

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF TENNESSEE

THERESA WAGNER; JENNIFER BRAEUNER;  
THE METROPOLITAN NASHVILLE  
EDUCATION ASSOCIATION; THE  
ANDERSON COUNTY EDUCATION  
ASSOCIATION; and THE TENNESSEE  
EDUCATION ASSOCIATION;

Plaintiffs;

v.

WILLIAM HASLAM, in his official capacity as  
the GOVERNOR OF TENNESSEE; CANDACE  
MCQUEEN, in her official capacity as  
TENNESSEE COMMISSIONER OF  
EDUCATION; B. FIELDING ROLSTON, MIKE  
EDWARDS, ALLISON CHANCEY, LONNIE  
ROBERTS, CAROLYN PEARRE, WENDY  
TUCKER, LILLIAN HARTGROVE, CATO  
JOHNSON, and TERESA SLOYAN, in their  
official capacities as MEMBERS OF THE  
TENNESSEE BOARD OF EDUCATION; THE  
METROPOLITAN NASHVILLE BOARD OF  
PUBLIC EDUCATION; and THE ANDERSON  
COUNTY SCHOOLS BOARD OF EDUCATION;

Defendants.

CIVIL ACTION NO.  
\_\_\_\_\_

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

**I. NATURE OF THE ACTION**

1. In this lawsuit, Plaintiffs challenge the constitutionality of those state and school district evaluation policies implementing Public Chapter 2 of the Public Acts of 2010 (“Act”) that require the evaluation of thousands of public school teachers in Tennessee based substantially on the standardized test scores of students who they do not instruct in the courses

tested. Plaintiffs contend that these state and school district evaluation policies violate Plaintiffs' substantive due process and equal protection rights under the Fourteenth Amendment to the United States Constitution.

2. Plaintiffs seek (1) a declaratory judgment that the state and school district evaluation policies are unconstitutional on their face and as applied, pursuant to 28 U.S.C. §§ 2201 and 2202 and Rule 57 of the Federal Rules of Civil Procedure; (2) an injunction against the continued implementation of those policies and remedying the harm caused by their implementation to date, pursuant to Rule 65 of the Federal Rules of Civil Procedure and the Court's inherent equitable powers; and (3) an award of attorneys' fees, pursuant to 42 U.S.C. § 1988.

## **II. JURISDICTION AND VENUE**

3. This Court has federal-question subject-matter jurisdiction under 28 U.S.C. § 1331, as this action arises under 42 U.S.C. § 1983 and the United States Constitution. This Court also has subject-matter jurisdiction under 28 U.S.C. § 1343(a)(3), because this action seeks to redress the deprivation, under color of State law, of rights secured by the United States Constitution.

4. Venue is proper in this Court under 28 U.S.C. § 1391(b).

## **III. PARTIES**

5. Plaintiff Theresa Wagner teaches Physical Education to students in grades 5-8 at Gra-Mar Middle Prep in Nashville, Tennessee, which is part of the Metropolitan Nashville Public School District ("Nashville District"). Ms. Wagner has taught for twenty-six years, including for seventeen years in the Nashville District, eleven of which have been at Gra-Mar Middle Prep. Ms. Wagner serves as the Healthy Schools Team Coordinator for Gra-Mar. In 2013-14 she received a "Healthy Schools Champion" award from the district in recognition of that work. She

also is active in the school community, serving as the Lead Teacher for the Teacher Incentive Fund, managing the school website, and previously serving on the district's Strategic Compensation Committee. She consistently has received positive performance reviews based on actual observations of her teaching, and is recognized by her colleagues and the school community as an effective teacher. She is licensed to teach Physical Education in grades K-12, and has completed graduate coursework for teaching Adapted Physical Education to students with disabilities.

6. Plaintiff Jennifer Braeuner teaches Visual Arts to students in grades 6-8, including one special education class, at Norris Middle School in Norris, Tennessee, which is part of the Anderson County Public School District ("Anderson District"). Ms. Braeuner has taught for six years at Norris Middle School, after completing a year-long internship at a different school. The quality of work her art students create has been recognized; for example, a student's artwork was selected for a special exhibition at the Knoxville Museum of Art, and another student recently won a district-wide poster contest. Ms. Braeuner sponsors a school art club, and she runs a weekly school-wide design contest to engage students in art outside the classroom. She also is active in the school community, serving as a track and field coach, a substitute member of her School Leadership Team, and previously as a mentor for graduating high school students transitioning to community college programs. Ms. Braeuner consistently has received positive performance reviews based on actual observations of her teaching, and is recognized by colleagues and the school community as an effective teacher. She has a Master's Degree in Art Education, and is licensed to teach Visual Arts in grades K-12.

7. Plaintiff Metropolitan Nashville Education Association (“MNEA”) is a voluntary association whose members are teachers and other professional employees of the Nashville District. The MNEA is a “professional employees’ organization,” as that term is defined in Tenn. Code Ann. § 49-5-602(9), which exists for the purpose of promoting the professional status and growth of educators and the welfare of students. MNEA has devoted substantial resources over the past three years to responding to the arbitrary and irrational mandates of the state’s evaluation policy and the Nashville District’s evaluation policy and has had to divert resources from other organizational priorities in order to do so. MNEA brings this action on behalf of itself, Plaintiff Theresa Wagner, and other elementary and secondary teachers who are evaluated using student standardized tests that do not reflect the instruction they provide in the courses they teach. These members, like Ms. Wagner, teach grades and courses in which student learning is not measured by a state standardized test and are being evaluated, under the challenged policies, based substantially on student standardized tests scores that measure student learning in courses they do not instruct, and for some teachers, the standardized test scores of students they do not teach at all.

8. Plaintiff Anderson County Education Association (“ACEA”) is a voluntary association whose members are teachers and other professional employees of the Anderson District. The ACEA is a “professional employees’ organization,” as that term is defined in Tenn. Code Ann. § 49-5-602(9), which exists for the purpose of promoting the professional status and growth of educators and the welfare of students. ACEA has devoted substantial resources over the past three years to responding to the arbitrary and irrational mandates of the state’s evaluation policy and Anderson District’s evaluation policy and has had to divert resources from

other organizational priorities in order to do so. ACEA brings this action on behalf of itself, Plaintiff Jennifer Braeuner, and other elementary and secondary teachers who are evaluated using student standardized tests that do not reflect the instruction they provide in the courses they teach. These members, like Ms. Braeuner, teach grades and courses in which student learning is not measured by a state standardized test and are being evaluated, under the challenged policies, based substantially on student standardized tests scores that measure student learning in courses they do not instruct, and for some teachers, the standardized test scores of students they do not teach at all.

9. Plaintiff Tennessee Education Association (“TEA”) is a voluntary membership organization. The TEA is a “professional employees’ organization,” as that term is defined in Tenn. Code Ann. § 49-5-602(9), whose mission is to improve the quality of public education throughout the State. For that reason, TEA is committed to ensuring that teacher evaluation systems function effectively to identify both teachers who are performing well and those who need assistance to improve. TEA has devoted substantial resources over the past three years to responding to the arbitrary and irrational mandates of the state’s evaluation policy and school districts’ evaluation policies and has had to divert resources from other organizational priorities in order to do so. TEA represents over 46,000 elementary and secondary teachers, school administrators, education support professionals, higher education faculty, and students preparing to become teachers. TEA brings this action on behalf of itself, the individual plaintiffs identified in paragraphs 5 and 6 above (“Individual Plaintiffs”), and thousands of other elementary and secondary teachers throughout the State who teach grades and courses in which student learning is not measured by a state standardized test. These members, like the Individual Plaintiffs, are

being evaluated based substantially on student standardized test scores that measure student learning in courses they do not instruct, and for some teachers, the standardized test scores of students they do not teach at all.

10. Defendant William Haslam is the Governor of the State of Tennessee. As Governor, Defendant Haslam has the duty under Article III, Section 10, of the Tennessee Constitution to take care that the laws be faithfully executed, including the Act and the state policies implementing the Act that Plaintiffs challenge in this complaint. Governor Haslam is sued solely in his official capacity.

11. Defendant Tennessee Commissioner of Education Candace McQueen is responsible, by and through her staff at the Tennessee Department of Education (“DOE”), for implementing state education laws and policies established by the legislature or the Tennessee Board of Education (“State Board”). Tenn. Code Ann. § 49-1-201(a). In this capacity, among other things, the Commissioner proposes policies to the State Board for implementing the Act, implements those policies once approved by the State Board, and approves individual school district evaluation policies adopted to comply with the State Board’s policies and the Act. *Id.* § 49-1-201(a), (c)5, (c)(20), (c)(22). Commissioner McQueen is sued solely in her official capacity.

12. Defendants B. Fielding Rolston, Mike Edwards, Allison Chancey, Lonnie Roberts, Carolyn Pearre, Wendy Tucker, Lillian Hartgrove, Cato Johnson, and Teresa Sloyan are members of the Tennessee State Board of Education. The State Board is responsible for setting the policies for “evaluating individual teachers” and “evaluating individual student progress and achievement” under the Act. *Id.* § 49-1-302(a)(2)(B-C). The State Board also establishes the

state policies governing teacher evaluation and compensation pursuant to the Act. *Id.* § 49-1-302(a)(5)(A-B). Pursuant to this authority, the State Board has adopted Teacher and Principal Evaluation Policy 5.201 (“State Evaluation Policy,” attached as Exhibit A), which is being challenged in this case. All defendant members of the State Board are sued solely in their official capacities.

13. Defendant Metropolitan Nashville Board of Public Education (“Nashville Board”) administers and manages the Nashville District public schools. As required by the Act, and subject to the policies and required approval of the State Board and DOE, the Nashville Board adopted a school district evaluation policy (“Nashville Evaluation Policy”), which is described in part in the document “TEAM Evaluation for Teachers” attached as Exhibit B. The Nashville Board is responsible for implementing and enforcing that Policy, under which Ms. Wagner and other teachers represented by MNEA, by policy and/or by practice, are evaluated based substantially on student standardized test scores that measure student learning in courses they do not instruct, and for some teachers, the standardized test scores of students they do not teach at all.

14. Defendant Anderson County School Board of Education (“Anderson Board”) administers and manages the Anderson District public schools. As required by the Act, and subject to the policies and required approval of the State Board and DOE, the Anderson Board adopted the school district evaluation policy (“Anderson Evaluation Policy”), attached as Exhibit C. The Anderson Board is responsible for implementing and enforcing that Policy, under which Ms. Braeuner and other teachers represented by ACEA, by policy and/or by practice, are evaluated based substantially on student standardized test scores that measure student learning in

courses they do not instruct, and for some teachers, the standardized test scores of students they do not teach at all.

#### **IV. THE ACT'S EVALUATION MANDATES AND THEIR IMPLEMENTATION THROUGH THE CHALLENGED STATE AND SCHOOL DISTRICT EVALUATION POLICIES**

15. On January 16, 2010, then-Governor Phil Bredesen signed into law the Act, which its sponsors labeled the “First to the Top Act” and is now codified at sections 49-1-302 *et seq.*, 49-1-602 *et seq.*, and 49-5-506 *et seq.* of the Tennessee Code.

16. The Act, *inter alia*, requires school districts to conduct annual performance evaluations of all teachers. Tenn. Code Ann. § 49-1-302(d)(2).

17. Under the Act as it was in effect during the 2011-12 and 2012-13 school years, fifty percent of each teacher’s evaluation was based on “student achievement data” as follows:

- a. Thirty-five percent of the overall evaluation was “based on student growth data as represented by the Tennessee Value-Added Assessment System (TVAAS) . . . or some other comparable measure of student growth, if no such TVAAS data is available” (the “student growth component”), provided that the alternative measure was approved by the State Board. *Id.* § 49-1-302(d)(2)(B)(ii).
- b. Fifteen percent of the overall evaluation was based on other measures of student achievement selected from a list of such measures approved by the State Board, which included school-level TVAAS estimates (the “other achievement component”). *Id.* § 49-1-302(d)(2)(B)(iii); State Evaluation Policy at 2-4.



18. The Act did not specify how the remaining fifty percent of each teacher's evaluation was calculated, except to require that it be based at least partially on observation data. Tenn. Code Ann. § 49-1-302(d)(2)(C). Under both the Nashville Evaluation Policy and the Anderson Evaluation Policy (collectively the "District Evaluation Policies"), as implemented during the 2011-12 and 2012-13 school years, the remaining fifty percent of the evaluation was based on observation of the teacher's performance.

19. Beginning with the 2013-14 school year, the Act was amended to reduce the total portion of an evaluation that must be based on student achievement data from fifty percent to forty percent for teachers "without access to individual data representative of student growth." *See* Public Chapter 105 of the Public Acts of 2013, signed into law April 11, 2013, *codified at* Tenn. Code Ann. § 49-1-302(d)(2)(B)(vi). For all such teachers, the "student growth" component of that student achievement data must comprise twenty-five percent of the overall evaluation and the "other achievement" component must comprise fifteen percent of the overall evaluation. *Id.*

20. The Act still does not specify how the remaining portion of such teachers' overall evaluations is to be calculated, except to require that it be based at least partially on observation data. *Id.* § 49-1-302(d)(2)(C). Under the Nashville Evaluation Policy and the Anderson Evaluation Policy, as implemented since the 2013-14 school year, the remaining sixty percent of the evaluation is based on observation of the teacher's performance.

21. The Act requires school districts to combine these evaluation components, in accordance with the percentage weights specified above, into a single rating on a five-category scale. Each teacher annually receives one of the following five overall evaluation ratings:

- Significantly Below Expectations (1)
- Below Expectations (2)
- At Expectations (3)
- Above Expectations (4)
- Significantly Above Expectations (5)

22. For less than half of teachers in Tennessee, the “student growth” component of their annual evaluations consists of a TVAAS estimate based on their students’ standardized test scores for at least some of the courses the evaluated teacher instructs. This estimate is derived from a mathematical formula developed by Dr. William Sanders. The Sanders TVAAS formula is owned by SAS, Inc., a for-profit corporation that sells statistical analysis services to governments and corporations. Because TVAAS is the property of SAS, Inc., the precise formula and variables it employs have not been publicly disclosed. Broadly, however, TVAAS estimates are based on projections regarding individual students’ expected growth in standardized test scores in a particular year that are generated from historical data that consists entirely of previous standardized test scores. The average amount of standardized test score growth above or below the growth predicted by the formula for a teacher’s students is then attributed to the teacher through a statistical estimate, which does not directly measure teacher contributions to student learning, as his or her “value added” or “TVAAS” estimate.

23. Although many value-added models adjust for factors outside of teachers’ control, such as students’ attendance, socioeconomic status, and status as an English-language learner, TVAAS relies instead “entirely on the students’ prior academic achievement” on standardized tests as the basis for predicting future performance. Specifically, the “prior academic

achievement” that is counted for purposes of the TVAAS estimate consists of students’ scores on (i) the Tennessee Comprehensive Assessment Program (“TCAP”), the state standardized test program for students in grades 3-8 in mathematics, reading/language arts, social studies, and science; (ii) certain state-approved high school end-of-course (“EOC”) examinations; and (iii), at districts’ option, the K-2 achievement assessment.

24. The TCAP tests are separate, timed, multiple choice standardized tests in reading/language arts, mathematics, science, and social studies taken by students in grades 3-8. Each TCAP test is designed to be directly aligned with, and to test student learning of, Tennessee curriculum content standards and performance indicators for the specific grade and course tested. The TCAP tests are not designed, and are neither valid nor reliable, for any other purpose.

25. Each EOC examination is a timed, multiple choice assessment designed to be directly aligned with, and to test student learning of, the curriculum content standards of the specific course for which it is the end-of-course test. The EOC tests are not designed, and are neither valid nor reliable, for any other purpose. EOC tests are approved for the following eight high school courses: Algebra I and II; English I, II and III; Biology I; Chemistry; and U.S. History.

26. The TVAAS was designed to estimate student learning growth only in the specific grades and courses tested by the TCAP and EOC (and, in some districts, the K-2 Assessment) tests whose results are input into the TVAAS formula. The TVAAS was not designed to, and does not, estimate student learning growth in any other courses.

27. Even for teachers who teach courses tested by these standardized tests, TVAAS estimates have a high margin of error, which results in large year-to-year changes in TVAAS

estimates. TVAAS reports include a raw estimate (now called a “growth measure”) and a “standard error” indicating the level of uncertainty surrounding that estimate. For individual teacher results, the standard error is so large that reasonable confidence intervals to determine where the truth really lies generally span multiple effectiveness ratings. However, instead of establishing a confidence interval, the raw estimate is converted into a TVAAS result of 1, 2, 3, 4, or 5, which no longer reflects and does not allow school officials to take into account the uncertainty inherent in the estimate.

28. There are numerous reasons for the high margin of error in TVAAS estimates, including that many factors influence the student learning reflected by standardized test scores. According to the American Statistical Association, teachers account for approximately one to fourteen percent of the variability in student test scores, while other in-school and out-of-school factors that are outside teachers’ control account for the vast majority of variation in student test scores. American Statistical Association Statement on Using Value-Added Models for Educational Assessment, April 8, 2014, at 2, 7 (“ASA Statement”), *available at* [www.amstat.org/policy/pdfs/ASA\\_VAM\\_Statement.pdf](http://www.amstat.org/policy/pdfs/ASA_VAM_Statement.pdf). Out-of-school factors that may affect standardized test scores include parental support for learning, poverty, parents’ education level, students’ English language learner status, disabilities, innate ability, and health and nutrition. School-based factors that may affect such scores include class sizes, instructional time, curriculum, student peer culture, and resources including building facilities, textbooks, and computers. Additional factors contributing to the margin of error include that standardized tests are imperfect measures of student learning and that students are not randomly assigned to teachers and schools.

29. The TVAAS formula attempts to account for those other factors indirectly, by controlling for a particular student's achievement over a number of years, but that effort is necessarily incomplete, resulting in estimates of a teacher's effectiveness that are "unstable across statistical models, years, and classes that teachers teach." EPI Briefing Paper 278, *The Problems with the Use of Student Test Scores to Evaluate Teachers* at 4 (August 2010), available at [www.epi.org/publication/bp278](http://www.epi.org/publication/bp278). Indeed, one recent analysis of the stability of value-added ratings found that only four to sixteen percent of the variation in a teacher's value-added ranking could be predicted from his or her rating in the previous year. *Id.* at 13. On information and belief, TVAAS estimates are at least as unstable and unreliable as the value-added ratings studied in the research described above.

30. Because of these limitations, the American Statistical Association warns that "[r]anking teachers by their [value-added] scores can have unintended consequences that reduce quality." ASA Statement at 2. Similarly, the National Academy of Sciences has urged that such estimates not play a significant part in high-stakes teacher evaluation systems. *See* Board on Testing and Assessment, Division of Behavioral and Social Sciences and Education, National Academy of Sciences, "Letter Report to the U.S. Department of Education on the Race to the Top Fund" (October 5, 2009), available at [http://books.nap.edu/openbook.php?record\\_id=12780&page=1](http://books.nap.edu/openbook.php?record_id=12780&page=1).

31. For all these reasons, the TVAAS estimates are unreliable and suspect even for teachers who instruct courses in which student learning is measured by one of the standardized tests used in the TVAAS formula. But more than half of public school teachers in Tennessee do not teach such courses ("non-TVAAS teachers"). Almost all of these non-TVAAS teachers are

being evaluated substantially based on school-level TVAAS estimates that do not reflect the contribution of these teachers to their students' learning in the courses they teach.

32. These school-level TVAAS estimates, which are sometimes referred to as “school-wide” TVAAS estimates, *see* State Evaluation Policy at 2-5, in fact reflect only the standardized test scores of students at a given teacher's school in the limited subjects, grades, and courses in which the state standardized tests used in the TVAAS estimates are given. School-level TVAAS estimates do not reflect student growth in the subjects and courses that non-TVAAS teachers are trained, licensed, and employed to teach. In fact, these school-level TVAAS estimates provide no indication at all as to the quality of the instruction a particular teacher provides; they provide a single estimate of how a school's standardized test scores in TVAAS-tested courses compare to projected test scores, which is then applied to all non-TVAAS teachers in a school.

33. For example, because the TCAP tests are given only in grades 3-8, a school-level estimate for any high school teacher is calculated from EOC test scores for just eight of the dozens of courses taught in Tennessee high schools: Algebra I and II; English I, II and III; Biology I; Chemistry; and U.S. History. Thus, a teacher who instructs only mathematics courses that follow Algebra II, for example, is evaluated based on the mathematics learning in Algebra I and II of students he or she has not yet had the opportunity to teach, as well student learning in certain English, Biology, Chemistry, and U.S. History courses. Teachers of art, world history, home economics, foreign languages, and many other courses who receive school-level TVAAS estimates likewise are evaluated on the basis of the work of other teachers in the eight specific courses in which EOC examinations are given.

34. These school-level estimates say nothing about the quality of the advanced math, art, or other teaching provided by an individual high school teacher who does not teach courses in which EOC tests are given, or about how much his or her students learn in the courses the teacher instructs. Instead, the school-level estimates result in assigning a number rating to the teacher that is unrelated to the work that the teacher is trained, licensed, and employed to provide.

35. Despite this, almost all non-TVAAS teachers are nevertheless being evaluated substantially on the basis of school-level TVAAS estimates under the challenged State and District Evaluation Policies. For many of these teachers, half of their annual evaluations for the 2011-12 and 2012-13 school years were based on school-level TVAAS estimates and forty percent of their annual evaluations for 2013-14 were based on school-level TVAAS estimates. And the remainder of these non-TVAAS teachers had thirty-five percent of their annual evaluations for the 2011-12 and 2012-13 school years based on school-level TVAAS estimates and twenty-five percent of their annual evaluations for the 2013-14 school year based on school-level TVAAS estimates.

36. To date, the State Board has only approved alternative measures that school districts may use for the “student growth” component of the annual evaluations of teachers of Fine Arts, World Languages, grades K-2, and as of 2014-15, Physical Education. But many school districts, including the Nashville District and Anderson District, have not implemented these alternative measures. Because the challenged State Evaluation Policy requires school districts to use school-level TVAAS estimates as the “student growth” component for non-TVAAS teachers for whom there is no alternate measure that has been both approved by the State Board and

implemented by the relevant school district, *see* State Evaluation Policy at 2, the few State-approved alternatives and even fewer district adoptions result in school-level TVAAS estimates being used as the “student growth” component in most non-TVAAS teachers’ evaluations.

37. As for the distinct “other achievement” component of teachers’ evaluations, because the State Board has approved school-level TVAAS estimates for use as this component too (which must comprise fifteen percent of teachers’ annual evaluations, *see supra* paragraphs 17 & 19) and has approved relatively few alternatives for this component, *see* State Evaluation Policy at 4-5, many non-TVAAS teachers (including many teachers represented by Plaintiffs TEA, MNEA, and ACEA) are being assigned school-level TVAAS estimates for this required portion of their annual evaluations as well.

38. As a consequence, school-level TVAAS estimates often are being used to satisfy both the required “student growth” and “other achievement” components of the non-TVAAS teachers annual evaluations. *See* Tenn. Dep’t of Educ., Teacher Evaluation in Tennessee: A Report on Year 2 Implementation, at 21-23 (“Year 2 Report”), *available at* [http://www.tn.gov/education/teaching/docs/yr\\_2\\_tchr\\_eval\\_rpt.pdf](http://www.tn.gov/education/teaching/docs/yr_2_tchr_eval_rpt.pdf).

39. The state-mandated curriculum content standards for instruction in non-TVAAS courses are entirely unrelated to the curriculum content standards for instruction in the TVAAS reading, mathematics, social studies, and science courses. For example, the middle school Physical Education curriculum standards that Plaintiff Wagner is employed and required to teach include specific motor skills such as running, dribbling, and balance skills; related concepts, such as understanding and applying offensive and defensive strategies in activities such as basketball and tennis; and understanding the importance of and maintaining physical activity. *See*



Tennessee Physical Education Curriculum Standards, Grades 6-8 Physical Education, *available at* <http://www.tennessee.gov/education/standards/health/6-8PEandWellnessStandards2009.pdf>.

The middle school Visual Arts curriculum standards that Plaintiff Braeuner is employed and required to teach include understanding and use of different art media and understanding of elements of arts and design. *See* Tennessee Visual Art Curriculum Standards, Grades 6-8, *available at* [http://www.tn.gov/education/standards/arts/ART\\_VA\\_6-8.pdf](http://www.tn.gov/education/standards/arts/ART_VA_6-8.pdf). In contrast, the TCAP sixth grade reading examination, which was designed to measure mastery of the sixth grade reading curriculum and nothing else, tests for the correct use of nouns, verbs, adjectives, prepositional phrases, synonyms, and antonyms; selecting appropriate thesis statements, supporting statements, and concluding sentences for a writing sample; and other aspects of the required English curriculum. The TCAP examinations for mathematics, science, and social studies similarly do not test the standards that Plaintiff Wagner and Plaintiff Braeuner are licensed, employed, and required to teach.

40. There is no rationale, pedagogical or otherwise, for evaluating a teacher such as Plaintiff Wagner or Plaintiff Braeuner based substantially on an estimate of student learning unrelated to the instruction the teacher is trained, licensed, and employed to provide and, in many instances, unconnected even to the students the teacher instructs. Doing so is not an intended use of the TVAAS formula. There is no educational research supporting evaluating teachers on the basis of such an irrelevant measure, much less any research establishing that it is anything but arbitrary to base a significant proportion of a teacher's annual evaluation (at least twenty-five percent and as much as forty percent as of the 2013-14 school year) on the basis of such a measure.

41. Not only does the use of such a measure result in teacher evaluations that are neither valid nor reliable, but the use of such measures runs directly contrary to the overriding rationale for using student test scores and value-added modeling to evaluate teachers, which is to evaluate the effectiveness of an individual teacher in enhancing her students' learning by attempting to isolate and attribute student learning to specific teachers. When such a model is applied to teachers who do not teach the tested material, however, the model effectively evaluates the non-TVAAS teacher based on the performance of other teachers who do teach the tested courses. Thus, rather than being evaluated based on the instruction they provide, teachers who do not teach courses measured by the state standardized tests used in the TVAAS formula are being evaluated based on the work of other teachers, and not at all based on a measure of how well they teach.

42. The school-level TVAAS estimates assigned to teachers without individual data are identical for each teacher assigned the score within a particular school. Therefore, by definition, such estimates do not differentiate the performance of individual teachers such as the Plaintiffs. The best and worst teacher in a school will have precisely the same "student growth" and "other achievement" components in his or her annual evaluation when the school-level TVAAS estimates are used for these components.

43. As the U.S. Department of Education has correctly concluded, "Measures of collective performance [such as school-level student growth estimates] mask high and low performers in the group and give little information about how individual teachers are doing with their classrooms." U.S. Dep't of Education, Reform Support Network, Measuring Student Growth for Teachers in Non-Tested Grades and Subjects, at 4, *available at*

<http://www2.ed.gov/about/inits/ed/implementation-support-unit/tech-assist/measuring-student-growth-teachers.pdf>.

44. Even if teachers who do not have individual TVAAS data could have some marginal effect on the scores of students in the tested courses throughout the school, any such effect would be tiny in comparison to the effects of teachers of the tested courses. Moreover, the TVAAS formula cannot—and does not even attempt to—isolate any such effect. In other words, even if Plaintiff Wagner’s Physical Education classes and Plaintiff Braeuner’s Visual Arts classes somehow were to include the curriculum of the English, math, social studies, and science courses tested by the TCAPs, the school-wide TVAAS estimates assigned to each of them still would say nothing about their effectiveness teaching TCAP material (much less about their effectiveness teaching physical education and art) because the English, math, social studies, and science teachers throughout the school would have a vastly larger impact on students’ TCAP scores, and the TVAAS formula does not attempt to, and cannot, determine what Plaintiff Wagner’s and Plaintiff Braeuner’s respective miniscule contributions to their school-wide TCAP scores might have been.

45. The resulting evaluations using these school-level TVAAS estimates as a substantial component are not only arbitrary and irrational, but affirmatively harmful. This method of evaluation may produce worse outcomes than rewarding and punishing teachers randomly, because strong teachers are likely to be punished if they teach at high-needs schools that produce low school-level TVAAS scores. Conversely, poor teacher performance is likely to be masked in schools that produce high school-level TVAAS scores, an outcome that is neither desirable nor consistent with the accountability intended under the Act and the implementing State

Evaluation Policy and District Evaluation Policies. The result is to create a clear and direct incentive for teachers to avoid assignments in low-performing schools, thus increasing the difficulty of adequately serving those students most in need.

## **V. THE EMPLOYMENT CONSEQUENCES OF THE MANDATED EVALUATIONS**

46. The Act ties the required teacher evaluations directly to most employment decisions of consequence, including assignment, retention, compensation, tenure, and termination.

47. For example, teachers may be suspended or dismissed for “inefficiency,” which is specifically defined to include having an overall performance rating of 2 (below expectations) or 1 (significantly below expectations). Tenn. Code Ann. §§ 49-5-501(6), 49-5-511(a)(2).

48. A teacher may not be granted tenure—*i.e.*, protection from discharge absent cause—unless his or her overall performance rating is a 4 (above expectations) or 5 (significantly above expectations) during the last two years of his or her probationary period. *Id.* § 49-5-504(a)(2). Tenured teachers (except those who attained tenure prior to July 1, 2011) must be returned to probationary status—*i.e.*, they lose protection from discharge absent cause—if their performance rating for two consecutive years is 2 (below expectations) or 1 (significantly below expectations). *Id.* § 49-5-504(e)-(f).

49. In addition, in fourteen school districts statewide, including Gra-Mar Middle Prep and twenty-one other schools in the Nashville District, teachers are eligible to receive a performance bonus under the Teacher Incentive Fund Grant (“TIF”) program. Statewide, TIF grants must be based on performance ratings, with individual school districts setting the specific eligibility criteria.

50. The Nashville Board administers the district's TIF program, under which a teacher receives a TIF performance bonus if he or she receives an overall performance rating of 4 (above expectations) or 5 (significantly above expectations) and may receive such a bonus based on a variety of other criteria, many of which are TVAAS-based measures of performance. *See* Metro Nashville Pub. Sch., TIF Frequently Asked Questions, *available at* <http://www.innovation.mnps.org/Page85813.aspx>.

51. These arbitrary evaluation results control even how a teacher's future evaluations are conducted. Teachers who receive a rating of 5 (significantly above expectations) are subject only to one annual observation evaluation, whereas teachers who receive a 1 (significantly below expectations) are subject to at least six annual observations. Teachers who receive a 2, 3 or 4 are subject to at least four annual observations. *See* State Evaluation Policy at 7.

## **VI. THE ARBITRARY CONSEQUENCES OF THE MANDATED EVALUATIONS FOR PLAINTIFFS**

52. For each of the three school years since the Act's enactment (2011-12, 2012-13, and 2013-14), Plaintiff Theresa Wagner, a Physical Education teacher at Gra-Mar Middle Prep in the Nashville District, received an evaluation that included a school-level TVAAS estimate based on students' TCAP scores, including the test scores of some students she does not teach at all, because there are no TCAP or EOC standardized test scores for Physical Education that can be plugged into the TVAAS formula. Ms. Wagner's evaluation for the 2014-15 school year likewise is expected to include a school-level TVAAS estimate based on students' TCAP scores. Ms. Wagner is not trained, licensed, or employed to teach the reading, mathematics, social studies, and science courses upon which her TVAAS estimate is based, nor does she have any reasonable method for affecting in any substantial way school-wide student learning of reading,

mathematics, social studies, and science. Ms. Wagner received overall performance ratings of 5 for school years 2011-12 and 2012-13, based upon her observation results and the school-level TVAAS estimate of “5” in both of those years. For the 2013-14 school year, Ms. Wagner’s overall performance rating fell to 3 because, although her observation results remained high and within the range for TIF eligibility, the school-level TVAAS estimate fell from “5” to “1.” Ms. Wagner received the maximum TIF performance bonus for her overall rating of 5 in both the 2011-12 and 2012-13 school years (\$2000 and \$1000, respectively), but she was ineligible for and thus did not receive a TIF performance bonus for 2013-14 due to the school-level TVAAS estimate included in her evaluation.

53. In addition to this monetary loss, the arbitrarily low performance evaluation Ms. Wagner received as a result of being evaluated on the basis of student standardized test scores in courses she does not teach, including the standardized test scores of some students she does not teach at all, has harmed Ms. Wagner’s professional reputation, and she has suffered emotional distress, anxiety, and diminished professional morale.

54. For each of the three school years since the Act’s enactment (2011-12, 2012-13, and 2013-14), Plaintiff Jennifer Braeuner, a Visual Arts teacher at Norris Middle School, received an evaluation that included a school-level TVAAS estimate based on students’ TCAP scores, including the test scores of some students she does not teach at all, because there are no TCAP or EOC evaluation scores for Visual Arts that can be plugged into the TVAAS formula. Ms. Braeuner’s evaluation for the 2014-15 school year likewise is expected to include a school-level TVAAS estimate based on students’ TCAP scores. Ms. Braeuner is not trained, licensed, or employed to teach the reading, mathematics, social studies, and science courses upon which her

TVAAS estimate is based, nor does she have a meaningful opportunity to affect in any substantial way school-wide student learning of reading, mathematics, social studies, and science. Ms. Braeuner received an overall performance rating of 4 for both school years 2011-12 and 2012-13, based upon her observation results and a school-level TVAAS estimate of “5” in each respective year. In 2013-14, Ms. Braeuner’s overall performance rating fell to 3 because, although her observation results remained high, the school-level TVAAS estimate fell from “5” to “1.”

55. Because the Act prohibits granting tenure to probationary teachers unless they receive an overall evaluation rating of “4” or “5” for each of the prior two school years, *see* Tenn. Code Ann. § 49-5-504(a)(2), the arbitrarily reduced performance rating Ms. Braeuner received prevented her from being considered for tenure at the end of the five-year statutory probationary period, and it will continue to prevent her from being considered for tenure unless and until she receives two consecutive annual evaluation ratings of at least “4.” Additionally, the arbitrarily low performance rating Ms. Braeuner received as a result of being evaluated on the basis of student standardized test scores in courses she does not teach, some of which are from students she does not teach at all, has harmed Ms. Braeuner’s professional reputation, and she has suffered emotional distress, anxiety, and diminished professional morale.

56. Plaintiffs TEA, MNEA, and ACEA represent many other teachers who have suffered similar harms as Ms. Wagner and Ms. Braeuner as a result of the arbitrary evaluations to which they have been subjected due to the Act as implemented in accordance with the State Evaluation Policy and District Evaluation Policies. Plaintiffs TEA, MNEA, and ACEA represent many elementary and secondary teachers who do not teach courses tested on state standardized tests

used with the TVAAS formula, most of whom now receive school-level TVAAS estimates as twenty-five or forty percent of their evaluations. Each such teacher is evaluated substantially on the basis of student test scores in courses the evaluated teacher is not trained, licensed, or employed to teach, and many of these teachers are evaluated substantially on the basis of test scores of students they do not teach at all. As a result, these teachers have suffered arbitrarily and irrationally diminished professional evaluations, causing harmful employment consequences, including lost compensation and the risk of termination (which has led some teachers to resign or retire), harm to such teachers' professional reputations, emotional distress, anxiety, and diminished professional morale.

57. The mandate under the State Evaluation Policy and the challenged District Evaluation Policies as implemented, which result in non-TVAAS teachers such as the Plaintiffs being evaluated for purposes of all high-stakes employment decisions substantially on the basis of student learning growth estimates that do not reflect the learning of students in the classes they instruct, is arbitrary, irrational, unfair, and unlawful.

**Count One: Violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution**

58. Plaintiffs incorporate and reallege each of the foregoing paragraphs.

59. The Due Process Clause of the Fourteenth Amendment provides that “No state shall . . . deprive any person of life, liberty, or property, without due process of law.” Under the “substantive” component of the Due Process Clause, a state or locality cannot subject individuals to arbitrary or capricious legislative or administrative action.



60. The State Evaluation Policy, Nashville Evaluation Policy, and Anderson Evaluation Policy (collectively, the “Policies”), on their face and as implemented, are arbitrary, capricious, and not rationally related to a legitimate governmental purpose because they require Individual Plaintiffs and other teachers represented by TEA, MNEA, and ACEA as a condition of their public employment to be evaluated substantially on the basis of student standardized test scores unrelated to the courses they teach, which do not reflect the instruction that those teachers are trained, licensed, employed, and required to provide.

61. The resulting evaluations harm such teachers’ pay, job security, and professional reputations. This harm is magnified by the Act’s requirement that decisions related to promotion, retention, termination, pay, tenure, and other employment decisions be made on the basis of teachers’ evaluation ratings, as well as the TIF program requirement that TIF bonuses be awarded based on these evaluation ratings.

62. Because these arbitrary and capricious Policies have caused injury to the Plaintiffs, the Policies violate Plaintiffs’ rights under the Due Process Clause.

63. In addition, the Policies violate Plaintiffs’ rights under the Due Process Clause because, consistent with the liberty and property interests protected by the Due Process Clause, a state may not impose punishments and other legal burdens on individuals for actions for which they had no responsibility or ability to control.

**Count Two: Violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution**

64. Plaintiffs incorporate and reallege each of the foregoing paragraphs.

65. The Equal Protection Clause of the Fourteenth Amendment provides that “No state shall . . . deny to any person within its jurisdiction the equal protection of the laws.” This

guarantee requires that any classification implemented by a state or locality be rationally related to a legitimate governmental purpose.

66. Under the State Evaluation Policy, the Nashville Evaluation Policy and the Anderson Evaluation Policy (collectively, the “Policies”), on their face and as applied, more than half of the teachers in the State are evaluated in substantial part on the basis of school-level TVAAS estimates that are unrelated to the courses such teachers are trained, licensed, employed, and required to teach. Rather than reflecting student test results in the courses taught by these teachers, these estimates are an aggregation of test scores for courses taught by other teachers in the school. For all other teachers in the State, the corresponding portion of their evaluation is based on their students’ test results for the courses that they teach.

67. Teachers’ evaluations are directly tied to almost all employment decisions of consequence, including promotion, retention, termination, compensation, tenure, and other employment decisions. There is no rational reason to classify non-TVAAS teachers on the basis of student test scores that are unrelated to the courses such teachers are trained, licensed, employed, and required to teach, while classifying TVAAS teachers on the basis of their own students’ scores for tests directly aligned to the content standards for the specific courses such teachers teach.

68. Indeed, basing a substantial portion of a teacher’s evaluation on test scores from courses and students that the teacher does not teach is not rationally related to any legitimate governmental purpose and serves to undermine, rather than advance, the quality of Tennessee public schools. For example, teachers without individual TVAAS data at schools that produce low school-level TVAAS estimates, such as the Individual Plaintiffs in 2013-14, are much more

likely to suffer negative employment consequences—including loss of tenure and termination—than teachers at schools with high school-level TVAAS estimates.

69. Because Individual Plaintiffs and other teachers represented Plaintiffs TEA, MNEA, and ACEA who do not have individual TVAAS estimates have been injured by the State Evaluation Policy and the District Evaluation Policies of evaluating them substantially on the basis of student standardized test scores for courses unrelated to the courses they teach, and often from students they do not teach, these Policies violate Plaintiffs' rights under the Equal Protection Clause.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully pray that this Court:

- a. Declare that the provisions of the State and District Evaluation Policies, and/or any practices implementing said policies, requiring the evaluation of teachers without individual TVAAS data using school-level TVAAS estimates violate the due process and equal protection rights of Plaintiffs under the Fourteenth Amendment of the United States Constitution;
- b. Permanently enjoin Defendant Haslam, Defendant McQueen, and the Defendant BOE members, their successors, and all those acting in concert with them or at their direction, from implementing or enforcing such provisions of the State Evaluation Policy;
- c. Permanently enjoin Defendants Nashville Board and Anderson Board, and all those acting in concert with them or at their direction, from implementing or enforcing such provisions of the State Evaluation Policy and the District Evaluation

Policies, and from using for any purpose school-level TVAAS estimates in the evaluations of teachers without individual TVAAS data;

d. Award Plaintiffs attorneys' fees and costs pursuant to 42 U.S.C. § 1988

and such other statutory and common law provisions as may be applicable; and

e. Grant such other and further relief as may be necessary and proper to

restore the *status quo ante*.

Respectfully submitted this 5th day of February, 2015.

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## Teacher and Principal Evaluation Policy

### Guidelines and Criteria

Local boards of education shall develop or adopt evaluation models for teachers and principals. To be approved, these evaluation models must meet the following guidelines and criteria.

#### General Guidelines

- (1) The primary purpose of annual teacher and principal evaluations is to identify and support instruction that will lead to high levels of student achievement.
- (2) Evaluations will be used to inform human capital decisions, including, but not limited to individual and group professional development plans, hiring, assignment and promotion, tenure and dismissal, and compensation.
- (3) Annual evaluations will differentiate teacher and principal performance into five effectiveness groups according to the individual educator's evaluation results. The five effectiveness groups are: significantly above expectations, above expectations, at expectations, below expectations, significantly below expectations. The Department of Education will monitor observation scores throughout the year and enforce consistent application of standards across districts. Upon the conclusion of the school year and relevant data collection, the department will publish evaluation results by district. Districts *and schools* that fall outside the acceptable range of results, subject to student achievement scores, will be subject to additional training and monitoring by the department *as outlined in section (4)*.
- (4) *For the purposes of these guidelines, performance level discrepancies between individual student achievement growth scores and observation scores of three or more will be considered outside the acceptable range of results. The 10 percent of schools with the highest percentage of teachers falling outside the acceptable range of results will be required to participate in additional training and support as determined by the department. Districts that have 20 percent or more of their teachers fall outside the acceptable range of results will, as determined by the commissioner, lose their ability to apply for or implement alternate evaluation models or TEAM Flexibility the following school year*

#### Local Evaluation of Teachers, Principals and Non-Instructional, Certified Staff.

Fifty percent of the evaluation criteria shall be comprised of student achievement data, including thirty-five percent based on student growth data and fifteen percent based on other measures of student achievement. The remaining fifty percent of the evaluation criteria shall be based on a rating

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using the qualitative appraisal instrument contained in each approved evaluation model.

(1) Fifty percent student achievement data. This portion of the evaluation model will use multiple data sources to evaluate educators' effectiveness in affecting student learning growth.

(a) Thirty-five percent student growth measures.

1. For teachers with individual value-added scores, the student growth measures shall be comprised of TVAAS scores.

For teachers, librarians, counselors and other groups of educators who do not have individual TVAAS scores, LEAs will choose from a list of options that have been shown capable of measuring student growth. The list of options will be approved by the Department of Education prior to the start of each school year.

The current list of options includes:

K-2 assessment  
Fine Arts Portfolio Model  
World Languages Portfolio Model

The Department of Education will continually monitor and revise the list of options under this category based on increasing availability of higher-quality measures of performance. Additionally, the Department of Education will work to develop valid and reliable student growth measures for those areas that do not currently have them. In lieu of the availability of growth measures for all educators without individual TVAAS scores, school-level value-added scores will be the standard student growth measure while other growth measures are in development. LEAs must:

- (i) Provide training to evaluators to assess whether the students instructed by the educator being evaluated have demonstrated sufficient growth for the chosen measure, and
- (j) Implement the state's multiple rating categories to measure levels of performance for the chosen measure.

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2. For principals and other school administrators who spend at least 50 percent of their time on administrative duties, the student growth measure will be school-level value-added scores.

(b) Fifteen percent other measures of student achievement.

1. Principals and assistant principals, classroom teachers, librarians and all other educators in grades K-8 and 9-12 will select, in collaboration with the evaluator, from the following list of measures. The agreed-upon measure should be a measure aligned as closely as possible to the educator's primary responsibility. If the two parties do not agree on a measure, the evaluator will select a measure.

Principals and teachers in the top three quintiles for student growth may elect to use their growth scores for fifty percent of their evaluation in lieu of selecting another achievement measure for the fifteen percent.



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	State assessments (discipline-specific/TCAP)	School-wide TVAAS or individual TVAAS for teachers in top 3 quintiles	ACT suite of assessments/SAT suite of assessments	National/State-used "off the shelf" assessments based on criteria developed by the TDOE	AP/IB/NIC suites of assessments top 3 quintiles	Graduation Rate	Pre- and post-test for the SAT 10	End of year SAT 10 test for districts that adopted it during the previous school year	Peer-review portfolio model	CTE Concentrator Math/Literacy School-Wide Score	English Language Development Assessment (ELDA) School-Wide Score
Teachers with TVAAS (4-8)	X	X	X	X							
Teachers with TVAAS (9-12)	X	X	X	X	X	X					
Principals/ Assistant Principals	X	X	X	X	X	X					
PK-3	X	X	X	X			X*	X**			
Fine Arts	X	X	X	X	X	X			X		
Middle/High School non-assessed courses	X	X	X	X	X	X					
World Languages	X	X	X	X	X	X					
Computer Technology	X	X	X	X	X	X					
Academic Interventionists	X	X	X	X		X					
Library Media Specialists	X	X	X	X		X					
English Language Learner Specialists	X	X	X	X	X	X					X
Special Education Specialists	X	X	X	X	X	X					
CTE	X	X	X	X	X	X				X	
Caseload Educators	X	X	X	X		X					
PE and Health Educators	X	X	X	X		X					

\*First and Second Grade Only

\*\* Third Grade Only

State assessments (discipline-specific/TCAP): includes, TCAP Achievement (all forms, grades 3-8, TCAP EOC (secondary), TCAP ELDA (K-12 ELL), TCAP Writing (Grades 5, 8, 11), TCAP Constructed Response (Grades 3 and 7), TCAP Alt (SpEd), TCAP MAAS (SpEd).

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TVAAS: School-wide value added composite, Individual Teacher Effect composite for teachers in the top 3 quintiles.

National/State “off the shelf” tests: PreK-12 diagnostic or achievement/attainment assessments (e.g. SAT 10, Dibels, DRA, Kindergarten-readiness, end of course, etc.) DOE will develop standard criteria for approval of tests submitted by LEAs.

AP/IB/NIC suites of assessments: Courses designed for Advanced Placement (AP), International Baccalaureate (IB), National Industry Certification (NIC) assessments.

Graduation rate: School level calculated secondary rates.

2. The State Department of Education will continually monitor and make recommendations to the State Board of Education for revising the menu of options under this category based on increasing availability of higher-quality measures of performance.
- (2) Fifty percent other mandatory criteria. This portion of the evaluation model will use multiple data sources to evaluate educator practice against the qualitative appraisal instrument contained in each approved evaluation model.

For all classroom teachers and non-instructional, certified staff other than principals and assistant principals who spend at least 50 percent of their time on administrative duties, the State Board of Education will approve an evaluation model by which to evaluate all educators' effectiveness. In lieu of the approved model, LEAs may select another model from an approved list. The list of currently approved options includes:

Tennessee Educator Acceleration Model (TEAM)  
The Teacher Instructional Growth for Effectiveness and Results (TIGER)  
Project COACH

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Teacher Effectiveness Model (TEM)

The Achievement Framework for Excellent Teaching (AFET)

All approved models must contain a qualitative appraisal instrument that addresses the following domains: Planning, Environment, Professionalism, and Instruction. All approved models shall include, but are not limited to: a review of prior evaluations, personal conferences to discuss strengths, weaknesses and remediation, and classroom or school observation visits.

- (a) Principals and assistant principals who spend 50 percent or more of their time on administrative duties will be evaluated according to an approved evaluation model based on the Tennessee Instructional Leadership Standards (TILS) and approved by the State Board of Education. The evaluation process will also include a review of the quality of the principals' teacher evaluations. Principal and assistant principal qualitative appraisals should include school climate and/or teaching and learning conditions surveys. The Department of Education will develop a list of approved surveys that LEAs can use.

1. All educators, other than apprentice teachers, *teachers with individual student growth scores who earned a level five on such growth scores or final evaluation in the preceding school year*, and administrators, will have a minimum of four observations\*, *with at least two domains observed in a given semester*, for a minimum total of at least 60 minutes each school year. At least half of all observations will be unannounced. Apprentice teachers, *other than those with individual student growth scores who earned a level five on such growth scores or final evaluation in the preceding school year*, will have at least six observations\*, *with at least three domains observed in a given semester*, for a minimum total of at least 90 minutes each school year. *Any educator with individual student growth scores who earned a level five on such growth scores or final evaluation in the preceding school year will have a minimum of one observation that includes each of the three domains, as well as two walk-through observations during the second semester. Any educator with a professional license and with individual student scores who earned a level one on such growth scores or final evaluation in the preceding school year will have the same minimum number of observations as an educator with an apprentice license.* An LEA may choose to allow principals to conduct a required observation relative to the instructional domain in conjunction with a required

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observation relative to the planning or environment domain, provided the requisite minimum time, semester, distribution and notice (announced versus unannounced) are met.

<i>Licensure Status</i>	<i>Previous Growth or Final Evaluation Score</i>	<i>Minimum Required Observations*</i>	<i>Minimum Required Observations Per Domain*</i>
<i>Apprentice</i>	1-4	<i>Six observations, with a minimum of three domains observed in each semester</i>	<i>3 Instruction 2 Planning 2 Environment</i>
	5	<i>One formal observation covering all domains first semester; two walk-throughs second semester</i>	<i>1 Instruction 1 Planning 1 Environment</i>
<i>Professional</i>	1	<i>Six observations, with a minimum of three domains observed in each semester</i>	<i>3 Instruction 2 Planning 2 Environment</i>
	2-4	<i>Four observations with a minimum of two domains observed in each semester</i>	<i>2 Instruction 1 Planning 1 Environment</i>
	5	<i>One formal observation covering all domains first semester; two walk-throughs second semester</i>	<i>1 Instruction 1 Planning 1 Environment</i>

**\*NOTE:** As per the policy revision adopted by the SBE in November 2011, an LEA may choose to allow principals to conduct an observation of the instruction domain in conjunction with an observation of either environment or planning domain.

1. Principals will have at least two onsite observations annually, conducted by the director of schools or designee.
2. The Department of Education will provide user friendly,

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manageable standardized forms to document observation visits and/or personal conferences. The approved forms will provide space for feedback in enough detail to allow the teacher or principal to understand specific areas of strength and areas for development. LEAs that elect to use an alternative appraisal instrument for evaluation must submit the observation recording forms to the Department of Education for approval.

3. Evaluators will provide written feedback within one week of each observation visit to the educator, and schedule an in-person debrief with the educator within one week of each observation visit. At the end of each school year, evaluators will rate educators based on the selected evaluation model, using notes collected through observation visits, conferences, a review of progress made in relation to the prior year's evaluation (when available) and other means.

### **Approved Evaluation Models**

The approved evaluation model for non-public school teachers is the state's evaluation framework used by all schools prior to 2011-12 school year.

Any charter or state agency school interested in proposing its own evaluation model may submit an application for approval to the Department of Education. The Commissioner of Education shall have the authority to approve the use of the evaluation model.

### **Local-Level Grievance Procedure**

- (1) Purpose.
  - (a) To comply with Tenn. Code Ann. §49-1-302 which requires, "the development of a local-level evaluation grievance procedure to provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted by the State Board of Education."
    1. "Accuracy of the data" means only that the data identified with a particular teacher is correct.

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2. Minor procedural errors in implementing the evaluation model shall be resolved at the lowest possible step in the grievance procedure but shall not constitute grounds for challenging the final results of an evaluation. Minor procedural errors shall be defined as errors that do not materially affect or compromise the integrity of the evaluation results. The final results of an evaluation may only be challenged if the person being evaluated can demonstrate, no later than during step II of the grievance procedure, that the procedural errors made could materially affect or compromise the integrity of the evaluation results. The department of education shall provide guidance on which procedural errors may materially affect or compromise the results of the evaluation.
  - (b) To efficiently and fairly resolve grievances regarding procedural errors in the evaluation process, not to address disputes regarding employment actions taken based on the results of an evaluation. More significant due process rights are provided pursuant to state law to teachers when actual employment actions are taken.
  - (c) To ensure evaluations are fundamentally fair because correct procedures have been followed.
  - (d) To address grievances objectively, fairly, and expeditiously by resolving them at the lowest possible step in the procedure.
  - (e) To provide teachers and principals a process for resolving grievances without fear, discrimination, or reprisal.
- (2) Responsibility.
  - (a) LEAs shall be responsible for the proper effectuation of this policy at the local level.
  - (b) Local Boards of Education shall charge Directors with the responsibility for ensuring that all teachers, principals and administrators are aware of the provisions of this policy, including the identification of the administrator designated to conduct Step I of this procedure.

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(3) Basic Standards.

- (a) To resolve grievances as expeditiously as possible pursuant to section (1)(d) above, grievances may be filed at the end of each of the three components of the evaluation model – 1) qualitative appraisal; 2) student growth measures; and 3) other measures of student achievement. A grievance must be filed no later than 15 days from the date teachers and principals receive the results for each component, otherwise the grievance will be considered untimely and invalid. Nothing shall preclude a teacher or principal from filing a grievance at any time prior to the deadlines stated herein.
- (b) The State Department of Education or LEAs may develop and make available to teachers standard grievance forms. No grievance may be denied because a standard form adopted by a LEA has not been used as long as the components required by this policy are included.
- (c) At the informal hearing before the Director of Schools, an attorney or a representative of an employee may speak on behalf of the employee.
- (d) An attorney may represent a grievant before the local board of education, which is the final step of this procedure. The grievant and the local board of education may have counsel present at discussions prior to the final step.
- (e) Each grievance submitted at every step of the process provided below shall contain:
  - 1 the teacher or principal's name, position, school, and additional title if any;
  - 2 the name of the teacher or principal's immediate supervisor;
  - 3 the name of the evaluator/reviewer;
  - 4 the date the challenged evaluation was received;

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- 5 the evaluation period in question;
  - 6 the basis for the grievance;
  - 7 the corrective action desired by grievant; and
  - 8 sufficient facts or other information to begin an investigation.
- (f) A failure to state specific reasons shall result in the grievance being considered improperly filed and invalid.
- (g) All student achievement data used in evaluations must be made available to individual educators prior to the completion of their evaluations.
- (4) Procedures. Grievances shall be processed by working through the 3 steps to finality as follows:
- (a) Step I—Evaluator
- 1 Written grievance submitted to evaluator pursuant to the timeline listed in Section (3) (a).
  - 2 Administrative investigation and fact finding.
  - 3 Decision clearly communicated in writing to grievant within fifteen (15) days of receipt of the complaint.
  - 4 To allow disputes to be resolved at the lowest level possible, the Evaluator may take any action necessary, based on the circumstances, to immediately correct any procedural errors made in the evaluation process.
- (b) Step II—The Director of Schools or his/her designee who shall have had no input or involvement in the evaluation for which the grievance has been filed.
- 1 Written grievance and prior step decision submitted to the Director of Schools or his/her designee within fifteen (15) days of receipt of decision from Step I. The designee cannot be used in cases involving a principal's evaluation.



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- 2 Informal discussion or hearing of facts, allegations, and testimony by appropriate witnesses as soon as practical.
- 3 Investigation, fact finding, and written final decision communicated to grievant in writing within fifteen (15) days of discussion.
- 4 To allow disputes to be resolved at the lowest level possible, the Director of Schools may take any action necessary, based on the circumstances, to immediately correct any procedural errors made in the evaluation process.

(c) Step III—Local Board of Education

- 1 Teachers and principals may request a hearing before the local board of education by submitting a written grievance and all relevant documentation to the local board of education within fifteen (15) days of receipt of decision from Step II.
- 2 The board of education, based upon a review of the record, may grant or deny a request for a full board hearing and may affirm or overturn the decision of the Director of Schools with or without a hearing before the board;
- 3 Any hearing granted by the board of education shall be held no later than thirty (30) days after receipt of a request for a hearing.
- 4 The local board of education shall give written notice of the time and place of the hearing to the grievant, Director of Schools and all administrators involved.
- 5 The local board of education's decision shall be communicated in writing to all parties, no later than thirty (30) days after conclusion of the hearing.
- 6 The local board of education shall serve as the final step for all grievances.

# Careers/Human Capital

*"Calling All Role Models"*

## CURRENT EMPLOYEES

### TEACH

edu.fkgubq

### LEAD

dqhz jhqndwq

### SUPPORT

dshwhuz nuz

## TEAM Evaluation for Teachers



All certificated educators who work more than 120 days in a school year are evaluated using the TEAM evaluation system. For the 2014-15 school year, TEAM evaluations are based on the following components and weights:

- Tested Teachers
  - Observation: 50%
  - Growth: 35%
  - Achievement: 15%
- Non-Tested Teachers
  - Observation: 60%
  - Growth: 25%
  - Achievement: 15%

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## Observations

TEAM includes observations of practice for all certificated educators. The number of observations per teacher varies based on the teacher's type of teaching license and his/her previous evaluation results. Apprentice teachers who received a 1, 2, 3, or 4 on the previous year's individual growth rating or TEAM composite rating are observed a minimum of four times. Apprentice teachers who received a 5 on the previous year's individual growth rating or TEAM composite rating are observed a minimum of one time in addition to two walk-through observations.

Evaluators may choose to observe educators over and above the required minimum. However, only the minimum required number of observations may be scored in CODE under the TEAM evaluation system.

Professionally licensed teachers who received a 1 on the previous year's individual growth rating or TEAM composite rating are observed a minimum of four times. Professionally licensed teachers who received a 2, 3 or 4 on the previous year's individual growth rating or TEAM composite rating are observed a minimum of two times. Professionally licensed teachers who received a 5 on the previous year's individual growth rating or TEAM composite rating are formally observed a minimum of one time in addition to two walk-through observations.

At least half of all observations are unannounced.

Observation Track	Number of Observations	Announced/ Unannounced	Domains to be covered during the 14-15 observation cycle
Out-of-State, Transitional, or Apprentice license with LOE of 2-4 in the prior year	4	1/2 announced 1/2 unannounced	3 instruction 2 planning 2 environment
LOE of 1 and/or Individual growth of 1	4	1/2 announced 1/2 unannounced	3 instruction 2 planning 2 environment
Professional license with LOE of 2-4 in the prior year	2	1/2 announced 1/2 unannounced	2 instruction 1 planning 1 environment
LOE of 5	1 and 2 walkthroughs	unannounced	1 instruction 1 planning 1 environment

The state has developed a suggested [Pacing Guide](#) that can be useful to principals.

Evaluators have an initial coaching conversation with teachers who scored a 1 on their overall evaluation or individual growth score. The coaching conversations include the number of required observations and what supports the teacher will receive during the year to improve student achievement. These initial coaching conversations take place before the first official observation of the year.

### Observing General Education Teachers

General education teachers should be observed using the [General Educator Rubric](#). For all announced observations, the observer sets up a time with the teacher for a pre-conference and for the observation. In pre-conferences, the evaluator asks questions about the observation to gather information and context and any potential areas of concern are addressed. The teacher answers questions and provides evidence of planning for the delivery of services. The evaluator reviews the lesson plan and discusses the teacher's goals for the lesson during the pre-conference. Teachers provide the observer with the lesson plan for the observed class, but evaluators may also request additional plans if they wish.

For unannounced observations, the evaluator visits the classroom without notifying the teacher in advance, and there is usually not a pre-conference. In some cases, the evaluator may choose to hold a pre-conference, but the date and time of the observation are unannounced. Evaluators can collect a lesson plan after the classroom visit if desired.

All observations are followed by a post-conference where the evaluator and teacher discuss areas of reinforcement and refinement. The evaluator who conducts the observation must also be the person who conducts the pre and post conference.

### Observing Library Media Specialists and School Services Personnel

Library Media Specialists are observed using the [TEAM Alternate Rubric: Library Media Specialist](#). School services personnel, including audiologists, counselors, social workers, instructional coaches, psychologists and speech/language therapists, should be observed using the [TEAM Alternate Rubric: School Services Personnel](#). This rubric should also be used for other educators who do not have direct instructional contact with students, such as, for example, instructional coaches who work only with teachers. For educators in these categories, observations will consist of observations and/or conversations in which the evaluator will seek to understand the educator's performance in delivery of services, planning of services, and environment. Library Media Specialists and School Services Personnel are also rated on the [Professionalism Rubric](#) (the same as all other educators).

All observations for School Support Personnel are announced, since they require scheduling within the day and may require the educator to gather requested evidence or artifacts. Rather than dividing the observations into 15-minute or lesson-length, the length of observations for educators using the school support services rubric shall be at the evaluator's discretion. However, educators with a professional license must receive four observations, with a minimum of 60 minutes of contact time over the course of the four observations. Those with an apprentice license receive six observations with a minimum of 90 minutes of contact time over the course of the six observations.

### Educator Self-Scores

Educators will self-score after each observation using the [TEAM Educator Observation Form](#) and submit their self-score form to the evaluator. Educators should refer to their TEAM observation rubric when completing the self-score. Self-scores may be used in post conference for coaching conversations.

### Feedback for Teacher

Evaluators will provide written feedback and schedule an in-person debrief with the educator after each observation. Written feedback should be provided within one week of each observation visit when practicable. For the post-conference, the evaluator will:

1. Identify an area of reinforcement (relative strength of the lesson)
2. Identify an area of refinement (area in which the observer needs to help the teacher improve)
3. Provide specific and high quality feedback (focused and specific to helping educators improve teaching practice in a specific way)
4. Share the performance ratings with the teacher

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## Achievement Measures

Per State Board of Education policy, if a teacher receives a Level 3, 4, or 5 on individual growth, and that score is higher than the achievement score of the measure selected, TDOE will automatically override the achievement score with the individual growth score. For example, if a teacher received a 3 on individual growth and a 2 on achievement, the individual growth score would override the achievement score, giving the teacher a 3 on both measures. This override happens automatically in CODE when evaluators submit final data in CODE.

Previously, the evaluator (usually the principal) made the final call on the teacher's 15% measure when there was a disagreement. The new policy states that if there is a disagreement between the evaluator and teacher, the person being evaluated may make the final selection. The person being evaluated needs to know that they have the right to select any measure on the state-approved list, and the person being evaluated also has the right to set the scale for measuring progress. The measure should be aligned to their role and job responsibilities.

MNPS Recommended 15% Achievement Measure Options	
Category of Educator	Approved Measures
K-2 teachers	<ul style="list-style-type: none"> <li>DIBELS (<i>grade- or class-level</i>)</li> <li>TCAP math, science, social studies, or reading -- including ACH, MAAS, or ELSA (<i>school- or grade-level</i>)</li> <li>End-of-Course Exams in Algebra I &amp; II, English I, II, &amp; III, U.S. History, Biology I, and Chemistry (<i>school-, grade-, or class-level</i>)</li> <li>CTE Concentrator</li> <li>AP/IB suites of assessments (<i>school-, grade-, or class-level with a minimum of 6 full-time students</i>)</li> <li>TVAAS, including Literacy, Numeracy, Literacy/Numeracy, or Composite (<i>schoolwide or individual for those teachers generating their own teacher effect data</i>)</li> <li>TCAP Writing Assessment (<i>school-, grade-, or class-level</i>)</li> <li>Graduation Rate</li> </ul>
K-8 teachers	
9-12 teachers (and 8th grade when applicable)	
K-12 teachers	
5, 8, and 11 teachers	<ul style="list-style-type: none"> <li>ELDA (<i>class-level, minimum of 6 full-time students</i>)</li> <li>Teacher has to have 40% of active EL students to use ELDA</li> <li>TCAP Alt Portfolio (<i>class-level</i>)</li> </ul>
<ul style="list-style-type: none"> <li>Teachers at the Academies (Opry Mills, Hickory Hollow, Old Cockrill), and Bass</li> <li>Guidance Counselors</li> <li>3-8 grade</li> <li>Newcomer Academy</li> <li>Teachers of high school course ELD 1A and 1B</li> </ul>	
Exceptional Education Teachers (must have portfolio students)	

We recommend that teachers select one of the measures above and use the corresponding scale below.

The TCAP and End-of-Course (EOC) achievement scale is based on student proficiency comparisons from the previous year to the current year for the teacher's group of students:

Achievement Score	% Proficient/Advanced on TCAP/End-of-Course
5	Increase (from previous year) of 7.0% or more

4	Increase of 3.0% through 6.9%
3	Decrease of -0.9% through an increase of 2.9%
2	Decrease of 5.0% through 0.9%
1	Decrease of more than 5.0%

The TVAAS scale is as follows:

Achievement Score	Value-Added School Effectiveness Index*
5	Greater than 2.00
4	1.00 through 1.99
3	-1.00 through 0.99
2	-2.00 through -1.01
1	Below -2.00

The ELDA scale is as follows:

Achievement Score	ELDA Growth
5	85.01-100% increase in student's total proficiency level, which includes reading + writing + listening + speaking
4	70.01-85.00% increase in student's total proficiency level, which includes reading + writing + listening + speaking
3	50.01-70.00% increase in student's total proficiency level, which includes reading + writing + listening + speaking
2	25.01-50.00% increase in student's total proficiency level, which includes reading + writing + listening + speaking
1	0-25.00% increase in student's total proficiency level, which includes reading + writing + listening + speaking

The TCAP Alt Portfolio scale is as follows:

Achievement Score	% Proficient and Advanced on TCAP Alt Portfolio
5	80-100.00%
4	60-79.99%
3	40-59.99%
2	20-39.99%
1	0-19.99%

The Mean Achievement for TCAP/EOC math, science, and reading scale is based on a conversion of performance categories to a numeric measure and then an average of all scores.

Achievement Score	Numeric Conversion
5	3.4-4
4	2.8-3.39
3	2.2-2.79
2	1.6-2.19
1	1-1.59

The TCAP/EOC social studies and U.S. History assessments produce three performance categories. The scale is based on a conversion of those categories to a numeric measure and then an average of all scores.

Achievement Score	Numeric Conversion
5	2.6-3
4	2.2-2.59
3	1.8-2.19
2	1.4-1.79
1	1-1.39

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## Professionalism

As part of the TEAM observation component, educators are evaluated on their professionalism using the state's [Professionalism Rubric](#) in four areas:

- **Professional Growth and Learning:** Educator self-reflection observation forms or other evidence of self-reflection, active participation in post conferences, incorporating feedback into lessons in a timely fashion, evidence of growth across observations throughout the year
- **Use of Data:** Evidence of instructional decisions based on data from formative assessments, effective differentiation based on assessments, use of district, school or grade level formative assessments to inform planning, evidence of adjustments in planning based on assessments
- **School and Community Involvement:** Partnerships with community organizations and actors, productive member of PLCs and grade level teams, visibility during class transitions
- **Leadership:** Evidence of planning with grade and subject peers, membership on leadership teams, mentorship of inexperienced or struggling teachers, effective planning for in-service days and faculty meetings

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## Evaluator Certification

### Evaluator Eligibility

All MNPS personnel observing and evaluating educators must be Certified TEAM Evaluation Observers prior to conducting any TEAM conferences or observations.

At the building level, only individuals serving in administrative roles are eligible to observe teachers in MNPS. Individuals must meet the following definition to be eligible to be an observer:

- Holding an active administrator license; and/or
- Serving in an administrative role in the school (such as, for example, principals, assistant principals, Multi-Classroom Leaders)

Additionally, central office personnel who have been certified by the state to be TEAM Evaluation Observers are eligible to be observers.

### Certification Training

The Tennessee Department of Education (TDOE) requires all evaluators to be certified by the state. TDOE provides training throughout summer and fall each year. The training runs for two days. Currently TDOE requires evaluators to be certified each year. Currently, only TDOE can train evaluators.

All evaluators in schools on the TDOE's School Support List must attend a two-day evaluation training in addition to the certification training. If a school remains on the Support List for two years or more, evaluators must attend a two-day norming feedback session in addition to the two-day evaluation training and certification training.

### Certification Test

Once the administrator has completed the training, he/she takes on [online certification test](#) on the National Institute for Excellence in Teaching (NIET) portal. The certification test consists of two steps: 1) a lesson observation with assigned scores; and 2) video-integrated questions about the post-observation conference process. TDOE recommends setting aside at least two hours to ensure adequate time to complete the test

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## Grievance Process

### Definition of Grievance

A grievance is a teacher claim that there has been violation, misinterpretation or misapplication of MNPS policy. Evaluation scores, including observation ratings, TVAAS scores, and other metrics, are not grievable; however, the process and procedures are grievable. If a teacher thinks that his/her evaluator did not follow evaluation policies and procedures, then the teacher may elect to begin the grievance process.

### Informal Procedure

If a teacher feels that he/she has a grievance, he/she shall first discuss the matter with his/her principal or other appropriate administrator, in an effort to resolve the problem informally. The parties shall seek to adjust the difficulty at the point of origin by obtaining advice from any appropriate division of the Central Office. If the problem is not resolved informally, then the teacher may declare that a grievance exists and the formal procedure invoked.

### Formal Procedure

#### Level One

a) If the grievant is not satisfied with the outcome of the informal procedure, he/she may present his/her alleged grievance formally in writing to the principal or other appropriate administrator. A written grievance shall contain the following information: Name and position of grievant; a statement of the grievance and the facts involved, including relevant dates; a reference to the applicable provisions of MNPS policy; the corrective action requested; signature of the grievant.

b) At the time of filing the Level 1 grievance, the grievant may request a conference prior to the rendering of the decision. If a conference is requested, the act of scheduling the conference shall occur within five (5) school days following the receipt of the grievance.

c) The principal, or other appropriate administrator, within ten (10) school days after the receipt of the grievance or the grievance conference (if one is requested) shall render a written decision to the grievant.

#### Evaluation Grievance Form - Step 1

#### Level Two

a) If the grievant wishes to appeal the decision at Level One, the grievant may appeal in writing to the Chief Human Capital Officer within five (5) school days after the decision at Level One.

b) At the time of filing the Level 2 grievance, the grievant may request a conference prior to the rendering of the decision. If a conference is requested, the act of scheduling the conference shall occur within five (5) school days following the receipt of the grievance.

c) The Chief Human Capital Officer or his/her designee, within ten (10) school days after the receipt of the grievance or the conference (if one is requested) shall render a written decision to the grievant.

#### Evaluation Grievance Form - Step 2

#### **Level Three**

a) If the grievant wishes to appeal the decision at Level Two, the grievant may appeal in writing to the Director of Schools within five (5) school days after the decision at Level Two.

b) At the time of filing the Level 2 grievance, the grievant may request a conference prior to the rendering of the decision. If a conference is requested, the act of scheduling the conference shall occur within five (5) school days following the receipt of the grievance.

c) Within ten (10) school days after receipt of the grievance or the grievance conference (if one is requested), the Director of Schools or his/her designee shall render a written decision to the aggrieved person. This decision is final.

#### Evaluation Grievance Form - Step 3

#### **Additional Notes**

Generally, grievance conferences will be scheduled for times that do not interfere with the teacher's assigned duties. When grievance conferences are scheduled to occur during regularly assigned working hours, the involved teachers shall be released from duties without reduction in salary.

Grievance conferences shall be conducted in private. An affected teacher shall, however, have the right to request the presence of one certificated employee representative or a representative of a recognized professional teacher organization. If the representative is not available at the scheduled time, the conference shall be delayed for one (1) work day. If the representative is still not available, the conference may proceed without the representative.

A grievance may be withdrawn at any level without prejudice or record.

Failure by the aggrieved person or group at any level to appeal a grievance to the next level within the specified time limit herein shall be deemed to be acceptance of the decision rendered at that level.

No grievance shall be recognized by the district unless it shall have been presented to the appropriate level in writing within forty (40) school days after the aggrieved person knew, or should have known, of the act or condition on which the grievance is based and if not so presented, the grievance shall be considered as waived.

Nothing in this section should be construed as denying to any teacher the opportunity to consult with any supervisory or administrative officer in the school system.

At any level, time limits in this agreement may be mutually extended. However, the intent of this policy is to expedite the processing of all grievances.

No reprisals shall be invoked against any employee for processing a grievance or participating in any way in the grievance procedure.

When a grievance involves more than one teacher, the group of teachers may submit a collective grievance at the appropriate level.

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# Anderson County Board of Education

Monitoring:  <b>Review: Annually, in February</b>	Descriptor Term:  <b>Evaluation</b>	Descriptor Code: <b>5.109</b>	Issued Date: <b>10/11/12</b>
		Rescinds: <b>5.109</b>	Issued: <b>05/10/12</b>

The evaluation of performance and its effectiveness must be a cooperative and shared endeavor on the part of the director of schools and administrative and supervisory personnel.

The Board shall use a state-approved model for evaluating administrative and supervisory personnel and shall approve standard forms to be used in evaluating support personnel.

The director of schools is responsible for ensuring that all administrative and supervisory personnel are evaluated annually.

## **LICENSED TEACHING PERSONNEL**

The Board adopts the Tennessee Educator Acceleration Model (TEAM). The director shall draft procedures to ensure that the model is implemented throughout the school system. Additionally, the director shall provide information to all licensed teaching personnel regarding the nature of the evaluation and the grievance procedures prescribed by the Tennessee State Board of Education.<sup>1,2</sup>

## **LOCAL LEVEL GRIEVANCE PROCEDURE**

The director of schools shall develop procedures, consistent with State law, for processing evaluation grievances.<sup>3</sup>

## **NON-LICENSED PERSONNEL**

Newly hired non-licensed administrative/support personnel shall be evaluated once during the evaluation period (up to 90 days) and at least one (1) additional time following successful completion of the evaluation period during the first year of employment. Support personnel employed for more than one (1) year shall be evaluated at least once a year.

Evaluations shall be used as an aid in improving an employee's performance and as a basis for continuing employment. Evaluation reports shall be discussed with the evaluated employee. Each employee shall be given a copy of the evaluation and shall sign the supervisor's copy as evidence it has been discussed.

### Legal References:

1. TRR/MS 0520-2-.1-.01
2. TRR/MS 0520-2-1-.02
3. Tennessee State Board of Education Teacher and Principal Evaluation Policy

### Cross References:

- Job Descriptions 5.103  
Orientation and Probation 5.107