



**BILL HASLAM**  
GOVERNOR

STATE OF TENNESSEE  
**DEPARTMENT OF EDUCATION**  
NINTH FLOOR, ANDREW JOHNSON TOWER  
710 JAMES ROBERTSON PARKWAY  
NASHVILLE, TN 37243-0375

**CANDICE MCQUEEN**  
COMMISSIONER

**Via Electronic Mail and USPS**

July 10, 2018

Dr. Mike Winstead, Director of Schools  
Maryville City Schools  
833 Lawrence Avenue  
Maryville, TN 37803-4857  
[mike.winstead@maryville-schools.org](mailto:mike.winstead@maryville-schools.org)

Re: Waiver for Growth Portfolio Model for Kindergarten Teachers

Dear Dr. Winstead:

I am in receipt of your June 26, 2018 letter requesting a waiver from using the growth portfolio model for kindergarten teachers at Maryville City Schools.

Pursuant to T.C.A. § 49-1-201(d)(1), the commissioner of education may way waive any state board rule or statute that inhibits or hinders an LEA's ability to meet its goals or comply with its mission. However, the commissioner is prohibited from waiving state board rules or statues that fall within certain categories, including "[f]ederal and state student assessment and accountability" (T.C.A. § 49-1-201(d)(1)(J)).

While I understand the challenges and concerns you have presented regarding the use of this data, your request for a waiver from using the growth portfolio model for kindergarten teachers falls within the scope of state and federal accountability, and is therefore not within the commissioner's authority to grant under this statute. For this reason, your waiver request is hereby denied.

If you would like to discuss ways in which your district can better utilize this model in a way that is both compliant with state law and beneficial for students and teachers, please do not hesitate to contact me. Additionally, we will be announcing some changes soon, so I hope these will be helpful.

Sincerely,

Dr. Candice McQueen  
Commissioner



Director of Schools

**Mike Winstead, Ph.D.**

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June 26, 2018

Candice McQueen, Commissioner  
Tennessee Department of Education  
Andrew Johnson Tower  
710 James Robertson Parkway  
Nashville, Tennessee 37243

Dear Commissioner McQueen:

I am writing to request a waiver from a portion of TCA 49-6-105(e) which requires LEAs receiving funds from the TDOE for Pre-K must utilize the Pre-K/Kindergarten growth portfolio model in teacher evaluations. Tennessee Code Annotated, Section 49-1-201(d) allows LEAs to submit application for waiver to any State Board rule or statute that inhibits or hinders the LEA's ability to meet its goals (with exception to certain federal and state regulatory and statutory requirements).

The Maryville City Schools Board of Education requests a waiver from using the growth portfolio model with our kindergarten teachers. We would continue to use the model with our Pre-K teachers. Our reason for this waiver request and our disinterest in the use of portfolios for individual teacher growth data is directly related to Goal 1 of our Strategic Plan that calls for "all students to master core academic standards.... while demonstrating rigorous and relevant learning that goes beyond minimum requirements."

While we have participated in state portfolio training and the processes involved in implementation, we have determined this process to be more of a hindrance to our district than a help. Much of the training content was focused on best practices that have already been implemented in our current kindergarten program. The content was focused on beginner level and lacks differentiation to meet our needs. While our teachers have been collecting work samples for years, the hoops and hurdles in this process are too time consuming for the benefit of the outcomes. In short, we were receiving positive outcomes with our current, best practices and formative assessment without sacrificing time away from engaged high quality instruction. We recognize that the portfolio process may have provided both structure, professional development, and assessment support for teachers in some districts. However, it has not been a support or benefit to the kindergarten department in Maryville City Schools. Throughout the process, we worked to maintain a positive attitude regarding the portfolio pilot. We approached the project with an open mind and determination to implement with fidelity. However, we have been disappointed with the distraction to the teachers of taking their focus from what is important to spend time on a process that we feel does not accurately and fairly capture growth data for our primary teachers. By no means are we against gathering growth data from our elementary teachers - our request is to allow our district to capture this data through other means and methods.

[www.maryville-schools.org](http://www.maryville-schools.org)

**MARYVILLE BOARD OF EDUCATION**

Bethany Pope, Chairman    Candy Morgan, Vice-Chairman    Christl Sayles, Secretary    Bob Proffitt, Member    Nick Black, Member

I have received a tremendous amount of feedback from my kindergarten teachers and elementary school administrators, and 100% of them are in support of this request. Below are thoughtful responses and reasoning for our request for this waiver:

- Lack of Validity and Reliability - Our biggest concern about the entire portfolio process is the lack of validity and reliability. For a component that represents 35% of a teacher's evaluation in growth scores, it is important the process be as standardized as possible with the least amount of variables. There are far too many variables in this process. Our teachers who were designated scorers observed that teachers interpreted how to assess the standard in various and different ways. Our team felt our district was extremely thorough to ensure we were accurately representing students' abilities and achievement. However, by viewing other samples, the team felt there was far too much objectivity and guesswork with minimal time spent on evaluating the work.
- Gaming the system – Teachers have learned how to “play the game” to get the scores they need. For example, according to our scoring team, they observed on most of the writing samples that teachers would submit work with no writing and no dictation at all in order to get the lowest score of a 1, or the teacher would put a note that the student couldn't do any of the required skills which again would result in a 1. With the lowest score, of course these students would show growth at the end. In addition, the team shared multiple instances of where the samples included replicated work for all three levels.
- Lacks Comparable Rigor - Growth measures used in tested levels such as TVAAS provide a rigorous and robust data analysis from ALL students. With kindergarten teachers being allowed to choose their specific students for analysis is unfair and a weak comparison to true growth data analysis. Objectivity is absent. Tested teachers should be offended by this weak comparison. In fact, our kindergarten teachers would prefer to use alternate achievement data options to track the growth of primary students rather than pretending this system provides accurate and fair growth data.
- Unfunded mandate – This is an expensive process. In addition to the loss of instructional time to unprofitable portfolio compilation, there is also a cost for release time and stipend for the scoring team. While TDOE provided funding in the first year, there is no funding expected moving forward.

The predominant intent behind the Portfolio Model appears to be the race to provide an individual growth score for all teachers with little regard to the validity or comparability of those measures. More legislation was passed in the 2018 Legislation Session regarding growth portfolios (Public Chapter 552). We are aware that some teachers across the state have been vocal about the inherent unfairness in having school-wide growth scores factor into their evaluation by default. They express they do not like to be “held accountable for students they have never taught.” I respect that viewpoint, and I do not entirely disagree with that position. However, I would argue a better model should be considered, and the best solution is not the development of more growth portfolios.

We request the option to withdraw from portfolio implementation. If given this waiver, our district would appreciate options regarding growth scores for our kindergarten teachers. One option would be to revert back to the use of the school-wide growth measure. Another consideration would be to remove the growth component altogether and instead use the qualitative portion in its place. Perhaps teachers could be given a choice between the two proposed options (i.e., school-wide growth or qualitative component counting more). We will be happy to work with the TDOE to implement a plan that supports good instruction and has buy-in from our teachers. We would be enthusiastic about exploring an option to measure student growth of all students using one of our current providers such as Renaissance or CASE21. The advantage for using one of our “off the shelf” assessments is that both instruments provide multiple assessment snapshots to allow teachers to track growth throughout the school year, provide relative comparisons within our district with few variables, and align with the achievement choice for our primary grades.

Thank you for your consideration in allowing us this flexibility.

Sincerely,



Mike Winstead