



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 12, 2023

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 Tennessee's November 28, 2022, request to the U.S. Department of Education (Department) to amend its approved consolidated State plan under the Elementary and Secondary Education Act of 1965 (ESEA), using the COVID-19 State Plan Addendum (Addendum). Tennessee requested these amendments to account for short-term changes to its system of annual meaningful differentiation for the 2021-2022 school year due to extraordinary circumstances related to the COVID-19 pandemic and in response to the waiver the Department granted Tennessee from the assessment and accountability requirements of the ESEA for the 2019-2020 school year.

Specifically, Tennessee requested amendments to:

- Modify the calculation of its Academic Achievement and Ready Graduate School Quality or Student Success indicators. Instead of automatically assigning a 0 for any school that fails to meet 95 percent participation, schools will be assigned a score between 0 and 4 based on performance. The Academic Achievement indicator will be adjusted by participation rate consistent with ESEA section 1111(c)(4)(E).
- As part of its system of annual meaningful differentiation, Tennessee will not assign summative letter grades for schools for purposes of reporting. Instead, TDOE will assign each school a score between 0-4.
- Use two, rather than three, years of data from (specifically, school years 2018-2019 and 2021-2022) to identify schools for comprehensive support and improvement (CSI) and additional targeted support and improvement (ATSI).
- Modify the State-determined number of years for a CSI or ATSI school identified in fall 2022 to meet exit criteria to four years. These schools will be permitted to exit after one year if they meet the State-defined exit criteria (described below).
- Allow a school identified for CSI or ATSI in fall 2022 to exit after one year if that school (or student group for an ATSI school) meets one of three criteria: 1) the school's (or student group's) one-year success rate in the 2022-2023 school year (which includes achievement data) exceeds the success rate in the 2021-2022 school year; 2) a school (or student group) earns a TVAAS combined growth level of 4 or 5 in 2022 and 2023; or 3) if a school was identified for low graduation rate, the school may exit by graduating at least 67 percent of its students in 2023. If a school fails to exit CSI or ATSI status in fall 2023, it will remain identified for an additional three years before it is eligible to exit.

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As noted in previous communication with the Tennessee Department of Education, the addendum only accounts for short-term changes to its system of annual meaningful differentiation for the 2021-2022 school year. If Tennessee would like to make changes beyond the 2021-2022 school year, as outlined in its addendum request, it will need to submit an amendment to its ESEA consolidated State plan.

I am approving Tennessee's short-term changes to its ESEA consolidated State plan. This letter and Tennessee's approved Addendum for the 2021-2022 school year will be posted on the Department's website along with the currently approved version of Tennessee's ESEA consolidated State plan (available at: <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-consolidated-state-plans/>).

Please be aware that approval of this amendment to Tennessee's consolidated State plan is not a determination that all the information and data included in the amended State plan comply with Federal civil rights requirements, including 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, and requirements under the Individuals with Disabilities Education Act. It is Tennessee's responsibility to comply with these civil rights requirements.

I know that you are doing all in your power to support your districts and schools to ensure the health and well-being of students and educators. Thank you for your dedication to this effort. If you have any questions, please contact my staff at OESE.TitleI-a@ed.gov.

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, Tennessee Department of Education
David Laird, Tennessee Department of Education