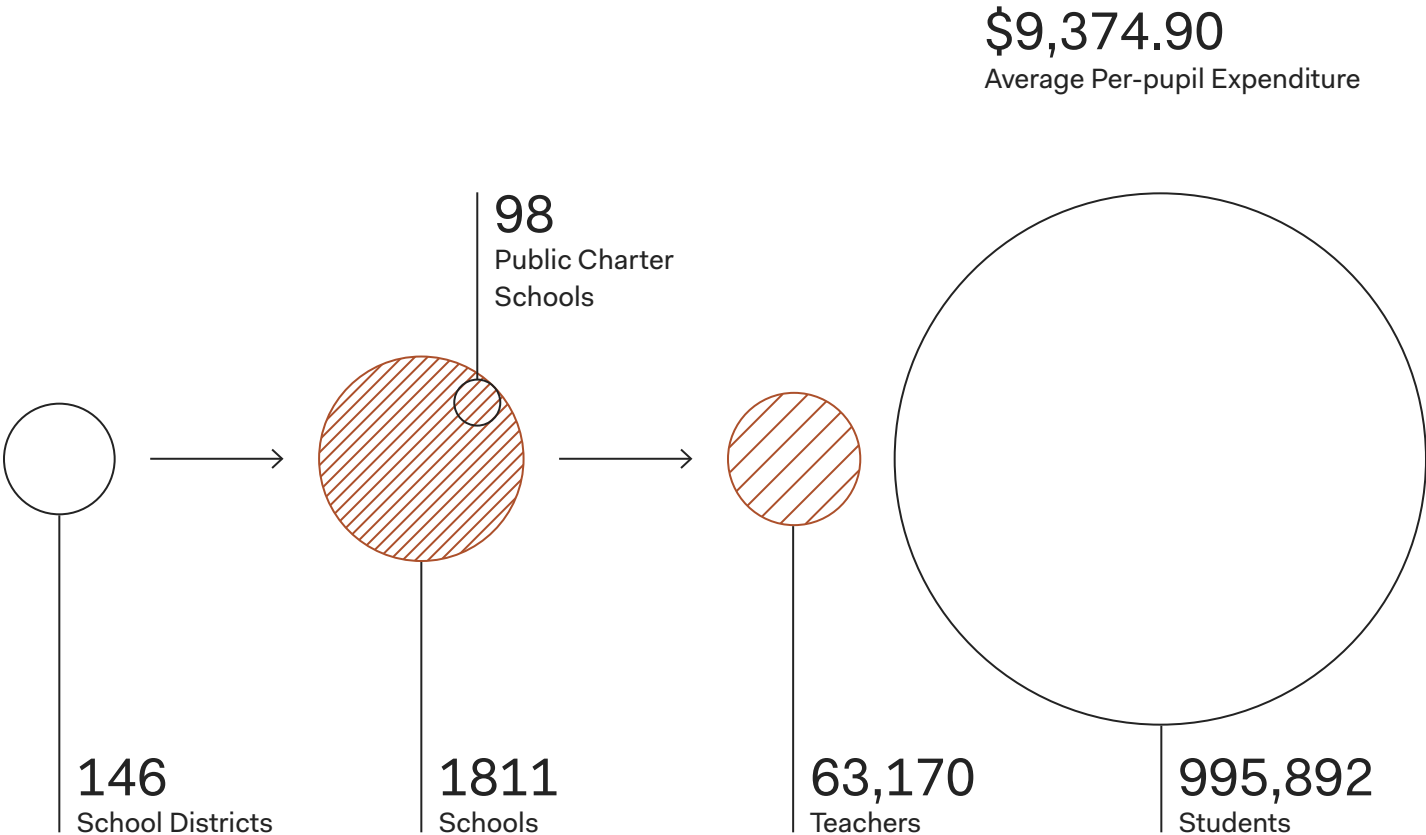
How to read the policy rubrics and state analysis

Each policy is broken down into five tiers, similar to our categorization of educator performance in Tennessee. Categorization ranges from “0” to “4,” with “0” indicating insufficient or no progress toward model standards, and “4” indicating state enacted law that encompasses research-based national best practices. In order to attain a higher category, say moving from a “1” to a “2,” the state must codify in law or regulation all elements of the higher category. Thus, if the state enacts partial elements of a higher category, it would still be rated in the lower category (e.g. see Charter School Accountability, pages 45–46).

Tennessee Education 2015–2016

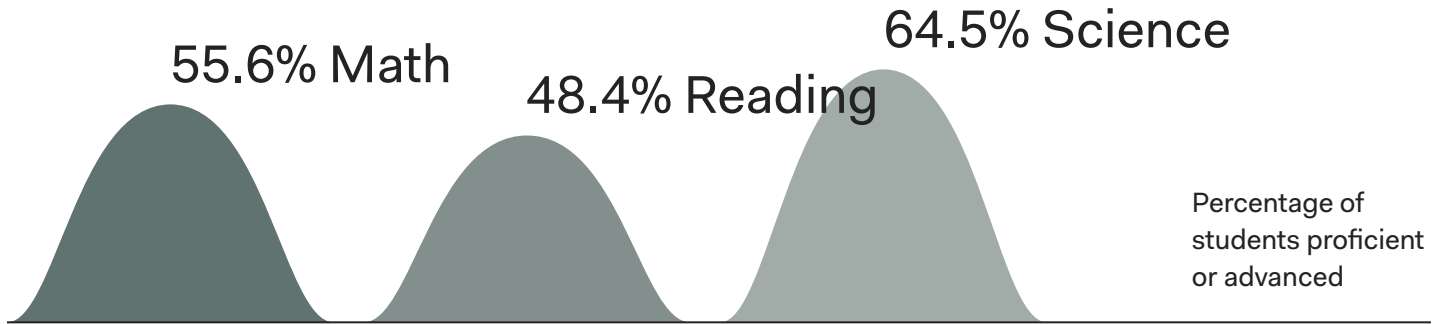
Tennessee Commissioner of Education	Dr. Candice McQueen	
Tennessee State Board Members	Mr. B. Fielding Rolston—Chairman	District 1
	Mr. Mike Edwards	District 2
	Ms. Allison Chancey	District 3
	Mr. Lonnie Roberts	District 4
	Ms. Carolyn Pearre—Vice Chair	District 5 ²
	Ms. Lillian Hartgrove	District 6
	Ms. Wendy Tucker	District 7
	Mr. Cato Johnson	District 8
	Dr. William E. Troutt	District 9
Tennessee State Legislature	The General Assembly has 33 Senators and 99 Representatives	

School System



Tennessee Education 2015–2016

Tennessee Comprehensive Assessment Program ("TCAP") Grade 3–8 Scores*



*TCAP data is from the 2014–15 school year due to complications in administering the 2015–16 TNReady statewide assessment.

Average ACT Score (2015–16)

19.4

Average State Graduation Rate

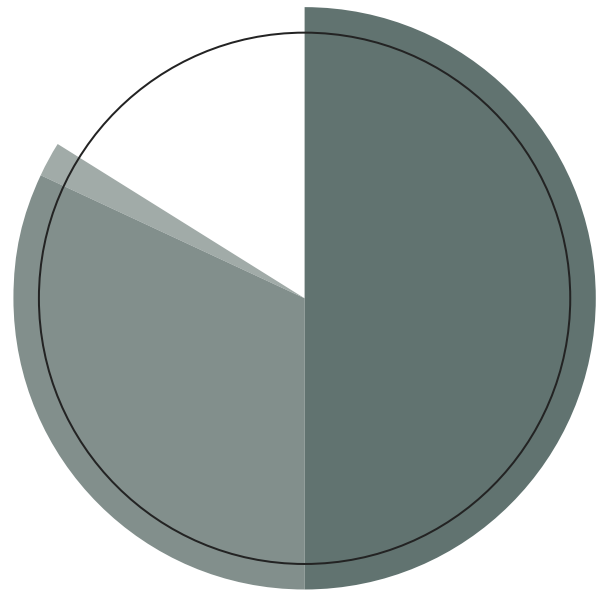
87.8%

Postsecondary Education³
Enrollment (2- and 4-year institution)

60.4%

Completion

- 02.0% TCAT
- 32.3% 2-year institution
- 49.5% 4-year institution



Overview of State Policies

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. See pages 12–14

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 from their zoned school. Public options, including open enrollment initiatives, charter schools, 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. See pages 15–16

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 expenditures 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. See page 17

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. See page 18

Educator Quality Policies

Teacher Evaluations Current score: 4

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. No change from prior year. [See pages 20–21](#)

Principal Evaluations Current score: 4

Tennessee principals are evaluated annually based on achievement data and a 5-tiered rating of effectiveness. 50% of the evaluations are based on school-level value-added growth. Performance is measured around four areas, including instructional leadership for continuous improvement, culture for teaching and learning, professional learning and growth, and resource management. No change from prior year. [See pages 22–23](#)

Differentiated Pay Current score: 2

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. No change from prior year. [See pages 24–25](#)

Tenure Current score: 3

Our state requires teachers to undergo a probationary period of five years and at least two 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. No change from prior year. [See pages 26–27](#)

Last In First Out (“LIFO”) Current score: 3

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. No change from prior year. [See pages 28–29](#)

Teacher Dismissals Current score: 2

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. No change from prior year. [See pages 30–31](#)

Principal Dismissals Current score: 2

Tennessee should ensure that district leaders have the authority to build and maintain an effective leadership team by removing underperforming principals from schools. Principals with multiple consecutive years of ratings below expectations should be dismissed from their leadership placement. However, state law does not specify a frequency threshold for when ineffectiveness leads to dismissal for principals. No change from prior year. [See pages 32–33](#)

Teacher Preparation Program Admissions Current score: 1

Tennessee requires preparation programs to have an admission standard of a 2.75 average GPA or higher. Our state should increase the standard for entry to ensure preparation programs are drawing from the top half of the postsecondary student population. No change from prior year. [See pages 34–35](#)

Teacher Preparation Program Accountability Current score: 4

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. No change from prior year. [See pages 36–37](#)

Principal Preparation Program Accountability Current score: 2

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. No change from prior year. [See pages 38–39](#)

School Choice Policies

Open Enrollment Current score: 2

Tennessee has an intradistrict mandatory transfer policy for students attending low-performing schools and an 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. Policy clarification from prior year. [See pages 41–42](#)

Charter Authorizing Practices Current score: 2

Our state has 10-year charter terms, multiple authorizers, and does not have charter authorization caps. The state also allows for multiple types of authorizers. 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. Updated rubric from prior year to require performance frameworks as model policy. [See pages 43–44](#)

Charter School Accountability Current score: 2

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. No change from prior year. [See pages 45–46](#)

Equitable Charter Funding Current score: 2

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. No change from prior year. [See pages 47–48](#)

Charter Facilities Access

Current score: 2

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. No change from prior year. [See pages 49–50](#)

School Improvement Strategies

Current score: 1

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 and its authorizer fee. The ASD also has access to the facilities of converted local district-run schools. Innovation Zones (iZones) are set up to also address the lowest performing school with greater flexibility around staffing and extended learning time. While the ASD has been noted as a national model for school turnaround strategy, state law does not set a timeframe for implementing required school improvement strategies like the ASD or iZone. Updated rubric from prior year to include multiple school improvement strategies. [See pages 51–52](#)

Private School Choice Accessibility

Current score: 1

Private school choice initiatives can supplement existing school systems where immediate access to quality alternative school options are needed. Programs, such as education savings accounts, tax-credit scholarships, and opportunity scholarships (or vouchers), can be targeted to student populations. Our state should expand educational options for our most vulnerable student populations by expanding private school choice options. Updated rubric from prior year to include additional private school choice options. [See pages 53–54](#)

Private School Choice Accountability

Current score: 1

Ensuring strong accountability in private school choice programs gives confidence to the public that taxpayer money is being well spent. It also holds providers responsible for getting academic gains with students. Our state should authorize the state to conduct financial audits and permit academic performance accountability for program outcomes. Newly added policy to the report card. [See pages 55–56](#)

Data & Transparency Policies

Assessments & Standards Current score: 4

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. No change from prior year. [See pages 58–60](#)

School Accountability Frameworks Current score: 1

TDOE issues school and district-level report cards with information on student performance in many subject areas. State law requires that all schools earn a single summative rating based on school performance. Tennessee should ensure that the newly enacted A-F summative rating system is aligned with the school accountability framework required under ESSA. Updated rubric from prior year to broaden the focus of school report cards and their alignment to school accountability frameworks. In December, 2016 the Department of Education released a draft of its ESSA State Plan, which includes plans for school accountability frameworks. If the proposed changes are implemented the score will rise from a 1 to a 4. [See pages 61–62](#)

Fiscal Transparency Current score: 1

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. No change from prior year. [See pages 63–64](#)

School Systems Policies

Student Placement/ Classroom Assignment Current score: 0

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. No change from prior year. [See pages 66–67](#)

Mutual Consent/Forced Placement Current score: 4

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. No change from prior year. [See pages 68–69](#)

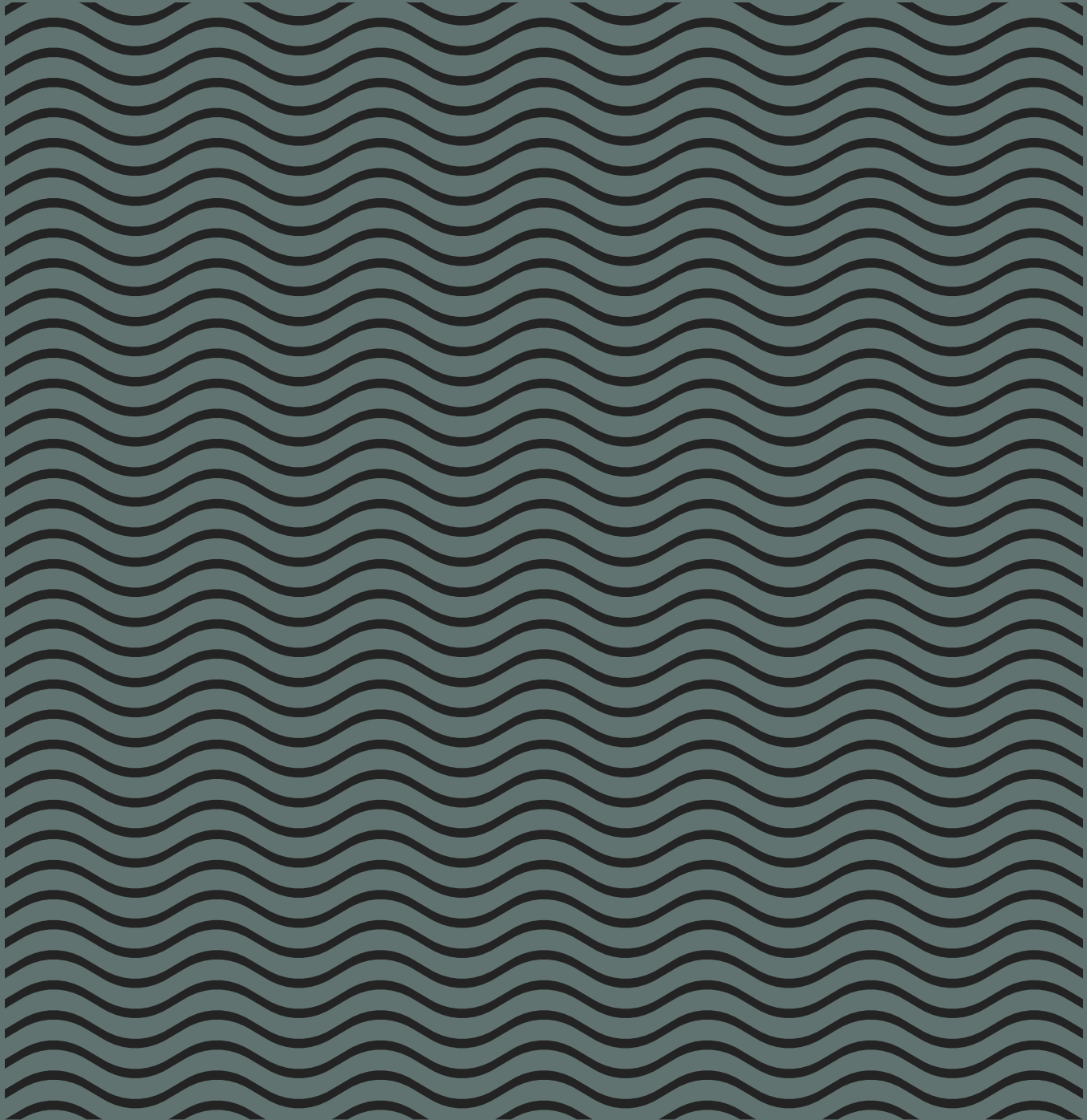
Fair Funding Formula Current score: 2

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. No change from prior year. [See pages 70–72](#)

Class Size/ Spending Flexibility Current score: 0

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. No change from prior year. [See pages 73–74](#)

Educator Quality Policies



Teacher Evaluations

Current score: 4

Teachers are the most important in-school factor affecting student achievement.⁴ 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.⁵ 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.

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

Policy in Action

TDOE’s efforts to use evaluations as a meaningful measure of teacher effectiveness are evidenced by a 2016 educator survey noting over three quarters of teachers saying the evaluation process has improved their teaching (increasing each year since 2012). Moreover, 89% (up from 81%) of teachers reported that the evaluation helps them identify areas where they can improve and 79% (up from 71%) say it provides them with clear expectations for their teaching.⁶

Policy Rubric (Scores)

0 — The state does not require comprehensive teacher evaluations that: (a) occur at least once every three years, (b) are based on multiple measures, including student growth based on objective measures of student achievement, and (c) include at least a 3-tiered rating of effectiveness for a teacher’s summative evaluation rating.

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

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

3 — The state requires comprehensive teacher evaluations that: (a) occur annually, (b) are based on multiple measures, including classroom observations and significant student growth based on objective measures of student achievement, and (c) include at least a 3-tiered rating of effectiveness for a teacher’s summative evaluation rating.

4 current score — The state requires comprehensive teacher evaluations that: (a) occur annually, (b) 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 (c) include at least a 4-tiered rating of effectiveness for a teacher’s summative evaluation rating with opportunities for feedback.

ⁱ—Significant is not specifically defined within federal guidelines, and in fact is no longer a federal requirement under ESSA. Research has identified basing 33–50% 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.⁷ However, any individual component in isolation will not ensure a robust evaluation framework. Instead, a comprehensive framework will include multiple measures and effective implementation.

Principal Evaluations

Current score: 4

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.⁸ 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, as well.⁹ 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 set by the Tennessee State Board of Education (“SBE”) using a 5-tiered 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 (including the administrator’s implementation of the teacher evaluation process (15 percent), the education program offered to students, and the overall school facility. Specifically, performance is measured around four areas: instructional leadership for continuous improvement, culture for teaching and learning, professional learning, and growth and resource management.

T. C. A. § 49-1-302(d)(2)(A); § 49-2-303;
Tennessee Department of Education,
Administrator Evaluation Rubric
(2016–17)

Policy Rubric (Scores)

0 — The state does not require comprehensive principal evaluations that: (a) occur at least once every three years, (b) are based on multiple measures, including student growth based on objective measures of student achievement, and effective management of teachers, or (c) include at least a 3-tiered rating of effectiveness for a principal’s summative evaluation rating.

1 — The state requires comprehensive principal evaluations that: (a) occur at least once every three years, (b) are based on multiple measures, including student growth based on objective measures of student achievement, and (c) include at least a 3-tiered rating of effectiveness for a principal’s summative evaluation rating.

2 — The state requires comprehensive principal evaluations that: (a) occur at least once every three years, (b) are based on multiple measures, including student growth based on objective measures of student achievement and effective management of teachers, and (c) include at least a 3-tiered rating of effectiveness for a principal’s summative evaluation rating.

3 — The state requires comprehensive principal evaluations that: (a) occur annually, (b) are based on multiple measures, including *significant*ⁱ student growth based on objective measures of student achievement and effective management of teachers, and (c) include at least a 3-tiered rating of effectiveness for a principal’s summative evaluation rating.

4 current score — The state requires comprehensive principal evaluations that: (a) occur annually, (b) are based on multiple measures, including student growth worth between 33–50% of the overall evaluation based on objective measures of student achievement, and effective management of teachers, and (c) includes at least a 4-tiered rating of effectiveness for a principal’s summative evaluation rating with opportunities for feedback.

ⁱ—Significant is not specifically defined within federal guidelines, and in fact is no longer a federal requirement under ESSA. Research has identified 50% as the ideal weight for the student outcomes component of the overall principal evaluation score.¹⁰ 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

Current score: 2

Today, across the country, principals are facing significant shortages of quality teacher candidates.¹¹ 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)

i—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.

Policy in Action

For the 2016–17 school year, 54 out of 146 districts in Tennessee tie teacher pay to their performance.¹²



Policy Rubric (Scores)

0 — 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.

1 — 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.

2 current score — 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.

3 — 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.ⁱ

4 — 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.

Tenure

Current score: 3

Education policy often requires balancing the professional interests of adult employees with the educational needs and rights of students.¹³

Tenure can provide a greater sense of stability for educators looking to make teaching a profession. 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 five 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)¹⁴

Policy Rubric (Scores)

0 – The state allows tenure to be attained in less than three years and attainment is not based on teacher performance as determined by evaluations.

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

2 – The state requires tenure status to be attained after three or more years of service AND requires attainment to be based in part on teacher performance as determined by evaluations.

3 current score – The state requires tenure to be attained after three 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 two most recent years. Tenure is revocable if a teacher is rated in the lowest two tiers of performance for two consecutive years.

4 – The state requires tenure to be attained after five 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 three most recent years. Tenure is revocable if a teacher is rated in the lowest two tiers of performance for two consecutive years.

Last In First Out (“LIFO”)

Current score: 3

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.¹⁵ 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 2016, five 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 (Scores)

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

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

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

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

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

Teacher Dismissals

Current score: 2

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.¹⁶ 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.¹⁷ 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 and all other employment decisions. 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

Litigation Update

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. In August 2016, a court ruling found tenured teachers cannot be dismissed (including during a reduction in force) by the superintendent or district administrators, but rather

must be dismissed by the local governing board (i.e. school board).

Policy Rubric (Scores)

0 — 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.

1 — The state explicitly allows ineffective performanceⁱ to be grounds for dismissal, but does not outline a clear, streamlined process for these dismissals or speak to frequency.

2 current score — 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.

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

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

i—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 20.

Principal Dismissals

Current score: 2

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.¹⁸ 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 and all other employment decisions. 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 (Scores)

0 — 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.

1 — The state explicitly allows ineffective performanceⁱ to be grounds for dismissal, but does not outline a clear, streamlined process for these dismissals or speak to frequency.

2 current score — 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.

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

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

ⁱ—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 three years emphasizes the importance of maintaining a high performing workforce. When district leaders genuinely work with school leaders to improve their practice, but performance does not improve over a period of time, leaders should exit ineffective principals from schools. This policy component should not be pursued until a state has put robust evaluation and professional development structures in place. For model components on principal evaluations, including links to professional development opportunities, see the “Principal Evaluations” section on page 22.

Teacher Preparation Program Admissions

Current score: 1

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.¹⁹ 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. Beginning in 2019, the state requires demonstration of subject matter knowledge through the edTPA.

Our state should increase the standard for entry to ensure preparation programs are drawing from the top half of the post-secondary student population. Research has found that high school GPAs are five times more predictive than an SAT score of whether someone will finish college.²⁰ Tennessee should require preparation programs have an admission standard of an average 3.0 GPA (instead of the current 2.75) 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 Professional Assessments Policy 5.105; Tennessee Educator Preparation Policy 5.504

Policy in Action

Beginning January 1, 2019, initial license applicants are required to submit qualifying scores on the appropriate edTPA performance-based, subject-specific assessment, per revised SBE policy.

Policy Rubric (Scores)

0 — 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.

1 current score — The state requires preparation programs to have an admission standard of an averageⁱ 2.5 GPA or higher, and a 50th percentile score on a skills exam.ⁱⁱ

2 — 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.

3 — 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.

4 — 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.

For more information: Tennessee Teacher Preparation Report Card 2016 State Profile²¹ and Prepared for Day One, a TN SCORE report on teacher preparation.²² Note: Tennessee permits programs to be accredited through the Council for the Accreditation of Educator Preparation (CAEP) in addition to the state-managed review process. CAEP requires a 3.0 GPA and group average assessment performance above the 50th percentile for admission for programs.²³

ⁱ—The selective admissions average is based on the cohort average, allowing variation among individual applications. This permits schools to incorporate additional factors for admissions.
ⁱⁱ—A skills exam should be nationally norm-referenced, and could include the SAT, ACT, or GRE.

Teacher Preparation Program Accountability

Current score: 1

State governments have the strongest impact on the work of America's more than 3.5 million public school teachers.²⁴ 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.²⁵ 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, and importantly will collect and report on data related to program performance based on graduate outcomes.ⁱ 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.²⁶

An update of the 2014 report, scheduled to be released mid-December 2016, was not available at the time this report went to publication.

Note: The State Board of Education is slated to release the redesigned Teacher Preparation Report Card on December 15, 2016.

Policy Rubric (Scores)

0 — The state’s policy does not provide for meaningful program elements, or accountability for the performance outcomes of graduates.

1 — 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.

2 — The state’s policy provides for an immersive student teaching experience that includes a mentorship component.ⁱⁱ The state also collects meaningful objective data on the performance of program graduates.ⁱⁱⁱ The state allows alternative pathways for certification.^{iv} The state does not formally review programs at least every seven years.

3 — 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 seven years with annual reviews for underperforming programs.

4 current score — 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.^v

i—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

ii—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.

iii—States should collect data related to the performance of program graduates, including satisfaction surveys. In order to attain a “3” or “4,” 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.

iv—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.

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

Principal Preparation Program Accountability

Current score: 1

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.²⁷ 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 Rubric (Scores)

0 – 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.

1 – 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 dataⁱ on graduates.

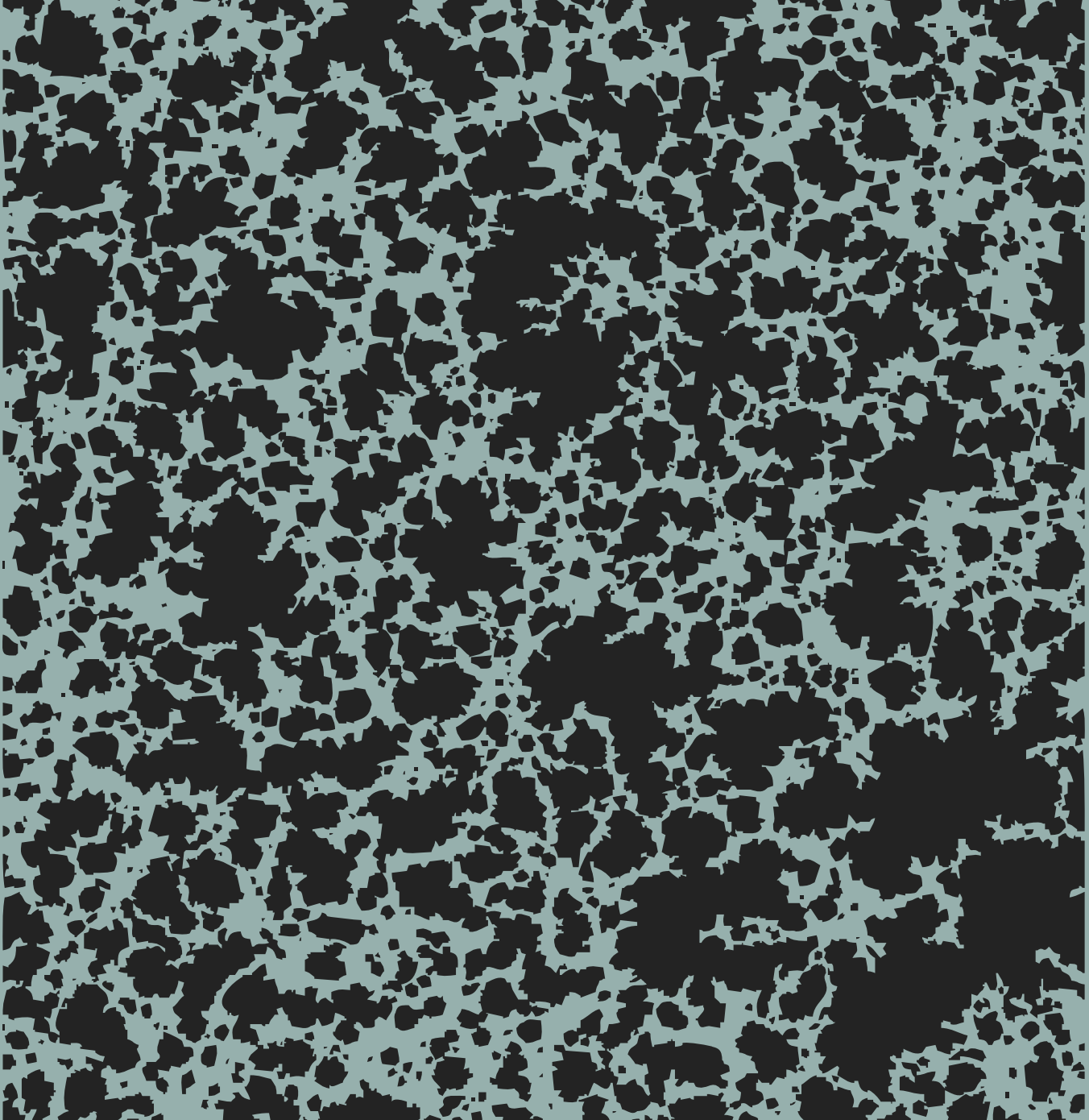
2 current score – The state's policy provides for accrediting alternative institutions, including non-profit organizations and school systems, in addition to selective admissions criteria and a clinical component. The state does not collect meaningful data on graduates.

3 – 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.

4 – 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.

ⁱ—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

Current score: 2

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.²⁸ 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. The intradistrict policy requires LEAs to provide annual open enrollment periods for transfer requests. 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; §49-2-128;
§ 49-6-3104; § 49-6-3105

Policy Rubric (Scores)

0 — State law does not create open enrollment of any kind OR the only type of open enrollment is voluntary intradistrict open enrollment.

1 — State law creates a mandatory intradistrict open enrollment program OR state law creates a voluntary or mandatory interdistrict open enrollment program.

2 current score — 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.

3 — 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.

4 — 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.

Note: The Tennessee School Boards Association (TSBA) model policy outlines a process for reviewing transfer requests during an annual open enrollment period.

Charter Authorizing Practices

Current score: 2

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.²⁹ Even after approving a charter, a quality authorizer will develop a performance framework and continuously monitor schools in its portfolio to ensure accountability and autonomy for its schools.

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 five 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

As of 2016, three charter authorizers (there are six active authorizers in the state during the 2016-17 school year) use performance frameworks.³⁰ One authorizer, Shelby County Schools, is currently working on a performance framework as part of its Charter Compact.³¹

Policy Rubric (Scores)

0 — The state has arbitrary barriers to charter school authorization.

1 — The state sets a de facto cap on charter school authorization.

2 current score — 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.

3 — 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.ⁱ

4 — 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, requires authorizers develop a performance framework, and sets a high threshold and expedited application track for renewal, replication, and expansion.ⁱⁱ

ⁱ—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 five years.

ⁱⁱ—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 45.

Charter School Accountability

Current score: 2

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.³² Establishing clear, strong mechanisms for closing low-performing schools and making authorizers accountable for their schools' performance can strengthen accountability for public charter schools.

Where We Are

Tennessee requires charter schools included the bottom 5% of all schools in our state (according to the Priority Schools List) be closed immediately following the end of the school year. Schools overseen by the ASD or conversion charters 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

Policy in Action

In 2016, Shelby County Schools shut down four charter schools for low performance, a decision that was upheld by the State Board of Education.³³

Policy Rubric (Scores)

- 0 — The state does not outline clear accountability measures for evaluating and closing low-performing charter schools or holding authorizers accountable.
- 1 — The state requires charter authorizers to regularly monitor school performance and collect annual school reports for each school they oversee.
- 2 — current score — 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 contract.
- 3 — 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 sanctionsⁱ in place for authorizers due to poor performance.
- 4 — 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.

i—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

Current score: 2

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.³⁴

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, local district 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 and SBE.

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 Highlights

In 2016, our state legislature passed Pub. Ch. 673 requiring schools authorized by the SBE to provide a fee to their authorizer to perform authorizing duties.

Policy Rubric (Scores)

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

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

2 – current score – The state’s policy ensures that all public charter schools receive operating funding via the main school funding formula.

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

4 – 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.

ⁱ—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

Current score: 2

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.³⁵ 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. Charter schools are eligible and receive capital outlay allocations. However, 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 capital outlay expenditures 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 Rubric (Scores)

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

1 — 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.

2 current score — 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.

3 — 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.

4 — 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.

School Improvement Strategies

Current score: 1

In 2010, Tennessee established a state-managed ASD to govern our state's lowest-performing schools, those ranking in the bottom 5% based on student achievement. In 2012, Shelby County Schools and other LEAs initiated Innovation Zones (or iZones) to complement the work of the ASD. These mechanisms permit the state and districts to immediately intervene in chronically underperforming schools across our state. In concert with other choice options, these systems work together to serve as important accountability measures.

Where We Are

Schools that perform in the lowest 5% of schools statewide are required to receive state- or district-level intervention.

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 its authorizer fee and has access to the facilities of converted local district-run schools.

An LEA-led Innovation Zone (iZone) is a district-level governance turnaround structure approved by the Commissioner focused on the lowest-performing schools. Like the ASD, iZone schools have financial, programmatic, and staffing flexibility.

T.C.A. § 49-1-602; § 49-1-613; § 49-1-614

Legislative Highlights

In 2016, the Legislature passed Pub. Ch. 916, which requires TDOE to publish the list of priority schools in the state by order of performance, and in each county and LEA by order of performance.

Policy Rubric (Scores)

0 — The state does not allow for state governance of underperforming schools or require districts have clear interventions strategies (e.g. iZone) to address underperforming schools.

1 current score — The state requires state governance or district intervention of chronically underperforming schools, those in the bottom 5% of schools statewide based on multiple years of student performance.

2 — The state requires state or district intervention after no more than four years of chronic student underperformance using both growth and achievement.

3 — The state governance mechanism (e.g. ASD) has final authority over school intervention where district intervention does not result in increased student performance after no more than six years.

4 — Requirements of “3” AND The state has created an autonomous state-run achievement school district to govern the state’s lowest-performing schools. The commissioner of education appoints the head of the state governance mechanism who has authority to determine which low-performing schools to include under state governance.

Author’s Note: In the previous model policy for the ASD, we only outlined recommendations on structure and governance. However, some schools from the original priority list in 2012 have yet to receive any significant intervention. Thus, our model policy, in line with ESSA requirements, includes a set timeline for districts or the state to address chronically underperforming schools.

Private School Choice Accessibility

Current score: 1

It can take several years following a school turnaround strategy to fully realize the impact on student achievement. Private school choice, like opportunity scholarships, can provide an immediate lifeline, allowing eligible students immediate access to high-quality private schools. For example, scholarship programs have already shown positive effects on student outcomes without inflicting negative fiscal impacts on the existing district.³⁶ While awaiting the full implementation of school turnarounds, Tennessee should ensure that students from low-income backgrounds or enrolled in low-performing public schools or districts have access to private school choice options.

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. As of January 2017, the state will have an operating private school choice program for students with disabilities with the Individualized Education Account Program.

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. § 49-10-1402; § 49-10-1405

Legislative Highlights

In 2016, the Legislature passed Pub. Ch. 620, updating the Individualized Education Act, an education savings account program for students with specific special needs.

Policy Rubric (Scores)

0 – The state does not provide for any private school choice alternative for students.

1 current score – The state has a private school choice program, 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.

2 – The state has a private school choice program, but limited efforts exist to ensure the program(s) serve low-income students or students in low-performing public schools or districts.

3 – The state has a private school choice program 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.

4 – The state has a private school choice program 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 program amount can be used as payment-in-full for tuition and school costs.

Private School Choice Accountability

Current score: 1

When a state enacts a private school choice program it is asking the public for a high level of trust in using public funds. To ensure fidelity of use for taxpayer money, it is critical to require high accountability for providers and the state who operate that public-private partnership. As with all other policy areas, accountability should be pursued in concert with efforts to create or expand existing private school choice programs.

Where We Are

Tennessee permits the TDOE to suspend or terminate a provider participating in the Individualized Education Account Program for non-compliance with state law, but does not authorize oversight on performance. Annual performance assessments are only required of students in grades 3–8. There are no provision for financial audits or feedback surveys on providers in state law.

Before expanding the Individualized Education Account Program, Tennessee should authorize state entities to have financial and academic oversight on provider performance. The state should also collect feedback surveys from participating students and parents on providers.

T.C.A. § 49-10-1404

Policy Rubric (Scores)

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

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

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

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

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

Data & Transparency Policies



Assessments & Standards

Current score: 4

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.³⁷ 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.ⁱ

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

Legislative Highlights

In 2016, the Legislature passed Pub. Ch. 844, the Tennessee Student Assessment Transparency Act, that decreases the total number of required tests, by collapsing the ACT Explore and Plan tests into the TNReady assessment for 8th and 10th grade. It also outlines a timeline for releasing test material to the public.

Policy in Action

In 2016, Commissioner McQueen reconvened stakeholders representing educators, legislators, parents, school board members, students, and communities across the state for an Assessment Task Force 2.0. The group will learn of the progress on last year’s recommendations, address items requiring further analysis from the first task force, review and assess tests implemented in the 2015–16 school year, provide additional recommendations on testing, and give feedback on specific assessment and accountability-related items.³⁸

For additional information, see the SCORE report on assessments highlighting teacher, principal, and district leaders’ perspectives.³⁹

i—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.

As part of Tennessee Succeeds, the Department created an optional Tennessee-specific second grade assessment available to districts starting with the 2016–17 school year.⁴⁰

Policy Rubric (Scores)

0 — The state's policy does not provide for any of the following items: universal administrationⁱ, annual administration of the statewide assessmentⁱⁱ, alignment with college- and career-ready standards, or public reporting of annual assessment dataⁱⁱⁱ. The state prohibits standardized testing in certain grades.

1 — 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.

2 — 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.

3 — 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.

4 current score — 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.

i—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.

ii—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 "2" is administration in grades 3–8, and administration in grades 3–11 to attain a "3" or "4."

iii—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.

School Accountability Frameworks

Current score: 1

Data on school performance is most powerful when it provides the public, especially families, with accessible information. School accountability frameworks not only serves as a baseline for determining school performance and targeting resources and interventions, but can also give valuable insight 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.⁴¹ Also, frameworks and 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 cards⁴² 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. State law requires that all schools receive a single summative rating based on student performance.

T. C. A. § 49-1-211; § 49-1-228.

Legislative Highlights

In 2016, the Legislature enacted Pub. Ch. 680, requiring the state implement an A–F summing rating system for all schools with the 2017–18 school year and each year thereafter. This satisfies the ESSA requirement for having an identification system of school performance.

Note: TDOE has been working with stakeholders across the state to restructure the school accountability framework in Tennessee. The current edition of those recommendations align the summative rating system with the overall accountability frameworks. Based on those recommendations, the state would have model policy to be considered a “4.”

Policy Rubric (Scores)

0 – The state does not align school accountability frameworks with school improvement strategies.

1 current score – The state aligns school accountability frameworks with school improvement strategies, but does not align A–F school report cards with the overall system.

2 – The state aligns accountability frameworks with improvement strategies, including A–F school report cards, but does not weight growth significantlyⁱ.

3 – Requirements of “2” AND a rating system based in part on achievement gap closure.

4 – Requirements of “3” AND a rating system based in part on access to effective teachingⁱⁱ. School accountability frameworks also report on school culture.

i—Significantly weighting growth means equal to or nearly equal to the weight for achievement.
ii—Effective teaching is defined as educators receiving an overall evaluation score of “at expectations” or higher.

Fiscal Transparency

Current score: 1

Tennessee is one of a handful of states that continued to increase education funding throughout the economic downturn and continues to increase spending each year.⁴³ However, there is little information publicly available to determine which schools are spending money in a way that maximizes student outcomes. This is particularly important if the state shifts toward a student-weighted funding model. 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 Rubric (Scores)

0 — 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.

1 current score — 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.

2 — 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.

3 — 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 systemⁱ.

4 — 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.

ⁱ—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.

Systems Flexibility Policies



Student Placement

Current score: 0

With every ineffective teacher, a student loses an average of 3.5 months of learning per year.⁴⁴ When a student has two ineffective teachers over two years, that student can lose up to seven or more months of learning during that time. A student who has three ineffective teachers in a row is unlikely to recover from that learning loss, remaining far behind his or her peers.⁴⁵ Student placement ensures students are placed with effective teachers.

Where We Are

Tennessee prohibits teacher effects on the educational progress of students from being a public record. 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 underperforming teachers for two consecutive years. However, where placement is necessary because of staffing constraints, our state should require parental notification when a student is placed with an ineffective teacher, after the teacher has been rated "below expectations" or "significantly below expectations" for two or more years.

The state permits but does not require notice to parents of student assignment decisions. The state outlines a clear process for challenging the assignment and may request a school transfer, subject to decision by the local board and judicial review.

T. C. A. § 49-1-606; §49-6-3107;
§49-6-3201-3206

Legislative Highlights

In 2016, the House Education Administration & Planning Committee sent House Bill 2007 (HB2007) to summer study. HB2007 outlined a reporting system around student placement practices in schools.

Policy Rubric (Scores)

0 current score — 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.

1 — The state allows for parental access to teacher effectiveness information upon request.ⁱ 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.

2 — 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.

3 — 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.

4 — 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.

ⁱ—Parental access to teacher effectiveness information upon request is not required for a state to reach a "2" 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

Current score: 4

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.⁴⁶ 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.⁴⁷ 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 requires consideration of teachers on a reemployment list based on effectiveness for rehiring. Only teachers with the top three performance evaluation ratings are placed on the preferred reemployment list. Teachers remain on 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. In August 2016, a court ruling found state law requires that school leaders review laid off teachers with tenure, but does not afford them any preferential treatment and non-tenured teachers can be reviewed alongside tenured teachers.

For information on the court findings related to tenured teacher dismissals, see [Teacher Dismissals on page 30](#).

Policy Rubric (Scores)

- 0 – The state requires forced placement of teachers to school sites based on seniority or permanent status.
- 1 – State law is silent on forced placement of teachers to school sites based on seniority or permanent status.
- 2 – The state explicitly allows districts to establish mutual consent hiring, but forced placement based on seniority or permanent status is not prohibited.
- 3 – The state prohibits forced placement of teachers based on seniority or permanent status OR requires mutual consent hiring, but teachers with seniority or permanent status have hiring priority over those who do not.
- 4 current score – The state prohibits forced placement of teachers based on seniority or permanent status OR requires mutual consent hiring.

Fair Funding Formula

Current score: 2

Property tax revenue disparities remain the dominant contributor to variations in local revenue in states with the largest total funding disparities.⁴⁸

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

Notably, in 2015, Tennessee 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.⁴⁹

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.⁵⁰

Legislative Highlights

In 2016, the Legislature enacted Pub. Ch. 1020, which enhances the funding formula for K–12 education with improvements for funding teacher salaries, provisions for a 12th month of insurance for teachers, doubles the technology investment, and better serves high need students. It also addresses enrollment growth and creates a fiscal transparency structure for future implementation.

Policy Rubric (Scores)

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

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

2 current score – 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.

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

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

Class Size Mandates/Spending Flexibility

Current score: 0

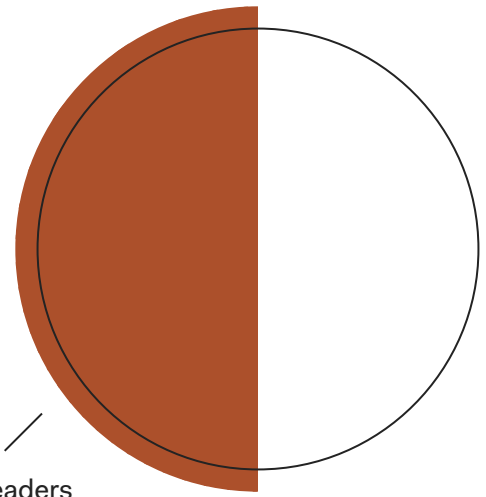
When considering policies that influence student outcomes, we must determine more than just the presence or absence of any measurable positive effect. We must also consider whether these policies can deliver the most impactful use of education dollars for their associated costs. One costly state policy, 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.⁵¹ 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. While the Commissioner of Education has the authority to waive class size restriction averages for districts that apply for waivers, the 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; § 49-1-104;
§ 49-1-201(d)(1); § 49-6-3110;
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.⁵² 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.



During Summer 2015 and 2016, StudentsFirst Tennessee surveyed district leaders across our state and found that over 50% of district leaders who responded would support removing mandatory class-size averages in order to receive greater flexibility in budgeting and spending.⁵³

Policy Rubric (Scores)

0 current score — 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.

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

2 — The state does not restrict class size in grades 4–12 OR schools have limited spending flexibility.

3 — The state does not restrict class size in grades 4–12 AND schools have limited spending flexibility.

4 — 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.

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

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