



STATE OF TENNESSEE
DEPARTMENT OF EDUCATION

6th FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

TIMOTHY K. WEBB, Ed.D.
COMMISSIONER

PHIL BREDESEN
GOVERNOR

July 27, 2010

VIA UNITED STATES AND ELECTRONIC MAIL

The Honorable Arne Duncan
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Duncan:

As we work through this very exciting and challenging time of opportunity in public education, the Tennessee Department of Education (Department) would like to submit a request for your consideration regarding the accountability system currently in place in Tennessee. This waiver request is in addition to the enclosed request submitted on June 9, 2009.

On July 30th, the State Board of Education will adopt new performance levels (cut scores) for state assessments beginning with those administered in the 2009-10 school year that present a far more accurate picture of student performance. These assessments also reflect a set of high-quality, internationally benchmarked content standards that better prepare students for college- and career-readiness. Due to these significant changes to the state's assessment system, far fewer students will be deemed proficient than in previous years.

We sincerely believe in this work and the promise it holds for Tennessee children. At the same time, we are very concerned about comparing proficiency results from 2009-2010 to our previous proficiency rates that measured very low performance expectations for student learning. The Department does not believe comparing the data from two different systems would be beneficial in helping to make accountability decisions and determining supports and interventions to schools.

With this in mind, the Department respectfully requests a waiver of the school improvement timeline in the Title I statute and attendant regulations. More specifically, the Department requests a waiver of the requirements in section 1116(b) (12) of the Elementary and Secondary Education Improvement Act (ESEA), along with 34 CFR §200.35(b), the regulatory provision implementing the statutory requirement, for a local education agency (LEA) to identify a school for improvement, corrective action, or restructuring until the school has made AYP for two consecutive years. If granted this waiver, the Department would calculate and report AYP but would not use AYP calculations to make changes to current status determinations. Schools would maintain their prior accountability status and parent notification, public school choice, supplemental educational services and all other interventions required by Title I would continue. The Department would conduct deeper diagnostic reviews to determine the supports and interventions needed at schools in improvement. Proficiency data would be used this year as a baseline to make AYP status determinations next summer. The Department also stands ready to make necessary amendments to our Accountability Workbook to implement the above referenced changes.

Tennessee's adoption of both the higher standards and the new performance levels necessitate this waiver request. The granting of said request would allow the Department to make necessary adjustments to the accountability system without compromising its integrity.

The waiver would improve the quality of student instruction by ensuring that the newly adopted higher standards and performance levels are implemented effectively. In addition, it will guarantee that both local and state resources are targeted at the schools and districts that need them most by ensuring that schools and districts are not over identified as in improvement because of the implementation of these new standards and performance levels. The granting of the waiver will also improve student achievement and set higher expectations for students by ensuring that these new, more rigorous standards and performance levels are implemented in a valid way that will give the public confidence in the new standards, assessment, and Tennessee's accountability system.

As required under §9401 of the No Child Left Behind Act, the Department will provide all local educational agencies (LEAs) with notice of this waiver request. The Department will submit any comments received about this request to the Secretary after the LEAs have had a reasonable opportunity to comment. In addition, the Department will post this waiver request on its website so that the public is informed.

Your attention to and consideration of this request is greatly appreciated. If you have any questions about the request, please contact me at 615-741-5158 or email: tim.webb@tn.gov.

Respectfully submitted,



Timothy K. Webb, Ed.D.

enclosure



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June 9, 2009

Dr. Joseph Conaty, Acting Assistant Secretary
Office of Elementary and Secondary Education
400 Maryland Avenue, S.W.
Room 3W300
Washington, DC 20202-6132

Dear Dr. Conaty:

In 2007, Governor Phil Bredesen publicly acknowledged that Tennessee's academic content and achievement standards were inadequate in preparing our State's students for the 21st Century. He called for parents, educators, business leaders, students, and other key stakeholder groups to commit to fundamentally raising our expectations for what our students know and are able to do academically. As part of this process, Tennessee joined the American Diploma Project Network, an initiative of Achieve, Inc. This important collaborative initiative includes 35 states that are dedicated to ensuring that every high school graduate is prepared for college or a career. Because of this, Tennessee has committed to revising its academic content and achievement standards. The purpose of this letter is to inform you and your staff of these changes and to request the necessary flexibility to implement these changes.

Enclosed in this letter, please find two documents, one for grades 3-8, and one for grades 9 -12, which provide the timelines for major accomplishments in implementing the State's new standards and assessments. We are proud that Tennessee has shown leadership in achieving one of the goals of the American Recovery and Reinvestment Act – "making progress toward rigorous college- and career-ready standards and high quality assessments that are valid and reliable for all students, including English language learners and students with disabilities." We now need approval from the Secretary of waivers for the following requirements so that we have the flexibility to effectively incorporate these changes within our accountability model. We are asking for five waivers of statutory and regulatory requirements as provided for in Section 9401 of the Elementary and Secondary Education Act.

Waiver 1:

Tennessee requests a waiver of Section 1111(b)(2)(E) to revise its starting points for measuring the percent of students meeting or exceeding the State's proficient level of academic achievement based on data for the 2009-2010 school year.

Waiver 2:

Tennessee requests a waiver of Section 1111(b)(2)(F) to reestablish its statewide annual measurable objectives based on its new starting points for measuring the percent of students meeting or exceeding the State's proficient level of academic achievement based on data for the 2009-2010 school year.

Waiver 3:

Tennessee requests a waiver of Sections 1111(b)(2)(F) and §200.15 to extend the deadline for all students to meet the new State achievement standards for proficiency from 2013-14, 12 years after adequate yearly progress determinations based on data from school year 2001-02, to 2014-2015, five years after adequate yearly progress determinations based on the new State standards implemented in school year 2009-2010.

Waiver 4:

Tennessee requests a waiver of Section 1116(b)(1)(B), which requires the identification of schools in improvement, corrective action, or restructuring no later than the beginning of the next school year. Tennessee will make its adequate yearly progress calculations based on data for the 2009-2010 school year by the end of September 2010, which is after the start of the 2010-2011 school year.

Waiver 5:

Tennessee requests a waiver of §200.37(b)(4)(iv), which requires notification to parents of students in schools in improvement, corrective action, or restructuring of the option for public school choice no later than 14 days before the start of the school year.

The approval of Tennessee's request for five waivers of Title I statute and regulations will:

1. *increase the quality of instruction for students* by ensuring that Tennessee's more rigorous academic content and achievement standards are implemented effectively and that a valid bookmarking of assessments based on the new achievement standards is accomplished. In addition, the subsequent reestablishment of the starting points and the recalculation of the State's annual measurable objectives will ensure that schools and districts are not overidentified as in improvement because of the implementation of these new standards and

assessments. This will ensure that both local and state resources are targeted at the schools and districts that need them most;

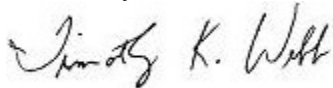
2. *improve the academic achievement of students* by ensuring that these new, more rigorous standards and assessments are phased in a systematic, valid way that will give the public confidence in the new standards, assessment, and accountability system;.
3. *will provide specific new annual expectations for the State and local educational agencies;*
4. *will assist the State and its local educational agencies* implement these new academic content and achievement standards in reasonable steps by ensuring that the item mapping (bookmarking) process and the establishment of new annual measurable objectives are valid and reliable and have occurred after the first full year of instruction on the new curriculum standards providing more representative assessment item statistics after the their first operational use; and,
5. *ensures that schools will continue to provide assistance to the same populations served by Title I* by requiring the implementation of requirements for schools in improvement, corrective action, and restructuring of all of necessary requirements, such as parent notification, public school choice, and supplemental educational services, as soon as adequate yearly progress determinations are made based on the data for school year 2009-2010.

As required under Section 9401, Tennessee Department of Education has provided all local educational agencies with notice of this waiver request. The State will submit any comments received about this request to the Secretary after the local educational agencies have had a reasonable opportunity to comment. In addition, the State will post this waiver request on its website so that public is informed.

We appreciate your consideration of these requests. If you have any questions about these requests, please contact Dr. Connie J. Smith at 615-532-4703 or email connie.j.smith@tn.gov

Thank you.

Sincerely,



Timothy K. Webb, Ed.D.

c: Zollie Stevenson

Enclosure