



**BILL LEE**  
GOVERNOR

STATE OF TENNESSEE  
**DEPARTMENT OF EDUCATION**  
9<sup>th</sup> FLOOR, ANDREW JOHNSON TOWER  
710 JAMES ROBERTSON PARKWAY  
NASHVILLE, TN 37243-0375

**PENNY SCHWINN**  
COMMISSIONER

Acting Asst. Secretary Rosenblum  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

January 23, 2021

RE: Tennessee Waiver Request: Addendum to the ESEA Consolidated State Plan as allowed by Section 8401 of the Elementary and Secondary Education Act

Assistant Secretary Rosenblum:

The Tennessee Department of Education (TDOE) is submitting an Addendum to the ESEA Consolidated State Plan per the template distributed to states and is requesting the Secretary of Education utilize the waiver authority pursuant to Section 8401 of the Elementary and Secondary Education Act (20 U.S.C §7861) with this request.

Our students, like those in other states, have experienced significant learning loss due to time away from in-person instruction. Of particular concern is the impact on our youngest learners who are still learning to read proficiently and with comprehension. To address these urgent concerns, Governor Bill Lee called a special legislative session to address education issues. Specifically, the general assembly took up administration bills addressing the following: accountability, literacy, learning loss. What emerged from this special legislative session demonstrated a strong policy and financial commitment to the students and teachers of our state – passing aggressive legislation and investing \$160 million of additional state dollars in response to the educational effects of the pandemic.

Our state believes we must know where students are academically to begin remediation and acceleration. As such, Tennessee's state legislation supports students taking summative assessments in the spring of 2021 but without negative consequences. Specifically, the language in [an accountability bill \(SB7001/HB 7003\) that was passed last week](#) extends hold harmless provisions from the 2019-20 school year to the 2020-21 school year so that students, teachers, schools and districts do not face any negative consequences. The measure also provides parents and educators with assessment data including Tennessee Comprehensive Assessment Program (TCAP) testing to provide an accurate picture of where Tennessee students are and what supports are needed to offset any learning loss.

In alignment with and response to the state law and the legislation noted above, Tennessee will be seeking the following waivers in the Addendum to the ESEA Consolidated State Plan resulting from the COVID-19 national emergency.

*Statewide Accountability System and School Support and Improvement activities:*

c. Annual Meaningful Differentiation

c.1. Tennessee is requesting a **one-year waiver on Tennessee's current accountability** framework pursuant to §1111(c) as detailed in the state's approved ESSA state plan, in alignment with state law. As noted above, Tennessee will assess students to determine current levels of performance and provide student performance and student growth data to districts to inform decisions on remediation and acceleration. However, Tennessee is requesting a waiver to not issue summative ratings, scores, or letter grades based on the data from the 2020-21 school year.

c.3. Tennessee is requesting a waiver on the applicable indicators and **assessment participation rates** currently outlined in our approved ESSA state plan which have been negatively impacted by the cumulative effects of COVID-19. As noted, we are committed to assessing students, and Tennessee has adjusted and extended the assessment windows and opportunities as appropriate to accommodate as many students as possible. Even with these additional actions, we are requesting a one-year waiver of applicable indicators and assessment participation rates negatively impacted by the national pandemic.

d. Identification of Schools

d.1. Tennessee is requesting **to shift forward the timeline** for school identifications for one year for comprehensive support and improvement (CSI) – both low performing and low graduation rate; CSI not exiting additional targeted support and improvement (ATSI) status; and ATSI.

d.2.D. Tennessee is seeking waiver on the **methodology for targeted support and improvement** (TSI) schools. Specifically, we are requesting a one-year delay in the requirement of identifying any schools for targeted support and improvement.

e. Continued Support for School and LEA Improvement

e.1.A-B. Tennessee is seeking a waiver of the **exit criteria** for CSI schools. To align to state law and the hold harmless provisions found in Tennessee SB7001/HB 7003, Tennessee is requesting a waiver allowing the of use the best of the previous three years of available data for each school for use in determining whether CSI exit criteria have been met for the 2020-21 school year.

e.2.A-B. Tennessee is seeking a waiver for the **exit criteria** for ATSI schools. To align to state law and the hold harmless provisions found in Tennessee SB7001/HB 7003, Tennessee is requesting a waiver allowing the of use the best of the previous three years of available data for each school for use in determining whether ATSI exit criteria have been met for the 2020-21 school year.

This letter and Addendum to the ESEA Consolidated State Plan was posted on the department's website in English and Spanish for seven days where the department typically posts items for comment. Feedback received is attached as Appendix A to this letter. Of note, there was extensive stakeholder engagement during the special legislative session on the accountability bill that is aligned to the waiver request noted here. What we heard from stakeholders was that we must assess to know where students are but there should be no negative consequences for the 2020-21 school year.

School and district leaders continue to balance decisions regarding the safety of their students and their students' education. These waiver requests will create conditions that allow districts to make

decisions that are in the best interest of students while also addressing the urgency of the learning loss that the pandemic has created.

Thank you for consideration of this request. Tennessee remains committed to ensuring that the TDOE focuses on recovery and supporting students and teachers as they begin the hard work that will be necessary to support students in this and subsequent years.

Please feel free to contact Eve Carney, by telephone at 615-532-1245 or at [Eve.Carney@tn.gov](mailto:Eve.Carney@tn.gov) if there are questions regarding this request or if additional information is needed.

Best,

A handwritten signature in black ink, appearing to read "Penny Schwinn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dr. Penny Schwinn, Ph.D.  
Commissioner

CC: Eve Carney, Chief Districts and Schools Officer  
Mike Hardy, Chief Strategy Officer  
Drew Harpool, Chief Financial Officer  
Sam Percy, Chief Operations Officer