ESEA Flexibility
Request

November 14, 2011

U.S. Department of Education
Washington, DC 20202

OMB Number: Approval pending

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is pending. The time required to complete this information collection is estimated to average 336 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4537.
ASSURANCES

By submitting this application, the SEA assures that:

☒ 1. It requests waivers of the above-referenced requirements based on its agreement to meet Principles 1 through 4 of the flexibility, as described throughout the remainder of this request.

☒ 2. It will adopt English language proficiency (ELP) standards that correspond to the State’s college- and career-ready standards, consistent with the requirement in ESEA section 3113(b)(2), and that reflect the academic language skills necessary to access and meet the new college- and career-ready standards, no later than the 2013–2014 school year. (Principle 1)

☒ 3. It will develop and administer no later than the 2014–2015 school year alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities that are consistent with 34 C.F.R. § 200.6(a)(2) and are aligned with the State’s college- and career-ready standards. (Principle 1)

☒ 4. It will develop and administer ELP assessments aligned with the State’s ELP standards, consistent with the requirements in ESEA sections 1111(b)(7), 3113(b)(2), and 3122(a)(3)(A)(ii). (Principle 1)

☒ 5. It will report annually to the public on college-going and college credit-accumulation rates for all students and subgroups of students in each LEA and each public high school in the State. (Principle 1)

☒ 6. If the SEA includes student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system and uses achievement on those assessments to identify priority and focus schools, it has technical documentation, which can be made available to the Department upon request, demonstrating that the assessments are administered statewide; include all students, including by providing appropriate accommodations for English Learners and students with disabilities, as well as alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities, consistent with 34 C.F.R. § 200.6(a)(2); and are valid and reliable for use in the SEA’s differentiated recognition, accountability, and support system. (Principle 2)

☒ 7. It will report to the public its lists of reward schools, priority schools, and focus schools at the time the SEA is approved to implement the flexibility, and annually thereafter, it will publicly recognize its reward schools. (Principle 2)
8. It will report annually to the public and each LEA will annually report to its SEA and to the public, beginning no later than the 2014–2015 school year, on the aggregate distribution of teachers and principals by performance level, including the percentage of teachers and principals by performance level at the State, LEA, and school level, and by school poverty quartile within the State and LEA. (Principle 3)

9. Prior to submitting this request, it provided student growth data on their current students and the students they taught in the previous year to, at a minimum, teachers of reading/language arts and mathematics in grades in which the State administers assessments in those subjects in a manner that is timely and informs instructional programs, or it will do so no later the deadline required under the State Fiscal Stabilization Fund. (Principle 3)

10. It will evaluate and, based on that evaluation, revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs and schools. (Principle 4)

11. It has consulted with its Committee of Practitioners regarding the information set forth in its request.

12. Prior to submitting this request, it provided all LEAs with notice and a reasonable opportunity to comment on the request and has attached a copy of that notice (Attachment 1) as well as copies of any comments it received from LEAs (Attachment 2).

13. Prior to submitting this request, it provided notice and information regarding the request to the public in the manner in which the State customarily provides such notice and information to the public (e.g., by publishing a notice in the newspaper; by posting information on its website) and has attached a copy of, or link to, that notice (Attachment 3).

14. It will provide to the Department, in a timely manner, all required reports, data, and evidence regarding its progress in implementing the plans contained throughout this request.

If the SEA selects Option A or B in section 3.A of its request, indicating that it has not yet developed and adopted all guidelines for teacher and principal evaluation and support systems, it must also assure that:

N/A 15. It will submit to the Department for peer review and approval a copy of the guidelines that it will adopt by the end of the 2011–2012 school year. (Principle 3)
CONSULTATION

An SEA must meaningfully engage and solicit input from diverse stakeholders and communities in the development of its request. To demonstrate that an SEA has done so, the SEA must provide an assurance that it has consulted with the State's Committee of Practitioners regarding the information set forth in the request and provide the following:

1. A description of how the SEA meaningfully engaged and solicited input on its request from teachers and their representatives.

The Tennessee Department of Education (TDOE) has solicited input from a broad range of stakeholders, including teachers, other educators, and community leaders in the process of creating this application. Furthermore, the vast majority of components described in this application stem directly from our Race to the Top plan, including all of Principles 1 and 3, and a significant number of the goals, processes, and interventions in Principle 2. The state's work in building stakeholder support for Race to the Top is also described below, since our Race to the Top plan is foundational to this waiver request.

We have engaged with teachers and their representatives throughout the ESEA flexibility request application process. After we submitted our original letter requesting a waiver from current ESEA requirements in July 2011, the Commissioner gave speeches in front of educators across the state to explain the goals of the waiver. In preparation for this application, TDOE officials held meetings seeking input from the Superintendents' Study Council, the leadership of the Tennessee Education Association (TEA), Tennessee's Committee of Practitioners (which includes teachers, parents, school administrators, and TEA members), the state's English as a Second Language (ESL) task force (a committee of stakeholders from across the state, including teachers, administrators, and superintendents), and the Tennessee School Boards Association. We held a targeted community forum co-hosted by Stand for Children, Tennessee State Collaborative on Reforming Education (SCORE), United Ways of Tennessee, and Urban Leagues of Tennessee, in which more than 450 people participated, including many educators. We also presented an overview of the application to all 136 superintendents from across the state and the TEA leadership, and held individual consultations with leading urban and rural superintendents to ensure that we captured their unique needs. Finally, we are partnering with Teach Plus, a network of teachers that seeks to ensure teacher voices are part of the policy discussion.

The feedback from these consultations has been valuable in shaping important aspects of our application, particularly in helping us to check against unintended consequences and design a system that is as aligned as possible to the ongoing work of LEAs and schools. For example, we decided to include a safe harbor provision from a "Miss" designation on Achievement AMOs for LEAs that perform strongly on growth data in the Tennessee Value Added Assessment System (TVAAS); this was a direct result of educators highlighting the many small, rural LEAs in our state where AMOs around growth in proficiency may be skewed because of genuine differences in individual cohorts, but while LEAs may still demonstrate their strong performance on value-added data with the same cohort of students. In addition, we made the decision to include not only Title I schools but all schools on our Focus schools list, based on feedback from some superintendents, given the charge to raise student achievement across all schools, and because there were many non-Title I schools in their LEAs with substantial achievement gaps between subgroups of students. Finally, comments and questions from community
leaders reinforced the importance of focusing on closing achievement gaps, which is reflected throughout our proposed new accountability system. A summary of comments received from educators can be found in Attachment 2.

Furthermore, this application is, at heart, about our efforts to implement and fully realize the goals of our Race to the Top application. Tennessee’s Race to the Top application was created with broad community and teacher input. The application itself was supported and signed on to by all 136 LEAs and major stakeholder groups across the state, including the Tennessee Education Association (the largest teachers’ union in the state), the Principals’ Study Council, school leaders, the Tennessee Supervisors’ Study Council, Tennessee Organization of School Superintendents, Tennessee School Boards Association, and the Coalition of Large School Systems.

Teachers and their representatives have continued to play a key role as we have worked to implement the initiatives outlined in our Race to the Top application. As we prepared for implementation of Common Core State Standards (CCSS), teams of teachers have worked with outside experts to complete “crosswalks” which analyze the alignment between current state standards and CCSS by topic and depth of rigor. These efforts are described in greater detail under Principle 1 below.

Educators also played a key role in the Tennessee Diploma Project and accompanying efforts to raise standards and set more rigorous and realistic assessment cut-off scores for proficiency levels on state assessments (described in greater detail below under Principle 1). These efforts were supported by the First to the Top Coalition, which included the Tennessee Education Association among many other stakeholder groups.

In addition, teachers and principals have been intimately engaged throughout the process of designing and implementing our teacher and principal evaluation models. The Tennessee Evaluation Advisory Committee (TEAC), a 15-member body that included five teachers, two principals, and one superintendent, met more than 20 times over the course of a year and developed the guidelines and criteria for teacher and principal evaluation that the State Board of Education (SBE) adopted. In addition, teachers make up the development teams which continue to contribute recommendations around alternative growth measures for non-tested grades and subjects. When multiple observation models were tested in the 2010-11 school year, more than 8,000 teachers across 84 LEAs participated in the field testing. All of these interactions around evaluation are described in much greater detail under Principle 3 below.

2. A description of how the SEA meaningfully engaged and solicited input on its request from other diverse communities, such as students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English Learners, business organizations, and Indian tribes.

We have engaged with a wide variety of education stakeholders as we developed and finalized our application for ESEA flexibility. TDOE officials met with the state’s ESL Task Force (a statewide group of teachers, consultants, and district officials working with English Learners), representatives from the special education advocacy community including Support and Training for Exceptional Parents (STEP) and the Disability Law and Advocacy Center of Tennessee, Tennessee Business Roundtable, and legislators. In addition, the community forum described above was co-hosted by four large, diverse, and
important advocacy groups, Stand for Children, Tennessee SCORE, United Ways of Tennessee, and Urban Leagues of Tennessee, and represented an important opportunity for their members and constituents to raise questions and hear directly from the Commissioner on his thinking. Please see Appendix 1 for a summary of our recent engagement.

Furthermore, this application represents the next step in our efforts to implement and fully realize the goals of our Race to the Top application, which were supported and signed on to by an incredibly broad group of stakeholders from across the state. These stakeholders included:

- the state’s political leadership, including the Tennessee General Assembly, the state’s delegation to the U.S. Congress, and Mayor Karl Dean of Metropolitan Nashville;
- education non-profit organizations, including the Charter School Growth Fund, the Knowledge is Power Program, New Leaders for New Schools, Teach For America, and The New Teacher Project;
- business groups, including the Tennessee Chamber of Commerce and Industry, the Greater Memphis Chamber, Memphis Tomorrow, the Tennessee Business Roundtable, Junior Achievement;
- civil rights organizations, including the Tennessee State Conference of the National Association for the Advancement of Colored People, Tennessee Urban League Affiliates, and the Memphis Urban League,
- Tennessee Parent Teacher Association, Stand for Children, Volunteer Tennessee, TN SCORE, Alignment Nashville
- Philanthropic groups, including the Public Education Foundation, Public School Forum of East Tennessee, the Ayers Foundation, Benwood Foundation, Cal Turner Family Foundation, Hyde Family Foundations, James Stephen Turner Family Foundation, Lyndhurst Foundation, Niswonger Foundation, and Memphis Philanthropic Partners;
- Higher education institutions and affiliated organizations, including the Tennessee Higher Education Commission, the University of Tennessee system, Tennessee State University, Tennessee Tech University, University of Memphis, Cleveland State Community College, Dyersburg State Community College, Motlow State Community College, Nashville State Community College, Roane State Community College, Volunteer State Community College, Walters State Community College, the Tennessee State Board of Regents, Tennessee Technology Center at Dickson, Tennessee Technology Center at Dickson, and Tennessee Technology Center at Oneida/Huntsville);
- Science, technology, engineering, and math (STEM)-focused centers, businesses, and organizations, including BioTN Foundation, Vanderbilt Center for Science Outreach, Millard Oakley STEM Center at Tennessee Tech University, Center for Excellence in Math and Science Education at Eastern Tennessee State University, Tennessee Math, Science and Technology Education Center at Middle Tennessee State University, BioMimetic Therapeutics, Inc., Eastman Chemical Co., Memphis Bioworks Foundation, Bridgestone Americas, St. Jude Children’s Research Hospital, Smith & Nephew, Nashville Health Care Council, and Tennessee Biotechnology Association.

Numerous stakeholder groups also played a key role in supporting the Tennessee Diploma Project and accompanying efforts to raise standards and set more rigorous and realistic cut-off scores for state assessments (described in greater detail below under Principle 1) as part of the First to the Top Coalition. The First to the Top Coalition included corporations and business groups, philanthropic groups, education organizations, advocacy groups, and civil rights groups. For a full list, see
EVALUATION

The Department encourages an SEA that receives approval to implement the flexibility to collaborate with the Department to evaluate at least one program, practice, or strategy the SEA or its LEAs implement under principle 1, 2, or 3. Upon receipt of approval of the flexibility, an interested SEA will need to nominate for evaluation a program, practice, or strategy the SEA or its LEAs will implement under principles 1, 2, or 3. The Department will work with the SEA to determine the feasibility and design of the evaluation and, if it is determined to be feasible and appropriate, will fund and conduct the evaluation in partnership with the SEA, ensuring that the implementation of the chosen program, practice, or strategy is consistent with the evaluation design.

☐ Check here if you are interested in collaborating with the Department in this evaluation, if your request for the flexibility is approved.

OVERVIEW OF SEA’S REQUEST FOR THE ESEA FLEXIBILITY

Provide an overview (about 500 words) of the SEA’s request for the flexibility that:

1. explains the SEA’s comprehensive approach to implement the waivers and principles and describes the SEA’s strategy to ensure this approach is coherent within and across the principles; and

2. describes how the implementation of the waivers and principles will enhance the SEA’s and its LEAs’ ability to increase the quality of instruction for students and improve student achievement.

Tennessee sits at a critical juncture in education. As the first winner (along with Delaware) of the Race to the Top competition, we have a compelling vision, plan and goals designed to make our state the fastest improving state in the country in educational outcomes. At the same time, we simply must attain this lofty vision for the good of the state; our students currently rank 46th among states in math proficiency levels, and 41st in reading.\(^1\) We are requesting this waiver so that we are able to meaningfully improve instruction and raise achievement for all students in Tennessee.

We have, over the last two years, made a number of critical changes and commitments that are foundational for our efforts to improve outcomes for children. We significantly raised academic standards, thereby ensuring that our state proficiency rates paint a realistic picture of college- and career-readiness. We committed to use data and qualitative assessments to evaluate teachers and

\(^1\) 2011 NCES NAEP Data for 4th grade.
principals and have begun implementation state-wide, in an effort to provide meaningful feedback to improve instruction. We agreed to implement the Common Core standards to ensure even more rigorous coursework over time. We created an Achievement School District to work in our chronically lowest performing schools. We took multiple steps to create additional high performing schools, including the creation of exemplar STEM academies and associated regional hubs; lifting the cap on charter schools; and using distance learning to provide geographically isolated students access to rigorous high-level coursework. These initiatives are foundational to the state’s winning Race to the Top plan.

Perhaps most importantly of all, we set rigorous proficiency goals to measure our progress as a state, and we used those proficiency goals to set LEA targets. These goals are our line in the sand. They represent significant, steady growth in student achievement that would change Tennessee’s educational trajectory as a state. We have proposed increasing our reading and math proficiency rates by around 20 percent over a five year arc, and growing graduation rates to 90 percent while simultaneously increasing course rigor.

These are goals that our 136 superintendents believe in and can manage against. They meet our LEAs where they are, rather than forcing an arbitrary framework on them. They call upon each LEA, each school, to grow from its current starting point, continuously improving each year until we, across 1,700 schools serving 950,000 students, achieve the fastest rate of improvement in the country.

Our Race to the Top plan and, in particular, our ability to manage against that plan is significantly undermined by the current No Child Left Behind rules and regulations. Last year, around half of Tennessee schools failed to make AYP. This year, that number would be around 80 percent. In setting unrealistic goals, and requiring rigidity of plans to reach those goals, No Child Left Behind now has created two unintended consequences in Tennessee. First, it has set goals that virtually all educators across the state believe are unrealistic and unattainable. We are asking educators to do the impossible, and then labeling them as failures when they don’t achieve those unrealistic outcomes.

Second, there is an enormous opportunity cost associated with the current federal rules. Tennessee’s LEAs and schools believe that they can improve significantly over the coming years. They believe that it is realistic and appropriate to hold them accountable for student growth. They believe that they can simultaneously grow achievement levels for students while closing gaps between groups of students. Moreover, they have committed to plans through Race to the Top that are ambitious and challenging and designed to drive continuous improvement across the system. These plans include implementing the Common Core standards, providing ongoing feedback and evaluation to adults at all layers of the system, and improving achievement measurably for all children.

As this application for regulatory relief makes clear, Tennessee has the goals, the plan and the political will to make rapid improvements in educational outcomes. We cannot allow outdated federal rules and regulations to stand in the way.