



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JUL 23 2015

The Honorable Candice McQueen
Commissioner of Education
Tennessee State Department of Education
6th Floor, Andrew Johnson Tower
710 James Robertson Parkway
Nashville, TN 37243

Dear Commissioner McQueen:

I am writing in response to Tennessee's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that Tennessee may continue to implement ESEA flexibility.

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed Tennessee's request dated July 7, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of Tennessee's ESEA flexibility request for four years, through the end of the 2018–2019 school year.

My decision to renew approval of Tennessee's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Tennessee to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, Tennessee will be able to continue implementing its plans to promote innovative, locally tailored strategies to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Tennessee's approved request will be posted on ED's website.

This letter also provides my approval of Tennessee's amendments to its ESEA flexibility request. A summary of Tennessee's significant approved amendments is enclosed with this letter.

This renewal is subject to Tennessee's commitment to:

- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that Tennessee is implementing the high-quality plan set forth in its ESEA flexibility request, including timeline and milestones, that will lead to implementation of high-quality Statewide assessments in reading/language arts and mathematics that are aligned to its college- and career-ready standards in the 2015–2016 school year and beyond.
- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that Focus or Priority schools that exit Focus or Priority school status based on a one-year

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“Success Rate” continue to make progress at improving the performance of all students and closing achievement gaps.

- Demonstrate, during ED’s monitoring and follow-up of ESEA flexibility implementation, that all local educational agencies (LEAs), in which teachers of non-tested grades and subjects select achievement measures as part of their evaluation ratings, implement systems that: 1) consider prior student performance by classroom in setting targets; and 2) include safeguards to ensure that teachers are not disadvantaged based on students’ prior academic performance.

In addition to approving Waiver 14 for mathematics, I am also renewing waivers of (1) ESEA Section 1111(b)(1)(B) and the corresponding regulatory provisions that require each State to apply the same academic content and academic achievement standards to all public schools and public school children in the State; and (2) ESEA section 1111(b)(3)(C)(i) and the corresponding regulatory provisions that require each State’s assessment to be the same academic assessment used to measure the achievement of all public school children. Tennessee requested these waivers so that it does not have to assess, on the grade-level Statewide assessments, a middle school student who takes advanced, high school-level, English/language arts (ELA) coursework and the corresponding assessment prior to entering high school. Rather, Tennessee will assess its middle school students who take advanced, high school-level, coursework in ELA on the corresponding assessment alone, instead of on both the grade-level Statewide assessment and the advanced, high school-level assessment. With this waiver, Tennessee may assess a student who is not yet enrolled in high school but who takes advanced, high school-level, ELA coursework with the corresponding advanced, high school-level assessment alone. For Federal accountability purposes in Section 1111(b)(2) of the ESEA, Tennessee must use the results of that assessment in the year in which it is administered. Tennessee must also administer one or more additional advanced, high school-level ELA assessments to such students in high school, consistent with the State’s academic content standards for those subjects. The students’ results on the additional advanced, high school-level ELA assessments administered during high school must be included in Federal accountability determinations for the students’ high school.

Tennessee continues to have an affirmative responsibility to ensure that it and its LEAs are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

I am confident that Tennessee will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and LEAs accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact Nkemjika Ofodile of my staff at: OSS.Tennessee@ed.gov.

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Thank you for your commitment and continued focus on enhancing education for all students in Tennessee.

Sincerely,

(b)(6)

Ann Whalen
Delegated the authority to perform the functions
and duties of Assistant Secretary for Elementary
and Secondary Education

Enclosure

cc: Nakia Towns, Assistant Commissioner, Data and Research

Approved Amendments to Tennessee's ESEA Flexibility Request

The following is a summary of significant amendments to Tennessee's ESEA flexibility request. ED approves these amendments because Tennessee's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to ED's website (<http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/tn.html>) for Tennessee's complete ESEA flexibility request.

- **College- and Career-Ready Expectations for All Students (Principle 1)**

Revision: Tennessee amended its request to reflect that its new college- and career-ready assessments (the TNReady assessments) have been developed and will be administered in the 2015–2016 school year.

- **State-Developed Differentiated Recognition, Accountability, and Support (Principle 2)**

Revision: Tennessee amended its recognition, accountability, and support system to include growth and college- and career-readiness measures, as well as to revise its business rules for categorizing LEAs into one of four categories (*Exemplary, Achieving, Progressing, and In Need of Improvement*).

Revision: Tennessee amended its exit criteria for Focus and Priority schools to allow schools to exit status based on a one-year success rate, which Tennessee defines as a combined performance in reading/language arts, mathematics, and science. Regardless of whether a school exits Focus or Priority school status, it must implement interventions for a period of three years to continue to make progress at improving the performance of all students and closing achievement gaps.

Revision: Tennessee elaborated on its strategy for ensuring that all Focus schools address the needs of students that led them to being identified as such. Specifically, each Focus school will be required to indicate in its school improvement plan the strategies that it will implement to address the needs of students that led the school to being identified as such. Schools will submit these plans to Tennessee's Office of Consolidated Planning and Monitoring for review and approval. Further, the State will monitor Focus schools against these plans and require that schools that do not show progress revise their plans to adjust strategies and interventions accordingly.

- **Supporting Effective Instruction and Leadership (Principle 3)**

Revision: Tennessee amended its request to incorporate legislation enacted in April 2015. Specifically, Tennessee provided its plan for including, in teacher and principal evaluation and support systems, student growth based on the new TNReady assessments to be administered beginning in the 2015–2016 school year.