

January 19, 2017

Commissioner Candice McQueen
710 James Robertson Parkway
Nashville, TN 37243

Dear Commissioner McQueen:

As members of the Tennessee Educational Equity Coalition, we write to you to outline our reactions and recommendations on the Tennessee Department of Education's draft plan for implementation of the Every Student Succeeds Act (ESSA). The Tennessee Educational Equity Coalition is a diverse group of civil rights and education advocacy organizations whose goal is to build a shared advocacy agenda to address the chronic disparities in achievement and opportunities for students of color across the state.

We believe ESSA is landmark legislation that offers great promise to fulfill the civil rights aims of the Elementary and Secondary Education Act of 1965; it also provides a needed framework to ensure that the needs of all Tennessee students are met, and that Tennessee schools and districts are held accountable for student achievement. As such, ensuring that implementation of ESSA in Tennessee is consistent with both the law's principles, and its spirit, is a key priority for the Coalition.

Working toward that goal has provided us with the chance to partner with the Tennessee State Department of Education and we are grateful for ongoing opportunities to collaborate with your office in the drafting of a strong ESSA plan. In fact that partnership has already produced a number of positive aspects of the current draft plan worth highlighting. They include;

- The fact that subgroup results are explicitly included in school ratings. While ideally these results would be weighted more heavily than as 40% of a school's rating, their inclusion clearly is warranted and proper.
- Differentiated levels of support and intervention in schools that have been low-performing for a long time, and in those that are showing signs of improvement
- The inclusion of Chronic Absenteeism and Early Post-Secondary Opportunities as the additional indicators of school quality. These measures ensure that schools consider multiple factors and strategies that lead to student success.

Additionally, there are several areas where the coalition feels strongly about the need to amend the current plan to do one or more of the following; include missing information or detail; outline specific requirements or processes; add or strike specific language; or share important data or other information with key stakeholders.

The framework for our evaluation of Tennessee's draft ESSA plan was provided by our coalition's three priorities (Excellent Teachers and Leaders for Every Child, Strong Accountability Systems, and Appropriate and Equitable Allocation of Resources). Our recommendations pertain to four key sections of Tennessee's draft ESSA plan: Assessments, Accountability, All Means All, and Educator Support.

Our key recommendations (in bold below) are as follows:

Subgroups and Super-Subgrouping:

Disaggregate student data and adopt the smallest N-size possible (20 or fewer) to comply with ESSA, ensure that all groups of students remain visible, and provide students, parents, schools and districts an accurate picture of how well a school is serving all of its students.

Rationale: The draft TN DOE ESSA plan’s “subgrouping” of Black, Hispanic and Native American (BHN) students into one group for accountability purposes is contrary to ESSA law §1111(c)(4)(C)(i). The draft plan also super subgroups all Historically Underserved Subgroups into one group when one or more of them fall below the N-size of 30. We ask the State to super subgroup only if a student group does not meet the N-size of 20. We applaud the State for proposing an N-size of 10 or more for reporting purposes.

Super subgrouping distinct student groups in this manner misleadingly signals that these student groups are homogeneous, and obscures key differences in context, history, and needs that can inform more effective intervention strategies.

Testing Participation Rates:

Provide clearer language around consequences for schools that do not meet the 95% participation rate, and consider lowering a school’s summative rating if they do not meet the threshold.

Rationale: The ESSA regulations § 1111(c)(4)(E) require states to include test participation in accountability, and to also choose from one of four sanctions if schools do not meet the threshold of 95% or higher. They are: lower the school’s summative rating, give them the lowest rating on the achievement indicator, identify the school for a targeted support and improvement plan, or another state determined action. Tennessee’s ESSA plan currently does not specify the potential consequences for schools that do not meet the 95% threshold - and without this clarity, the likelihood increases that schools will fall short, and that some students will be excluded from annual testing in order to improve school ratings and performance. We recommend that the State lower the school’s summative rating if they do not meet the threshold.

Targeted Support for Schools and Consistently Underperforming Subgroups:

Define “Consistently Underperforming” and specify timelines for improvement plans.

Rationale: Under ESSA, schools where one or more groups of students are rated as “consistently underperforming” must develop improvement plans, which have to be approved by their district. Tennessee’s draft DOE ESSA plan does not define what “consistently underperforming” means, or when improvement and interventions must begin. Defining the term and outlining the timeline for improvement plans, when required, will address these ambiguities.

English Learners:

TDOE should include baseline data on EL student enrollment, test-taking, and proficiency rates based on the 2015-16 ACCESS results (either in the appendix or under the EL assessment section) to shed light on how other decisions or goals were reached (i.e. growth standards and proficiency goals).

Rationale: The draft plan provides very little context or data on the performance and proficiency of EL students, making it difficult to understand the rationale for some of the choices or goals put forward in the plan.

Identify ELs at the end of their fifth year of schooling, if not earlier, as Long Term English Learners.

Rationale: The current draft plan defines a student as a Long Term English Learner at the end of their sixth year of schooling; we believe that five years of schooling, if not less, is sufficient and appropriate to qualify students as Long Term EL.

Exclude students who have exited EL programs for up to four years (i.e. reached full proficiency) from the EL subgroup.

Rationale: With respect with the TDOE draft ESSA implementation's plan to include students who have exited EL programs for up to four years in the EL subgroup, we believe that doing so would mask and potentially artificially inflate the performance of active ELs. Referring to these students as "transitional ELs" creates the impression that they continue to receive EL services, which is rarely the case. These students have successfully exited the EL program and are deemed proficient in English in all domains.

Remove from the Accountability section for ELs the language about "acculturation", or at a minimum provide a clear definition of "acculturation".

Rationale: The draft plan's Accountability section for English Learners also takes special note of the need for "acculturation" of ELs in instruction, but we believe the use of "acculturation" in this context implies that a students' home culture has a negative impact on their learning and does not provide value in the classroom setting. Because research does not support either implication, we recommend that the TN DOE remove this language, or, if they intend to preserve use of the term in the final state ESSA plan, at a minimum develop a clear definition of "acculturation" in collaboration with stakeholders and with an inclusive feedback process, and recognition of the value of bilingualism and biliteracy.

The Additional Indicator of School Quality:

Lower from 20% to 10% the Opportunity to Learn indicator for K-8 schools.

Rationale: Although we support the inclusion of Chronic Absenteeism in the accountability system for schools, we feel that a 20% weight in grades K-8 for this indicator will disproportionately affect schools with high levels of poverty, and may result in unintended outcomes and behaviors by school staff.

Additionally, while the inclusion of Early Post-Secondary Opportunities in accountability for High Schools is an important first step in advancing opportunity and increasing rigor for students, we recommend that the State include measures of quality of EPSOs, and whether students are successful in these opportunities by 2020.

Tennessee Teacher Equity Plan:

Provide more specific language, including goals and metrics, on how TN DOE will address inequities in the allocation of effective teachers. Consider aligning Title II funding to achieve these goals.

Rationale: ESSA bars states from serving low-income students and students of color at disproportionately higher rates with teachers who are out-of-field, ineffective, and inexperienced.

Tennessee's 2015 Teacher Equity Plan included goals and a plan to reach those goals, but providing more specific language, goals and metrics in the final plan will aid in implementation faithful to ESSA's requirements.

Resources and Funding:

Enhance the current public information about funding allocations ("per pupil expenditure") at both the school and district level in a manner that is comprehensive, transparent and accessible to stakeholders. Additionally, share how the Tennessee State Department of Education will support districts to realign resources, funding and opportunities to the new ESSA framework (e.g. to address factors associated with high levels of chronic absenteeism, increase the number and quality of Early Post-Secondary Opportunities in our high schools, or provide supports for schools with high numbers of English Learners) to ensure its success.

Rationale: ESSA requires states to report to the U.S. Department of Education, and to publish on state and district report cards, the amount of money spent per student at the school- and district-level (referred to as the "per-pupil expenditure"). While schools in Tennessee remain chronically underfunded, our state recently scored a B+ in funding equity.

The Tennessee draft ESSA plan provides comprehensive information, in the All Means All Section, on the programs and services available for schools and districts to help address multiple barriers to learning and student success. We must seize the opportunity with ESSA to not only provide comprehensive, transparent and accessible information about funding allocations at both the school and district level, but we must go further and use this information to further align our resources and opportunities to the new ESSA framework. The State's leadership and support will be critical for school and district success under the new accountability system.

Presenting this information, including per-pupil expenditures, in a comprehensive, transparent and accessible way will aid all Tennessee stakeholders in better understanding funding allocations, as will the corresponding information on how resources are distributed based on student need.

Outstanding Questions

Lastly, there are several areas of concern related to Tennessee’s draft ESSA plan where the Equity Coalition has outstanding questions we would like to see addressed. They include;

- **District v. School Accountability:** There is a lack of alignment between the proposed school and district accountability systems. Given that the state is looking at very similar sets of indicators for both, why isn’t the district accountability system the same as the school accountability system? Why do subgroups weigh 50% for district accountability yet 40% for schools?
- **School Performance Criteria:** What level of performance is needed for a school to get a B, or a C? These kinds of definitions are important both so that the public can see how rigorous our system is, and they are also really important for communicating expectations for schools.
- **School Improvement:** There is no clear alignment between a school’s identification for targeted support and its grade. How will the state ensure that any school identified for targeted support cannot receive a high grade, such as an A or B?
- **Subgroups:** Which groups are included in the “subgroup” score? Every group? Every historically underperforming group? Within the subgroup score, will each group count equally?
- **Community Engagement:** Broadly speaking, there is nothing in the draft plan about how families and members of the community will be engaged in the school improvement process. This is especially concerning when it comes to Alpha Track 2 schools, which will have to choose from four interventions. How will district and school leaders engage the community in deciding which of these is the best course of action?

From Memphis to Morristown and in all corners of our state, our Coalition members are committed to partnering in efforts to advance achievement for all students, with special focus on those too long underserved by our public schools. We look forward to this continued collaborative approach to leading on behalf of our state’s future.

Respectfully,

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