



OFFICE OF RESEARCH AND EDUCATION ACCOUNTABILITY

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Senate Bill 7001 / House Bill 7003 – Accountability to Inform

SB 7001/HB 7003 addresses accountability measures related to student assessments, teacher evaluations, and school accountability and grading for the 2020-21 school year.

Student TCAP scores will not negatively impact teacher evaluation scores.

This law requires that any data from the Tennessee Comprehensive Assessment Program (TCAP)^A tests administered in 2020-21 must be excluded from the student growth portion of a teacher's evaluation, unless including the 2020-21 student growth data produces a higher final evaluation score for the teacher. This is similar to past changes in law about the use of 2017-18 and 2019-20 assessment data for student growth portions of teacher evaluations.

This law also exempts teachers of non-tested grades and subjects (e.g., preK through 2nd grade, art, music, physical education) from being evaluated using an alternative growth model for the 2020-21 school year, unless including the 2020-21 student growth data produces a higher final evaluation score for the teacher. Districts and public charter schools that choose to use alternative growth model evaluations for teachers in non-tested grades and subjects must notify the Tennessee Department of Education (TDOE) by March 1, 2021.

Districts decide how much TCAP scores count toward students' final grades.

Local boards of education determine whether scores from TCAP tests administered in the 2020-2021 school year will count toward students' final grades. TCAP scores may be included in student grades from a range of 0 to 25 percent as determined by each local board of education.

Assigning A-F letter grades to schools will depend on testing participation rates.

This legislation states that the department shall not issue letter grades or any other summative rating to schools based on student performance and growth data generated in the 2020-21 school year if 80 percent or more of eligible students enrolled in grades 3-12 in the school district or in a public charter school participate in the TCAP tests administered during the 2020-21 school year. The Commissioner of Education may grant waivers from the 80 percent participation rate. During testimony provided in the Senate Education Committee, the Commissioner noted that participation rates can be affected by a variety of factors, such as course scheduling and early graduation.

Public charter schools or schools in districts with less than 80 percent participation rate on the 2020-21 TCAP assessments that did not receive a waiver could have TCAP test data included in any A-F letter grade assigned. (See box on next page.) These schools may also be identified as a priority school^B or be assigned to the Achievement School District.^C Student performance and growth data may be used to determine priority exit status for schools identified as priority schools, even if the student participation rate on TCAP for the district is below 80 percent for the 2020-21 school year.

The Commissioner noted that current law requires the A-F letter grade assignment for every school, and TDOE plans to implement the grades for all schools following spring 2022 TCAP assessments.

^A The Tennessee Comprehensive Assessment Program (TCAP) is the state's standardized testing program for math, English language arts, social studies, and sciences, students in grades 3-8 and for high school students enrolled in classes with End of Course exams.

^B Under Tennessee's education accountability plan, developed under the federal Every Student Succeeds Act (ESSA), there are three pathways for identifying priority schools: (1) schools that rank in the bottom 5 percent based on state assessment results from 2015-16 and 2016-17, AND (2) schools that did not earn schoolwide TVAAS composite levels of 4 or 5 in both 2015-16 and 2016-17 OR 2016-17 and 2017-18 OR (3) schools with a graduation rate of less than 67 percent for the 2017-18 school year.

^C The Achievement School District (ASD) was created by Tennessee's First to the Top Act in 2010 as one of three interventions that the Commissioner of Education may require to turn around the state's lowest performing schools. An organizational unit of the Tennessee Department of Education, the ASD provides oversight for the operation of schools assigned to it or schools which the ASD itself authorizes. Priority schools, those schools with performance levels that place them in the bottom 5 percent in the state, are eligible to be placed in the ASD.

Problems with testing have delayed implementation of the A-F letter grades for schools

In 2016, Public Chapter 680 required the Department of Education to develop a school grading system that annually assigns A, B, C, D, and F letter grades to schools based on data obtained from student performance on the annual TCAP tests and other student achievement measures. The original law required TDOE to assign school grades beginning in the 2017-18 school year. Due to issues administering TN Ready exams in 2017-18 and 2019-20, however, the implementation of the A-F grading scale has been delayed the last several years.

In 2018, problems with administering the online version of the TN Ready exams led to passage of Public Chapter 1026 (2018), which mandated that no student achievement data generated from the 2017-18 TN Ready assessments could be used for any “adverse action” against a school, including the assignment of letter grades. TDOE delayed implementation of the school grading system again in 2019 because data from problematic administration of the TN Ready exams would have been included.

In spring 2020, when schools across the state closed in response to the COVID-19 pandemic, the General Assembly passed Public Chapter 652 (2020) to eliminate the state requirement for school districts to administer spring testing for the 2019-20 school year. Therefore, no testing data is available from the 2019-20 school year to use in the calculation of school letter grades.

TDOE plans to implement the grades for all schools following spring 2022 TCAP assessments.

Teachers may become eligible for tenure using past evaluation scores.

This legislation allows for teachers to qualify for tenure despite lacking official evaluation scores over a certain time period. This provision applies to teachers who have not received an official evaluation score during the last one or two years of their probationary period because of TCAP cancellations in the 2019-20 school year due to COVID-19. All other requirements to become eligible for tenure must be met.

In addition to holding a degree from an approved four-year college and valid teacher license for subjects and grades taught, teachers must complete a probationary period of five school years. The last two years must be held in a regular teaching position rather than an interim teaching position. Due to the cancellation of TCAP tests in the 2019-20 school year, no teacher received an LOE score for that year. This legislation revises the law to allow a teacher who has met all other requirements for tenure eligibility but has not received an official evaluation score during the last one or two years of the probationary period due to COVID-19 related disruptions to use the most recent two years of available evaluation scores achieved during the probationary period to meet the LOE requirements for tenure eligibility.^D

Postsecondary readiness scores will not negatively impact schools and districts.

To the extent authorized by federal law, student performance on assessments administered in the 2020-21 school year to assess student readiness for postsecondary education will not be included in the performance goals and measures required for schools and school districts unless it is to their benefit.

^D Tennessee Code Annotated 49-5-503.

Senate Bill 7002 / House Bill 7004 – Learning Loss Remediation and Student Acceleration Act

SB 7002/HB 7004 requires the creation of a variety of interventions and supports for students in grades K-8 who are below proficient in math or English language arts (ELA). It creates three programs to be implemented by school districts to address student learning loss resulting from the COVID-19 pandemic and long-time concern about student literacy, strengthens the state’s retention law for 3rd grade students who are not proficient in reading, and develops supports (including a statewide network of tutors) to assist students, parents, and teachers.

Section 1 of the bill is called the Learning Loss Remediation and Student Acceleration Act (or program). Section 2 of the bill makes changes to the state’s existing 3rd grade retention law.

Section 1 provides school districts with supports to address student learning loss, largely focused on reading and math.

The law establishes three new programs to address student learning loss, focusing on math and reading. School districts^E are required to implement and conduct these programs first for “priority” students, with definitions in the law specific to each type of camp (and described below). All three of the programs will be conducted in the summer months. Two of the programs – the summer learning camp and the after-school learning mini-camp – will serve the same students. These two programs are planned to operate during the summer of 2021 and the summer of 2022 only. The third program, the learning loss bridge camp, will begin in the summer of 2021, and is intended to be a permanent program.

- ***Summer learning camps*** are six-week programs aimed at addressing student learning loss. The camps must provide six combined hours of in-person instruction, intervention, and supplemental supports in reading and math, and other programming, five days a week. Priority students to be served are those who completed grades 3 or 4 who scored below proficient in math or ELA on their most recent TCAP, students who completed any of grades K-2 attending a school where fewer than 50 percent of students in grades 3-5 scored proficient in math or ELA on the most recent TCAP, students who completed any of grades K-4 who are eligible for Tennessee Assistance for Needy Families (TANF), and students who completed any of grades K-3 who scored below proficient on a benchmark assessment, a Response to Intervention² (RTI²)^F screener assessment, or other approved screeners. The students attending summer learning camps are defined identically to those attending after-school learning mini-camps. Students will receive instruction in after-school learning mini-camps immediately following the summer learning camp. Summer learning camps are required and funded only for the summers of 2021 and 2022.
- ***After-school learning mini-camps*** will provide an additional hour (i.e., in addition to the six hours provided through the summer learning camps) of in-person, STREAM-focused instruction^G at least four days a week by a licensed teacher or, if one is not available, a member of a statewide network of tutors created to assist districts and parents in accelerating student learning. The students attending after-school learning mini-camps are defined identically to those attending summer learning camps. (See definition above.) The after-school learning mini-camp program is not required after the summer of 2022.
- ***Learning loss bridge camps*** are four-week programs conducted annually before the beginning of each school year, beginning in the summer of 2021. Similar to the summer learning camps, the learning loss bridge camps must provide six combined hours of in-person instruction, intervention, and

^E Public charter schools may conduct these camps as well rather than enrolling their students in the camps conducted by the LEA in which the charter school is located.

^F Response to Intervention (RTI) is a tiered approach that educators use to identify and address learning needs for individual students. In Tennessee, RTI is known as RTI², which stands for Response to Instruction and Intervention. Under RTI², general education teachers, special educators and specialists use data to identify which students are underperforming and to what degree, then target academic interventions accordingly.

^G STREAM refers to science, technology, reading, engineering, the arts, and mathematics.

supplemental supports in reading and math, and other programming. In its first two years (school years 2021-22 and 2022-23), the program will serve students entering grades 6-8 scoring below proficient on the most recent TCAP in math or ELA. Beginning in 2023-24, the program will include students entering grades 4-8.

The bill requires that after-school mini-camps must be held *at least* four days a week, while summer learning camps must be held five days a week; thus, participating students will receive at least seven hours of programming (i.e., six hours through the summer learning camps and one hour through the after-school learning mini-camps) at least four days a week over the six-week period.

Summer learning camp and after-school learning mini-camp programs generally aim to serve students in the early grades who have scored below proficient on the most recent TCAP in math or ELA or who are eligible for TANF or who attend a school where fewer than 50 percent of students in grades 3-5 scored proficient on the most recent TCAP in math or ELA. While priority students in these categories are given preference for participation, other students may participate as space and funding permits.

The state will provide all guidelines, technical support, and instructor training (including a two-week professional development course on reading instruction for all ELA and reading teachers) as part of the law. Unlicensed staff may be used for both the summer learning camps and learning loss bridge camps, but priority must be given to licensed teachers. The fiscal note is based on an assumed student participation rate of 44 percent of the entire student population and estimates a budget of \$1,400 of funding per classroom per week, including a \$1,000 stipend for the teacher^H and \$400 of overhead.

Section 1 requires the establishment of a statewide network of tutors to help accelerate student learning and remediate learning loss.

The Tennessee Department of Education (TDOE) is required to administer the Tennessee Accelerating Literacy and Learning Corps (TALLC) by recruiting high-quality tutors across the state, developing a training program (including an online option) with certification and ongoing professional development for TALLC members, and developing content that may be used by TALLC members when providing services to students.

TDOE is required to collect data on the effectiveness of the efforts to address learning loss and report the results annually to the Governor and the General Assembly.

Each of the three programs requires students to take a state-adopted benchmark assessment (a pre-test and a post-test), the results of which must be provided to the department. TDOE is required to aggregate and report these results to the Governor and the General Assembly to provide information about the effectiveness of the learning loss efforts. The initial report is due November 1, 2021, and annually thereafter.

TDOE is required to establish universal screeners for reading and math.

Additionally, the act requires TDOE to establish and implement a benchmark assessment pilot program to provide school districts and public charter schools with either SBE-approved universal screeners or the universal screeners to be established by the department to be used by teachers for measuring student learning more frequently and addressing student learning loss.

Districts and participating charter schools must use the state-adopted benchmark assessments established under the pilot program as the pre-tests and post-tests for the after-school learning mini-camps, learning loss bridge camps, and summer learning camps. They may use state-approved benchmark assessments or universal screeners to measure the academic proficiency of students and identify priority students eligible for the camps.

^H The stipend may be less in districts that use unlicensed staff, as allowed in the law if no licensed teachers are available.

School districts and charter schools may authorize teachers in pre-kindergarten through grade 2 to use the results of either SBE-approved universal screeners or the universal screeners to be established by TDOE in place of growth portfolios or alternative growth models already in use.

Section 1 of the bill will be funded with a combination of state and federal funds.

In both fiscal years 2020-21 and 2021-22, the program is to be funded with \$67.3 million from the general fund and \$13.7 million from the Lottery for Education After-school Programs (LEAP) reserves. An estimated \$35.7 million will be pulled from unused federal TANF funding in both fiscal years. Additional federal funds up to \$3 million from the Emergency Relief Fund (the ESSER II Fund) will also be used for the program.

Section 2 of the law establishes an expanded retention strategy for 3rd grade students who are not reading on grade level.

Beginning in 2022-23, 3rd grade students who do not score at a proficient level (i.e., achieving a performance level rating of “on track” or “mastered” in English language arts on the TCAP test) must complete one or more additional steps to avoid repeating the 3rd grade:

- pass a retest using a modified, online form of the test;
- attend a learning loss bridge camp and demonstrate adequate growth;
- participate in tutoring for the entirety of the following school year.

Students with a performance level rating of “approaching” must complete at least one of the three above options. Students with a rating of “below” must either pass a retest or attend a learning loss bridge camp followed by a year of tutoring in the 4th grade.

Special education students with IEPs and English learners with less than two years of ELA instruction are exempt from the retention policy, as are students who have been previously retained in grades K-3.

In 2018-19, 35.5 percent of students in grades 3 through 5 were considered on track or having mastered English language arts, according to test results.

The State Board of Education is required to establish an appeal process for certain students identified for retention.

TDOE is required to administer the appeal process established by SBE for students identified for retention in the 3rd grade with a performance level of “approaching” on the ELA portion of the most recent TCAP test.¹ During testimony before the House education committee, the Commissioner of Education estimated that approximately 40 percent of students fall into the “approaching” category.

Tennessee’s former retention law

In 2011, the General Assembly passed a law requiring that students in grade 3 not be promoted unless “the student has shown a basic understanding of curriculum and ability to perform the skills required in the subject of reading.” Students were allowed to move to grade 4, however, if they participated in a district-approved research-based intervention before the next school year. The law did not require proof that the student had acquired improved reading skills.

A review of promotion and retention data by grade published by TDOE showed that the 2011 law did not result in significantly higher numbers of students in grade 3 being retained. However, the numbers of students retained in kindergarten and in grades 1 and 2 in school years 2012-13 through 2015-16 were significantly higher than the numbers retained in grade 3.

The last promotion and retention data published by TDOE was for the 2015-16 school year. Beginning in 2016-17, TDOE no longer publishes this data.

Sources: TCA 49-6-3115, Public Chapter 351 (2011). Tennessee Department of Education, Annual Statistical Reports, 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17.

¹The student performance levels on the TCAP tests are mastered, on track, approaching, or below. See <https://www.tn.gov/education/assessment/tnready/tnready-score-reports.html>.

Senate Bill 7003 / House Bill 7003 – Tennessee Literacy Success Act

SB 7003/HB 7003 replaces the Tennessee Literacy Initiative Act of 1999 with the Tennessee Literacy Success Act. The legislation seeks to improve literacy rates by implementing a new framework for the state and districts to identify and assist students found to have significant reading deficiencies.

School districts must provide foundational literacy skills instruction to K-3 students.

Foundational literacy skills instruction is an evidence-based method of teaching students to read that includes phonemic awareness, phonics, fluency, vocabulary, and comprehension. The act requires this type of instruction to be the primary form of English language arts (ELA) instruction to students in grades K-3. School districts (including public charter schools) are required to submit a plan for foundational literacy skills instruction to the Tennessee Department of Education (TDOE) by June 1, 2021, and every three years thereafter, except in cases where districts meet certain student academic growth criteria as shown through Tennessee Value-Added Assessment System (TVAAS) data. Each foundational literacy skills plan must include, at a minimum:

- the amount of daily time devoted to foundational literacy skills instruction and a description of how the instructional time is used;
- the ELA textbooks and instructional materials adopted by the school district;
- the universal reading screener selected by the school district for administration to students;
- a description of the reading interventions and supports available to students with a significant reading deficiency;
- how the school district intends to notify and engage parents in student literacy progress; and
- how the school district will provide professional development in foundational literacy skills instruction to teachers in grades K-5.

The State Board of Education (SBE), in consultation with TDOE, will establish the guidelines and requirements for the literacy skills plans. Each literacy plan approved by TDOE must be posted on the websites of the department and each school district.

The Comptroller of the Treasury must conduct a review of the foundational literacy skills plans submitted to TDOE to ensure the plans comply with the requirements established in law and the rules set by SBE. The findings of the review will be presented to the chairs of the Senate and House education committees no later than November 1, 2021, and every November 1 thereafter.

School districts must annually administer a universal reading screener to K-3 students.

Universal reading screeners are tools that screen and monitor student progress in foundational literacy skills. School districts must administer a universal screener three times per year in grades K-3. TDOE is required to provide a universal reading screener that can be used for preK-3 students at no cost to districts or schools. School districts can choose to administer either the Tennessee universal reading screener provided by TDOE or a universal reading screener approved by SBE. School districts may also administer a universal reading screener to pre-K students. The department is required to establish the reading proficiency level scores for the Tennessee universal reading screener and for each universal reading screener approved by SBE. School districts are required to submit to TDOE the results of each universal reading screener administered to students. Student results on reading screeners cannot be used for school and district accountability purposes.

School districts must provide reading interventions and supports for students identified as having a significant reading deficiency.

School districts must either adopt and use ELA textbooks and instructional materials from the state-approved list or obtain a waiver through SBE.

All ELA textbooks and instructional materials used by districts must be aligned to Tennessee academic standards no later than January 1, 2023.

The Comptroller of the Treasury must conduct a review of all ELA textbooks and instructional materials adopted for use by each school district. The findings of the review must be reported to the Senate and House education committees no later than May 1, 2023.

All current and future grades K-5 ELA teachers must meet specific training requirements in foundational literacy skills standards.

For current teachers, TDOE is required to develop at least one professional development course on foundational literacy skills and make the course available, at no cost, to teachers in grades K-5. Teachers in K-5 are required to complete at least one professional development course in foundational literacy skills instruction by August 1, 2023.

To support training and other operational needs under this act, TDOE will require six additional staff positions that are estimated to have a recurring cost of approximately \$535,000.

For teaching candidates seeking a license, TDOE is required to develop, with SBE approval, foundational literacy skills standards for educator preparation providers (EPPs). EPPs are required to provide instruction in foundational literacy skills based on the development of new standards to any candidate seeking licensure or endorsement that would allow them to teach in grades K-5. Future candidates must pass a Tennessee reading instruction test to receive full licensure.

TDOE must review the state's strategy to deliver and improve literacy instruction, including teacher preparation, and report the findings to legislators and on its website.

By December 31, 2021, TDOE must conduct the following review:

- a landscape analysis of literacy in Tennessee, including current practices, student achievement, instructional programming for students, and remediation services;
- a landscape analysis of literacy instruction, including instructional programming and pedagogical practices used by EPPs; and
- a joint analysis with the Tennessee Higher Education Commission (THEC) regarding the affordability of EPPs, including tuition affordability and net-tuition affordability for future educators and costs relative to EPPs in other states; student loan and debt burdens of EPP graduates; financial barriers that may prevent postsecondary students and career changers from pursuing teaching as a profession; and the ability to reduce the costs for those who wish to become teachers.

EPPs approved by SBE must participate in the review, and the results of the review must be posted on the department's website and reported to the Senate and House education committees by March 1, 2022.

By July 1, 2024, TDOE, in partnership with SBE and THEC, must provide a report to the Senate and House education committees regarding the implementation of this act.

Senate Bill 7009 / HB 7020 – Appropriations bill

In addition to \$67 million in funding to implement the Tennessee Learning Loss Remediation and Student Acceleration Act (SB 7002/HB 7004), the General Assembly appropriated \$43 million for educator raises.

A \$43 million appropriation is to be used for educator pay raises.

The Tennessee General Assembly appropriated \$42.8 million to be used for educator raises for the second half of the 2020-21 school year. To calculate the allocation for each district, a 2 percent increase was applied to every district's BEP instructional salary component and related benefits (Social Security, Medicare, and retirement) allocation for fiscal year 2021. The state is covering both the state portion and the local required match portion.

The additional funding may be used to support salary increases for certified staff as well as school nurses. Flexibility within the appropriations language allows districts to determine how to distribute the additional funds, such as through salary increases or bonuses. The increase is generally based on the number of positions calculated for each district in the instructional salary category of the BEP. In FY 2021, the BEP funded approximately 66,241 licensed instructional positions; school districts employed 77,704 instructional personnel in 2018-19, the latest year of data available.

Purpose	Amount
Funds for employee salary increases for teachers and other certified staff for the second half of the 2020-21 school year	\$30,029,300 (non-recurring)
Funds equivalent to the local required match amount for employee salary increases for teachers and other certified staff for the second half of the 2020-21 school year	\$12,870,000 (non-recurring)
Total	\$42,899,300



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