



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 20, 2011

The Honorable Kevin S. Huffman
Commissioner of Education
Tennessee Department of Education
6th Floor, Andrew Johnson Tower
710 James Robertson Parkway
Nashville, Tennessee 37243

Dear Commissioner Huffman:

Thank you for submitting Tennessee's request for ESEA flexibility. We appreciate the hard work required to transition to college- and career-ready standards and assessments; develop systems of differentiated recognition, accountability, and support; and evaluate and support teacher and leader effectiveness. The U.S. Department of Education (Department) is encouraged that Tennessee and ten other States are leading the way in designing plans to increase the quality of instruction and improve student academic achievement.

As you know, Tennessee's request was reviewed by a panel of seven peer reviewers during the week of December 5-9, 2011. During the review, the expert peers considered each component of Tennessee's request and provided comments in the form of Peer Panel Notes to inform the Secretary's decision whether to approve Tennessee's request. The Peer Panel Notes, a copy of which is enclosed with this letter, also provide feedback on the strengths of Tennessee's request and areas that would benefit from further development. Department staff also reviewed Tennessee's request, informed by the Peer Panel Notes, to determine consistency with the ESEA flexibility principles.

The peers noted, and we agree, that Tennessee's request was particularly strong in Principles 1 and 3. Tennessee has built on its successful Race to the Top plan to provide a comprehensive and coherent plan for transitioning to Common Core State Standards (CCSS), based on extensive public outreach, a crosswalk between its current standards and the CCSS, and special attention to the transition needs of English Learners and students with disabilities. We also note that Tennessee is already implementing a statewide teacher and principal evaluation and support system consistent with Principle 3. And we are pleased that Tennessee has launched its Achievement School District—the linchpin of the State's effort to ensure meaningful, long-term change and improvement in its lowest-performing schools.

As one of the first winners of a Race to the Top award, Tennessee clearly has been a leader in implementing the kind of game-changing education reforms that ESEA flexibility was designed to support. Tennessee is in a unique position since the State has already begun to take on some of the tough educational challenges in the State. Most notably, Tennessee courageously raised achievement standards for all students to align them more closely with NAEP cut scores. And while this meant that more schools would be identified under No Child Left Behind due to a drop in the number of students scoring at the proficient level or above, it also gave students, parents, and educators a more honest assessment of student achievement against rigorous standards.

At the same time, based on the peer reviewers' comments and our review of the materials Tennessee has provided to date, we have identified certain components of your request that need further clarification and may need additional development or revision. In particular, significant concerns were identified with respect to the following:

- The lack of adequate protections for subgroup accountability, including the use of a “non-white” combined subgroup that could mask achievement gaps for individual student subgroups;
- The ability of the SEA and its LEAs to ensure continuous improvement through the implementation of meaningful interventions in all priority and focus schools and the SEA's capacity to effectively support and monitor priority and focus interventions; and
- The lack of incentives to improve instruction for English Learners and students with disabilities through Tennessee's educator evaluation and support system.

The enclosed list provides details regarding these concerns as well as all other issues raised in the review of Tennessee's request. We encourage Tennessee to consider the peers' comments and technical assistance suggestions in making revisions to its request.

Please keep in mind that while the peers identified weaknesses in all of the requests submitted by States during this first round of review, this result should be viewed in the context of the difficult, trailblazing work that Tennessee and others are doing in the context of ESEA flexibility. You and your team deserve great credit for your efforts thus far, and we are confident that we will be able to work together to address outstanding concerns and provide Tennessee with the requested flexibility.

At the same time, it is our responsibility to ensure that as we permit States to depart from the requirements of current law, they do so in a manner that continues to increase the quality of instruction and improve achievement for all students, but especially those most at risk of academic failure, including low-achieving students, English Learners, and students with disabilities.

While the Peer Panel Notes for Tennessee provide information specific to your request, your State also may benefit from comments and technical assistance suggestions made by other peer panels regarding issues common to multiple States' requests. For this reason, we will soon send you a document that summarizes some of these technical assistance suggestions and other considerations that may be useful as you revise and refine your request.

We remain committed to working with Tennessee to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with Tennessee as quickly as possible and look forward to our call later this week to discuss the timeline and process for providing revisions or materials. If you have any additional questions or want to request technical assistance, please do not hesitate to contact Victoria Hammer, at 202-260-1438.

Sincerely,

Michael Yudin
Acting Assistant Secretary

Enclosure

SUMMARY OF ADDITIONAL INFORMATION REGARDING TENNESSEE'S ESEA FLEXIBILITY REQUEST

PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

- Please address the concerns regarding Tennessee's transition plan, including:
 - The readiness of high schools for college- and career-ready standards implementation given that professional development at the high school level is not scheduled to begin until the summer of 2013, immediately before full implementation of the CCSS. *See 1.B.*
 - Full participation of English Learners in assessments and coursework and whether they are on a path to college and career readiness. *See Principle 1 Overall Review.*

PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

- Please explain how Tennessee will ensure that LEAs have the capacity to set their own LEA and school goals as well as the SEA's capacity and process for reviewing and approving proposed LEA goals. *See 2.A.i.*
- Please address the concerns regarding subgroup accountability, including:
 - The use of the "white v. non-white" gap, and specifically the difficulty of identifying and targeting appropriate interventions to individual low-achieving subgroups that may result from combining multiple ESEA subgroups into the "non-white" subgroup. *See 2.E.ii, 2.E.iii.*
 - The proposed adoption of gap-closure goals rather than achievement targets for subgroups, which appears to conflict with the requirement that LEAs and schools make greater rates of annual progress for subgroups that are further behind. *See 2.B.*
 - The proposed system does not appear to detect and respond to non-performance for an individual subgroup over time in any school, not just in focus schools. *See 2.A.i.*
 - The lack of Tennessee's inclusion of subgroup graduation rates as part of its goals. *See 2.A.i, 2.A.i.a.*
 - The lack of pressure for all subgroups to grow, no safeguard against repeated misses of goals for a specific subgroup or subject area because of the 49 percent miss allowance, and the lack of graduation goals for subgroups. For example, an LEA or school meeting 51 percent of its goals would be considered "exemplary," even if it had one or more subgroups that consistently did not meet improvement goals. *See 2.A.i.a, 2.A.i.b.*
 - Gap reduction targets do not provide an incentive for an LEA or school to ensure continuous improvement for the majority group (*i.e.*, the system appears to assume that the majority group will improve and that the subgroups will improve at a faster rate). *See 2.A.i.a.*
- Please address concerns regarding the exclusion of some schools (*e.g.*, special or alternative schools) from the accountability system, including safeguards to avoid the unintended consequences of schools moving certain students into special schools to avoid accountability for them. *See 2.A.i, 2.C.iii.*
- Please address concerns regarding interventions in priority and focus schools, including:
 - The lack of a requirement to implement interventions aligned with the turnaround principles in priority schools in both the ASD and the LEA Innovation Zones. *See 2.D.iii.*
 - The lack of interventions in priority and focus schools specifically focused on improving the performance of English Learners, students with disabilities, and low-achieving students. *See 2.A.i.c, 2.D.iii.b, 2.E.iii.*
 - The lack of a strong process and timeline for ensuring that each LEA identifies the needs of its focus schools and their students. *See 2.E.iii.*
 - The lack of details regarding Tennessee's plan for monitoring implementation of interventions in priority and focus schools and for monitoring the performance of external providers of technical assistance and other services to support such implementation. *See 2.G.i.*
- Please address concerns regarding exit criteria, including:

- The exit criteria for priority schools, combined with no specified length of intervention for schools in LEA Innovation Zones, could allow schools to exit priority status before an intervention is completed (*i.e.*, in less than 3 years) and without actually improving achievement. *See 2.D.iii.c, 2.D.v.*
- Schools can exit focus school status even if they do not make any progress, and there is a mismatch between factors that can lead to focus school identification and the criteria necessary to exit focus status. *See 2.E.iv.*
- Please provide additional information on how Tennessee will provide incentives and support to ensure continuous improvement in other Title I schools based on new AMOs and other measures. *See 2.F, 2.G.iii.*
- Please address the concerns regarding insufficient efforts to build LEA capacity to support effective implementation of interventions in priority, focus, and other Title I schools. *See 2.E.iii, 2.G.iii.*

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

- Please address concerns regarding English Learners and students with disabilities, including:
 - The lack of specific elements to improve instruction of English Learners and students with disabilities, including linkage of the TAP to the CCSS and the lack of information in the TAP rubric on differentiating instruction based on the needs of the students. *See 3.A.i, 3.A.ii.a.*
 - How educators will be held accountable for advancing learning of English Learners and students with disabilities, including how full-time classroom teachers who provide instructional services to English Learners and students with disabilities and teachers of students taking the alternate assessment will be included in the evaluation and support system. *See 3.A.ii.c(ii), 3.A.ii.c(iii).*
- Please address concerns regarding principal evaluation and support, including:
 - The lack of descriptive rubrics for the various levels of the principal evaluation, TILS. *See 3.A.ii.b, 3.A.i, 3.A.ii.c.*
 - The lack of calibration between raters and the lack of description of rater training. *See 3.A.ii.b, 3.A.i, 3.A.ii.c.*