



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

September 27, 2022

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

Dear Commissioner Schwinn:

I am writing regarding the Tennessee Department of Education's (TDOE) implementation of assessment and accountability requirements under Title I, Part A (Title I) of the Elementary and Secondary Education Act of 1965 (ESEA), resulting from the required actions identified by the U.S. Department of Education (Department) in our 2021 Performance Review, which occurred in April 2021, and included in the subsequent report, issued in November 2021.

Under the ESEA, each statewide assessment a State administers for Title I purposes must be administered to all students in the State (with limited exceptions for alternate assessments for children with the most significant cognitive disabilities and any other flexibilities approved by the Department). The State must use the same assessments for purposes of calculating participation and proficiency rates for the State's Academic Achievement indicator as part of its statewide accountability system, public reporting on State and local report cards, and reporting assessment results to the Department via *EDFacts* (ESEA sections 1111(b)(2), 1111(c)(4)(B)(i)(I), 1111(h)(1)(c)(ii) and 1111(h)(5)). In addition, a State must submit all assessments used for Title I purposes for review through the Department's assessment peer review process (ESEA section 1111(a)).

The Department identified several findings related to TDOE's State assessments that the State administered in the 2018-2019 school year. Specifically:

- For its statewide high school mathematics and reading/language arts assessments for Title I, TDOE has been using six end-of-course mathematics assessments (one progression of Integrated Math I, II, and III and another progression of Algebra I, Algebra II, and Geometry) and English I and English II. In the Performance Review, TDOE was not able to demonstrate that its approach of basing participation rate calculations on student enrollment in courses aligned to its high school assessments includes all students for each of the end-of-course assessments.
- Though TDOE has been administering two different progressions of three high school mathematics assessments and also administering English I and II assessments in high school for Title I assessment and accountability purposes, TDOE has been reporting only results from Algebra I, Integrated Math I, and English II assessments on State and local report cards and to the Department via *EDFacts*. This practice is inconsistent with Title I requirements that a State use the same statewide assessments for all Title I purposes.
- TDOE has extended implementation of the eighth-grade mathematics assessment exception allowable under ESEA section 1111(b)(2)(C) to lower grades and other subjects without

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approval to do so (i.e., the State has not requested, and the Department has not granted, a waiver to permit this practice).

- In addition, TDOE’s second response to the Department’s feedback (June 6, 2022) identified a non-compliant practice regarding statewide assessment requirements. For students in grade 11 who do not take an assessment in one of TDOE’s two progressions of mathematics assessments but who have a valid ACT or SAT test result for mathematics for the school year, TDOE has been using the students’ ACT or SAT results in place of results for a statewide assessment. However, the ESEA does not permit the use of substitute assessments. Therefore, any student who does not take one of the three mathematics assessments must be determined to be a non-participant for that assessment when calculating the cohort-based participation rate.

The Department required that TDOE address these issues for the 2021-2022 school year. On June 6, 2022, TDOE submitted plans and timelines for steps it intended to take to determine how to resolve the issues for the 2022-2023 school year.

The assessment and accountability compliance issues are significant because they not only impact the State’s ability to provide clear and transparent information to the public about school performance, but also result in the State using information that is not comparable across schools in TDOE’s statewide accountability system. As a result, I am placing a condition on TDOE’s Title I, Part A grant award until such time as these issues are fully resolved. In order to remove this condition, TDOE must address the items as described below. If TDOE fails to meet these requirements, the Department may take additional enforcement action.

Beginning with data from the the 2021-2022 school year for accountability determinations in fall 2022, within 30 business days TDOE must submit:

1. Evidence that TDOE no longer includes in its assessment results (participation and achievement) for ESEA Title I purposes any assessment that is not part of its statewide assessment system under ESEA section 1111(b)(2) (i.e., ACT and SAT results),.
2. Evidence, such as the URL or screenshots of published assessment results by school or State and local report cards published on TDOE’s website and a State-level summary of the high school assessment data TDOE will report to the Secretary via *EDFacts*, that the State includes in its reporting for ESEA section 1111(h) all statewide high school assessment results used to meet ESEA section 1111(b)(2) assessment requirements for the 2021-2022 school year and to meet ESEA section 1111(c) accountability requirements to identify schools for support and improvement in fall 2022 (i.e., all six mathematics assessments and English I and English II).

In addition, for the 2022-2023 school year, no later than December 1, 2022, TDOE must provide:

3. Documentation of the assessments TDOE will administer for the 2022-2023 school year, and future school years, for all Title I purposes (i.e., assessment requirements under ESEA section 1111(b), accountability requirements under ESEA section 1111(c) and reporting requirements under ESEA section 1111(h) – which must be the same assessment across all three purposes.
4. Revised business rules for calculating high school assessment participation rates for the 2022-2023 school year and future years that are consistent with all ESEA Title I requirements, including counting all students once for each statewide assessment TDOE administers for ESEA Title I purposes.
5. Evidence that, for the 2022-2023 school year, TDOE will (1) require all students to take the grade-level assessments for the grade in which the student is enrolled; (2) implement the eighth-grade mathematics assessment exception consistent with TDOE’s approved ESEA consolidated State plan and all applicable requirements; or (3) submit a waiver request to extend the eighth-

grade mathematics assessment exception to reading/language arts and lower grades in both mathematics and reading/language arts (note that a State may not implement a waiver unless and until the waiver is approved by the Department).

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/

James F. Lane, Ed.D.  
Senior Advisor, Office of the Secretary  
Delegated the Authority to Perform the  
Functions and Duties of the Assistant Secretary  
Office of Elementary and Secondary Education

cc: Eve Carney, Chief Districts and Schools Officer  
Deborah Thompson, Assistant Commissioner of Federal Programs and Oversight  
Casey Haugner Wrenn, Assistant Commissioner of Assessment