



Accountability

District and School Accountability Hold Harmless FAQs

Chapter 2 of the Public Acts of 2021 (PC 2), passed during the 1st Extraordinary Session of the 112th General Assembly, amended laws regarding educator, student, school, and school district accountability. In addition to other changes, this new law revised how statewide student assessment results may be used for determining student, school, and school district accountability. For students, this new law provides local flexibility for determining student final grades. For school districts and schools, it removes the negative consequences associated with accountability, if TCAP participation rate conditions are met. This document outlines how this new law specifically impacts student final grades and school and district accountability. The department has published separate documents regarding how the law amended educator evaluation.

General Questions

0) Will this document be updated?

Yes. The department will compile questions and update the FAQ as needed each Friday.

1) How does this law help schools and school districts?

This law offers the opportunity to remove negative consequences associated with accountability this year. School districts with at least 80% of eligible students (grades 3-12) participating in the TCAP tests will be held harmless from standard state accountability measures. This allows school districts and schools to focus on understanding the learning needs of their students, while relieving any negative stress associated with accountability.

2) What does the new law do for schools and school districts?

This new law offers the ability for school districts and schools to be held harmless of any negative consequences of accountability. Student performance and growth data generated by TCAP assessments administered in the 2020-2021 school year will not be used to assign a letter grades or any other summative ratings to schools and districts on the state report card this year, so long as at least 80% of eligible students participate in the TCAP tests. Additionally, for school districts being held harmless, student performance and growth data generated by TCAP assessments administered in the 2020-2021 school year shall not be used to identify a school as a priority school or to assign a school to the achievement school district.

The full implementation of this law depends on a federal waiver from the United States Department of Education. Until the waiver is granted, the guidance found in this document is not guaranteed.

3) What are the accountability implications for districts meeting the 80% participation rate?

Provisions Summary for 80% TCAP Participation

The table below outlines the accountability provisions corresponding to LEAs and public charter schools **who are eligible** for hold harmless for school and district accountability.

	IF 80% OR HIGHER
TCAP RESULTS PROVIDED TO LEA (EOC, ELPA)	Y
SCHOOL AND DISTRICT TCAP USED FOR LETTER GRADES	N
TVAAS RESULTS PROVIDED TO LEAS	Y
SCHOOL AND DISTRICT TVAAS USED FOR LETTER GRADES	N
CHRONIC ABSENCE DATA PROVIDED TO LEAS	Y
CHRONIC ABSENCE DATA USED FOR LETTER GRADES	N
GRADUATION AND READY GRADUATE DATA PROVIDED TO LEAS	Y
GRADUATION AND READY GRADUATE DATA USED FOR LETTER GRADES	N
OVERALL DISTRICT RATINGS AND SCHOOL LETTER GRADES ASSIGNED	N
CAN SCHOOLS EXIT PRIORITY STATUS?	Y
CAN SCHOOLS BE IDENTIFIED AS PRIORITY?	N
CAN SCHOOLS BE ASSIGNED TO THE ACHIEVEMENT SCHOOL DISTRICT (ASD)?	N
LETTER GRADES AND SUMMATIVE SCORES APPEAR ON REPORT CARD	N
TEACHERS HELD HARMLESS FOR TCAP AND TVAAS	Y
LEA CHOICE ON USING TCAP RESULTS IN STUDENT GRADES	Y

For LEAs and public charter schools who are not eligible for hold harmless, all the rows in the table above will apply.



4) If a priority school has a high TCAP participation rate, but its district's participation is below 80%, can that school still exit priority status?

Yes. Schools can still exit priority status this year for meeting the exit criteria.

5) NEW 2/19 Are graduation rate and attendance included in the hold harmless for accountability?

Yes. The department shall not issue letter grades or any other summative ratings for schools eligible for the accountability protections. In a hold harmless, these other summative ratings would not be used in accountability and only for the reporting requirement, pending federal waiver approval.

6) NEW 2/19 Can a Priority school in a district that does not meet the hold harmless requirements still exit Priority status?

Yes. To exit Priority/CSI status, a school must satisfy the Priority exit criteria and requirements to be held harmless. As with all school accountability provisions, the state's waiver must be approved by the U.S. Department of Education.

7) NEW 2/19 Can an ATSI (Additional Targeted Support and Improvement) school exit ATSI status?

Yes. ATSI is another federal designation which differs from CSI schools in that the ATSI designation is tied to specific groups of students. For a school to exit ATSI status, it must satisfy the exit criteria in the state's approved ESSA plan and 80% participation requirements for the school and for each group of students identified for the ATSI designation. Federal designations are contingent upon the approval of the state's ESSA state plan waiver.

8) NEW 2/19 Can schools still be identified as Focus schools?

Yes. If an LEA or public charter school does not meet the **hold harmless** requirements, a school may receive any designation included in Tennessee's approved ESSA plan. For those LEAs or public charter schools meeting the hold harmless requirements, no other summative ratings would be issued, including that of "Focus school."



TCAP Participation Rate of 80% as a Condition of Eligibility for Hold Harmless

9) What is required for an LEA to be “held harmless” from the accountability measures for the 2020-21 school year?

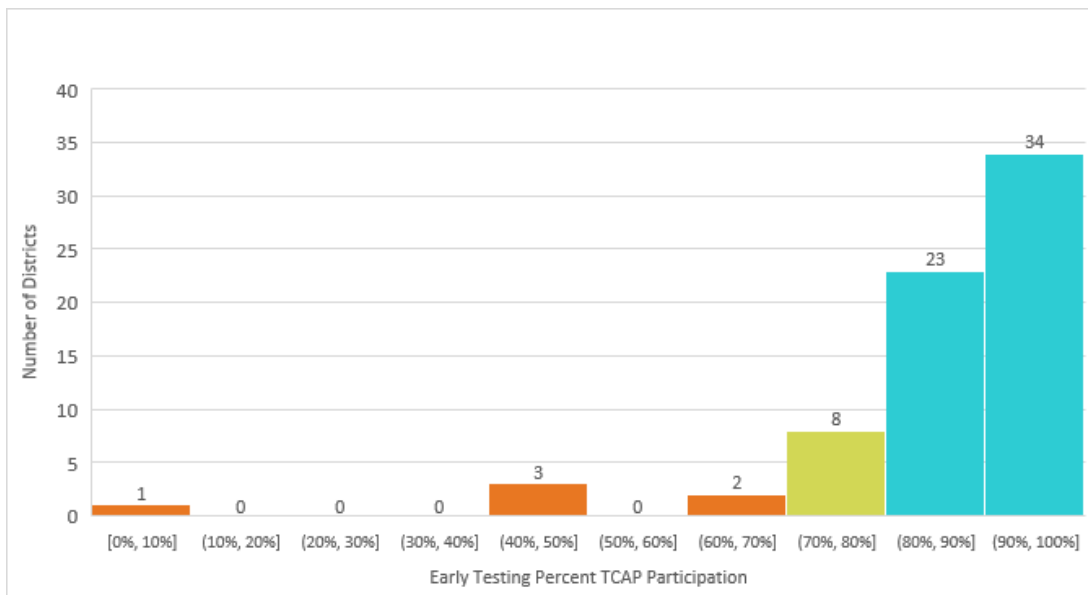
Eighty percent (80%) or more of an LEA's or public charter school's students enrolled in grades three through twelve (3-12) participate in the Tennessee comprehensive assessment program (TCAP) tests administered in the 2020-2021 school year.

10) Which tests are included in the TCAP participation rate calculation?

[T.C.A. § 49-1-228\(f\)](#) defines the TCAP tests as including all Tennessee state assessments in grades 3-8, end-of-course examinations, English learner assessments (WIDA ACCESS), and alternate TCAP assessments (e.g. MSAA).

11) What was the participation rate during Fall end of course (EOC) testing?

For the early tests in the first Fall EOC testing window, 80% of school districts (57 of 71) had at least 80% or more participation. Over 91% of school districts had a participation rate above 70%. School districts with lower participation rates have also rescheduled or participated in make-up opportunities.





12) Does the ACT participation rate count towards the 80% participation rate calculation?

No, ACT student participation is not included in the TCAP participation calculation. Only if a school district or public charter school is not held harmless, will ACT be used for accountability purposes pursuant to standard practice in compliance with Tennessee’s Every Student Succeeds Act (ESSA) Plan.

13) Are there exceptions to which students are included as enrolled and tested for purposes of calculating the TCAP participation rate?

Exceptions to testing are no different than any other school year. Students with a documented medical exemption will not be included in the calculation of participation rate. Updates to the Medical Exemption documentation will be provided in the guidance next week.

14) NEW 2/19 If a public charter school meets the hold harmless standard separate from its authorizing district, is the charter school’s participation rate still included in the district participation rate in determining hold harmless?

Yes. A charter school is a public school and as such its participation rate would be included in the participation rate for the authorizing district.

Local Autonomy for Use of TCAP in Student Final Grades

15) How does the new accountability law amend the use of TCAP results in student final grades?

The law provides each school district the flexibility to determine if TCAP results are used in the final grades for the school district’s students. School districts may choose what percentage of TCAP results will be included in student grades from a range of 0% - 25%. The new law also extends the protections of local decisions around final grades to all grades and subjects, across a larger range of grade options. There are many ways districts could implement this flexibility. For example, a school district would have the flexibility to make the TCAP results count as 0% of a student’s grade in elementary, 10% in middle school, and 20% in high school.

Flexibility could be applied based on whether the TCAP results have a positive impact on the student’s grade. Another example may be a school district counting scores as 0% of a student’s grade if the score is harmful and 15% if helpful. A school district would also have the flexibility to use different percentages across different subjects or even across different schools, according to the intended purpose of student grades within the LEA.

16) When will the raw scores be returned?

Raw scores return dates are determined based on the Spring testing window selected by the school district. ~~All raw scores will be delivered~~



within two weeks after each testing window; the dates for raw score returns can be found in the [assessment milestones document](#).

17) NEW 2/19 If local board policy states that students' final grades weight TCAP as 25% of the final nine weeks' average for the year, can the superintendent recommend the board adjust the weighting from 25% to 0% for this school year?

Yes. Each local board of education may choose the percentage, and superintendents may work with their local school boards to establish the percentage that is most appropriate for their local communities.

Federal Waivers

The full implementation of the new law depends on a federal waiver from the United States Department of Education. Until a waiver is granted, the guidance found in this document is not guaranteed.

18) What is included in Tennessee's waiver request to the U.S. Department of Education?

Tennessee is requesting a one-year waiver on Tennessee's current accountability framework and of the federally mandated participation rate of 95%, as well as other accountability requirements to ensure alignment with the provisions in this new state law on accountability.

19) Where is the waiver request posted?

The cover letter and requested addendum to Tennessee's state plan is posted [here](#).

20) When can the state expect a response to the waiver request?

Tennessee will submit its waiver request on February 1, 2021. While states have not been given an exact date, the U.S. Department of Education has acknowledged that states will need a formal response in advance of testing windows opening in spring 2021.

21) What happens if Tennessee's waiver request is not approved?

If Tennessee's waiver request is not approved, the state will be required to meet the school accountability requirements in Tennessee's approved ESSA plan.



Commissioner Waivers

22) Does the new law grant the commissioner the authority to grant waivers of any provisions of the new law?

The commissioner is given limited authority to grant waivers of the 80% TCAP participation requirement that is a condition for eligibility for the accountability hold harmless provisions of the new law.

23) How may a school district appeal a participation rate determination or apply to the commissioner for a waiver of the 80% TCAP participation requirement in new law?

The participation rate appeal and waiver processes are currently being developed by the department. More information will be shared in the coming weeks.

TDOE Contact Information:

For more information, please contact Eve.Carney@tn.gov.