



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

May 4, 2020

The Honorable Penny Schwinn  
Commissioner of Education  
Tennessee Department of Education  
710 James Robertson Parkway  
Nashville, TN 37243

Dear Commissioner Schwinn:

I am writing in response to the Tennessee Department of Education's (TDOE) request on December 10, 2019, to amend a waiver the Department granted on February 4, 2019 (see <https://www2.ed.gov/admins/lead/account/stateplan17/waivers/tscienceassessmentwaiverletter.pdf>) related to TDOE's implementation of new science assessments. In granting the waiver, TDOE was given a one-year waiver of certain requirements in the Elementary and Secondary Education Act of 1965 (ESEA) to support its transition to new general and alternate science assessments aligned with the State's new academic content standards, the Tennessee Academic Standards for Science.

During the 2018-2019 school year, TDOE administered a statewide field test of its new general and alternate assessments to all students in the grades in which science tests are administered. TDOE did not administer its legacy science assessments and did not report individual assessment results to parents, educators or the public. As part of the waiver, TDOE assured that it would hold districts and schools accountable for participation in the field test and would provide participation rates at school and district levels for the field test to the U.S. Department of Education (Department) using the EDFacts reporting system. On December 10, 2019, TDOE requested an amendment to the waiver, saying that it could not report the science participation data due to the fact that TDOE changed assessment vendors for the science assessment since the 2019 field test and could not obtain the data needed to report participation.

I recognize the challenges TDOE encountered with its assessment vendor and that there will be a new contractor next year that will resolve this problem, however, after reviewing TDOE's request, I am declining to approve the requested waiver. TDOE has not met the condition of the waiver that was previously granted, and I find that not reporting the 2018-2019 science participation data does not improve transparency. These data were required to be submitted in December 2019, and the Department does not grant waivers retroactively. As such, I am placing a grant condition on the State's FY 2020 Title I grant for non-reporting of science assessment participation data in 2018-19. While I appreciate the challenges facing you and your districts due to the widespread and extended school closures due to the novel coronavirus COVID-19 national pandemic, this condition will remain in place until the State reports science assessment

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achievement and participation data to the EDFacts reporting system following the administration in the 2020-2021 school year. If the State does not report this data for the 2020-21 school year by December 15, 2021, the Department may take additional enforcement action.

TDOE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under sections 8401(b)(1)(C) and (F). The revised waiver request must be submitted no later than 60 days from the date of this letter.

We appreciate our continued relationship with TDOE and remain committed to working with you. If you have any questions, please contact my staff at: [ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov).

Thank you for your continued commitment to ensuring that all students have access to a high-quality education.

Sincerely,

/s/

Frank T. Brogan  
Assistant Secretary  
for Elementary and Secondary Education

cc: Casey Haugner Wren, Assistant Commissioner of Assessment