



BILL LEE
GOVERNOR

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

LIZZETTE REYNOLDS
COMMISSIONER

Via Electronic Mail

April 9, 2024

Noble Education Initiative-Tennessee (ReThink Forward)
Eve Carney, Executive Vice President
5320 Hickory Hollow Parkway
Antioch, TN 37013

Re: Waiver for Alternative Staffing Ratio in English as a Second Language (ESL) Programs

Dear Eve Carney:

I am in receipt of your waiver request of State Board of Education Rule 0520-01-19 as it relates to staffing ratios for English as a Second Language (ESL) programs. You have requested to use an alternative staffing ratio at Nashville Collegiate Prep and Rutherford Collegiate Prep due to ESL teacher shortages and the need to provide English Learners (ELs) access to grade-level content as part of their English language acquisition.

Tenn. Code Ann. § 49-1-201(d) grants the commissioner the authority to “waive any state board rule or statute that inhibits or hinders the LEA’s ability to meet its goals or comply with its mission.” On the condition that Nashville Collegiate Prep and Rutherford Collegiate Prep comply with the provisions of State Board of Education Rule 0520-01-19 by implementing the monitoring steps required under the Rule as well as implementing the additional action steps to address the shortage outlined in your waiver request, your request is hereby granted for the 2024-25 school year.

Please do not hesitate to contact me if you have further questions.

Sincerely,

Lizzette Reynolds
Commissioner

**NOBLE
EDUCATION
INITIATIVE**



April 4, 2024

Tennessee Public Charter School Commission
Mrs. Tess Stovall, Executive Director
500 James Robertson Parkway
Nashville, TN 37243

RE: ReThink Forward EL Staffing Ratio Waiver – Updated Request

Executive Director Stovall:

Pursuant to Tennessee Code Annotated section 49-1-201(d), I am requesting the Tennessee Public Charter School Commission, as the authorizing entity, submit a waiver request to the Commissioner of Education on behalf of the ReThink Forward governing board - requesting a waiver for an alternative staffing ratio required by Tennessee State Board Rule 0520-01-19-.05 for its current schools, Nashville Collegiate Prep and Rutherford Collegiate Prep.

Please see the updated waiver request below.

Thank you for considering this request and for your submission to the Commissioner of Education on our behalf.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Eve Carney'.

Eve Carney
Executive Vice President
NEI-Tennessee

1. Please list the statutes and or state board rule(s) for which the waiver is being requested:

The ReThink Forward board is requesting a waiver of requirements for the English learner (EL) staffing ratio required in Tennessee State Board Rule 0520-01-19-.05 for its schools, Nashville Collegiate Prep and Rutherford Collegiate Prep. Currently, NCP has 13 ESL-endorsed teachers delivering service minutes to 244 English learners. Because these ESL-endorsed teachers are also delivering instruction throughout the day, the current calculated FTE is 3.8, thus the current ESL staffing ratio is 1:64.6. **Based on our current staffing, student demographics, enrollment projections (and exceptional student outcomes); we are requesting the approval of a 1:50 staffing ratio for the 2024-25 school year as part of our sheltered instruction model for serving English Learners.** *NOTE: we are currently filling multiple teaching positions across our network and are actively working to add the ESL endorsement with these new hires, in addition to the currently endorsed staff.*

2. Explanation of how the statute(s) and/or state board rule(s) inhibits or hinders the local education agency's ability to meet its goals or comply with its mission.

ReThink Forward is committed to ensuring that all English Learners engage in daily rigorous coursework, have access to early postsecondary opportunities, and are taught by highly effective teachers. These commitments are possible through the effective implementation of a community model, in addition to a longer school day (yielding 5,400 additional instructional minutes per year for students). The necessity of this waiver is grounded in implementing sheltered instruction within the structure of our community classrooms, ESL teacher shortages in Tennessee, and the effectiveness of this community model, as supported by increases in achievement and language acquisition among our English learners.

Community Classroom Model

The community classroom model is intended to be flexible and consistent – utilizing a team of content-area teachers to deliver instruction to English Learners, alongside their native English-speaking peers. This model helps ensure that our English Learners receive the same high-quality, grade-level content, delivered through a combination of whole group, small group, and individualized instruction. Using ESL-endorsed classroom teachers who lead that community daily provides consistency for students and an awareness for teachers of specific student needs. This instructional model also supports language development opportunities with peers that would not exist in traditional classroom settings.

The required hour of service for each EL is delivered daily in each learning community, and these services are provided by an ESL-endorsed teacher within that community. Because the teachers that provide these service minutes are not considered full-time ESL teachers, they are counted only as partial ESL teachers when calculating the teacher/student ratio. However, they are ESL-endorsed teachers that integrate research-based EL strategies into all instruction, in addition to providing the required service minutes daily.

The community classroom model is structured around a double block of ELA and math, with the second block being utilized for additional student support as needed, including the prescribed hour of EL services. In addition to these double blocks, a school-wide success block for remediation and/or reteaching is part of the daily schedule.

What we know is that good instruction for English learners is good instruction for all students. Combining tried-and-true teaching techniques with specific instructional practices tailored to the second language learner, sheltered instruction meet the needs of English learners in general education classes. High-yield, evidence-based instructional practices and strategies are implemented throughout the academic courses for all students. These strategies include word-rich classrooms, use of graphic organizers, and active learning opportunities.

ESL Teacher Shortages

Educational [research](#) indicates that having an effective teacher impacts student outcomes more than any other factor. Currently, there are not enough teachers, and especially ESL teachers, to meet the demand, particularly given the increase in number of English learners Tennessee is experiencing. Based on the most recent [state report card](#), there are more than 77,000 English learners enrolled in Tennessee’s public schools, with the largest concentration of ELs in Davidson County. From a state perspective, Tennessee would need, at a minimum, more than 2,200 ESL-endorsed teachers to meet the required teacher/student ratio. Currently, there are more than 300 ESL teaching vacancies statewide (in middle of school year), with more than 100 of those vacancies in middle Tennessee ([Indeed.com](#)) This student group has more than doubled in the past decade ([NCES](#)), and given this trajectory, this teacher shortage is likely to grow.

ReThink Forward’s commitment to serving English Learners is evidenced below:

1. We are working toward the goal of having 100% teachers of core academic subjects endorsed in ESL (see NCP and RCP charts below).
2. 4 of our 7 middle grades teachers have or are actively seeking this endorsement through Trevecca University.
3. NCP will continue to support teachers – both financially and professionally – across all grade levels and campuses to meet 100% endorsement.
4. We are currently working to increase the number of higher education partners for additional avenues for teacher ESL endorsement.
5. All our teachers are trained annually by the [Diverse Learners Cooperative](#) on successful EL strategies.

Nashville Collegiate Prep: Trajectory to 100%

School Year	Number of Teachers in Core Academic Subjects	Projected % of Core Academic Teachers with ESL Endorsement
2024-2025	41	29%
2025-2026	55	36%
2026-2027	66	42%
2027-2028	75	52%
2028-2029	79	64%
2029-2030	79	80%
2030-2031	79	100%

Rutherford Collegiate Prep: Trajectory to 100%

School Year	Number of Teachers in Core Academic Subjects	Projected % of Core Academic Teachers with ESL Endorsement
2024-2025	33	15%
2025-2026	37	22%
2026-2027	41	30%
2027-2028	41	39%
2028-2029	41	51%
2029-2030	41	61%
2030-2031	41	78%
2031-2032	41	85%
2032-2033	41	92%
2033-2034	41	100%

Student Growth: Achievement and Language Proficiency

Nashville Collegiate Prep (NCP) serves 222 English Learners, representing 55% of the current student enrollment. NCP utilizes a community model across all grade levels, and this model creates a cohort of students served by a group of teachers who all are invested in the success of all students. In this community model, supports for English learners are delivered in a sheltered instruction model – **creating a learning community where all teachers are trained and prepared to serve ELs – built into grade-level, standards-aligned instruction.** ESL services are woven into each class period and success block, each day, in addition to the required hour of service.

As evidenced by performance on both TCAP and WIDA (below), this model has yielded considerable growth for English learners– exceeding other area schools - in state academic standards proficiency (TCAP) and in English language proficiency (WIDA) – both necessary in ensuring our English learners are prepared to pursue their goals and dreams.

This same instructional model will be implemented at Rutherford Collegiate Prep in the fall of 2024, and as such, we are requesting to have the flexibility to serve our English learners with this same model – understanding that we will be held accountable to the delivery of required service minutes and by student outcomes in both achievement and language proficiency.

TCAP Spring 2023

As measured by the spring 2023 TCAP data, the overall achievement for all students at NCP was 23.1%, while the overall achievement for our English learner student group was 30.3%. Not only did our ELs outperform the all-student group at NCP by 7%, but also outperformed area public schools, as illustrated below. The success rate of NCP ELs was significantly higher than area schools – with more than five times the proficiency rates in some instances.

School	ELA Achievement (EL)	Math Achievement (EL)	Science Achievement (EL)	Social Studies Achievement (EL)
Antioch Middle	7.9%	5.7%	10.0%	11.6%
Margaret Allen Middle	5.3%	< 5%	7.5%	7.3%
Wright Middle	<5%	8.8%	5.2%	<5%
Glenview Elementary	12.7%	15.9%	15.8%	
Cole Elementary	12.3%	13.4%	13.8%	
Glencliff Elementary	11.2%	25.5%	17.3%	
Nashville Collegiate Prep	30.2%	22.6%	22.6%	

TCAP Spring 2022

In its inaugural year, the overall achievement rate for all students at NCP was 23.4%, and our achievement rate for our English learner student group was 19.2%, as measured by the spring 2022 TCAP data. NCP's EL student group represented 33% of the overall student population in 2021-22.

NCP increased the achievement rate of its English learners by more than 10 percentage points from spring 2022 to spring 2023, from 19.2% to 30.2%. During this time, NCP's percentage of new ELs also increased by 20% - making these gains even more substantive. *NOTE: disaggregated data for 2021-22 are not available on state report card, and as such only overall achievement rates are noted below.*

School	Overall Achievement Rates English Learners – TCAP 2022
Antioch Middle	<5%
Margaret Allen Middle	<5%
Wright Middle	<5%
Glenview Elementary	9.7%
Cole Elementary	11%
Glencliff Elementary	14.7%
Nashville Collegiate Prep	19.2%

WIDA: English Language Proficiency Gains

Per federal law, we assess the English proficiency of all English Learners, measuring annually their progress in reading, writing, listening, and speaking. Using WIDA's Screener and ACCESS results, along with other data sources (i.e., school-based assessments), we use this data to:

- Create individualized goals for each of the four learning domains
- Make sound decisions about students' English academic language
- Facilitate students' language development using intentional student groupings and language-rich instructional activities

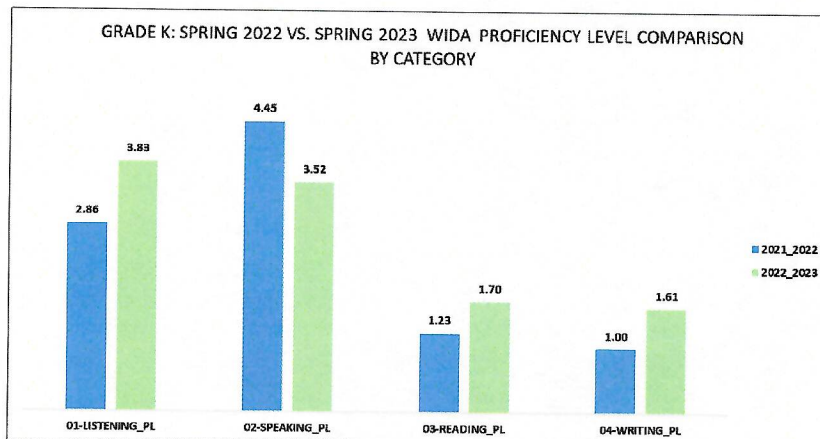
WIDA Spring 2023, Grades K-5

In the spring of 2023, our English Learners continued to make significant learning gains. In fact, our English Learners made stronger gains in YR 2 than in YR 1 at NCP. When comparing year-to-year proficiency level performance in all grade levels, proficiency is up.

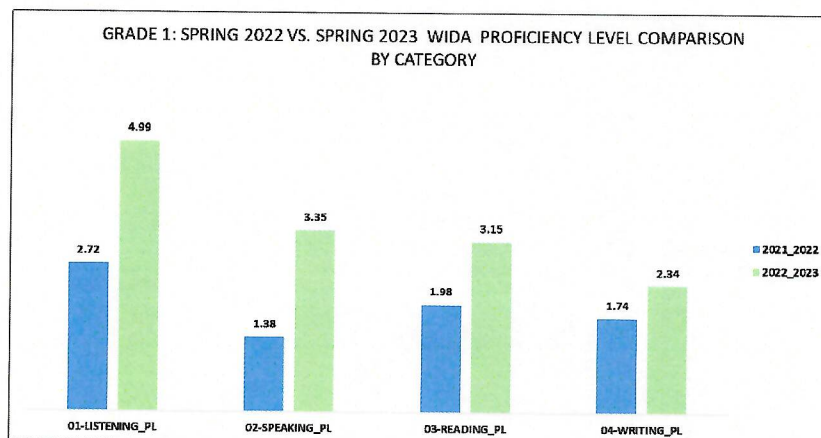
Proficiency levels are interpretive scores. The WIDA proficiency level score describes the student's performance in terms of the six WIDA English Language Proficiency Levels below. The proficiency level score is a whole number followed by a decimal. The whole number reflects the student's proficiency level, and the number after the decimal reflects how far the student has progressed within that level.



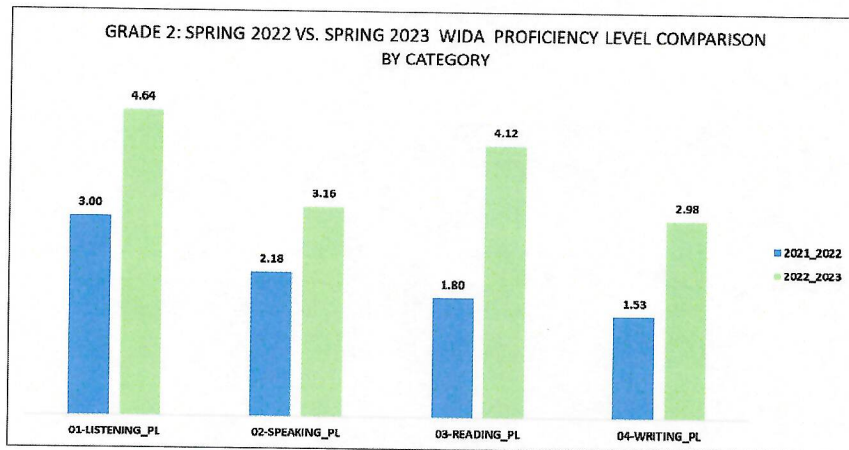
Below are the spring 2022 to spring 2023 WIDA proficiency level comparison charts by grade level. English Learners met the state's growth standard on WIDA in at least 50% or more of the four domains in five of the six grade levels, with grades 2 and 5 meeting the growth standard in all domains.



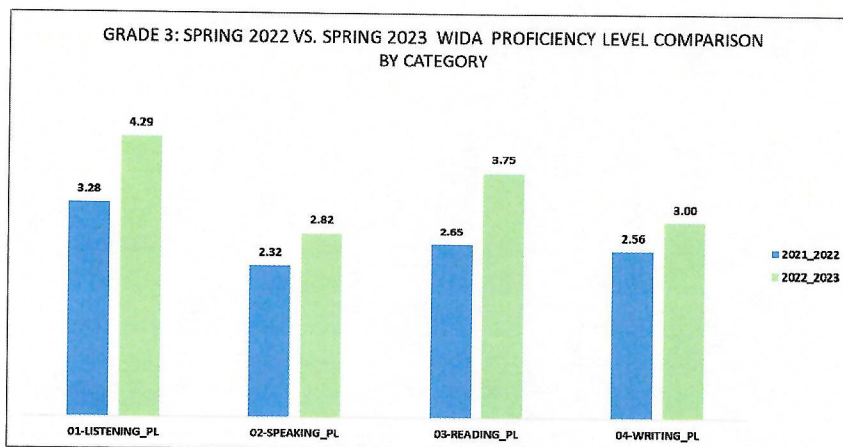
Kindergarten: growth standard met in listening.



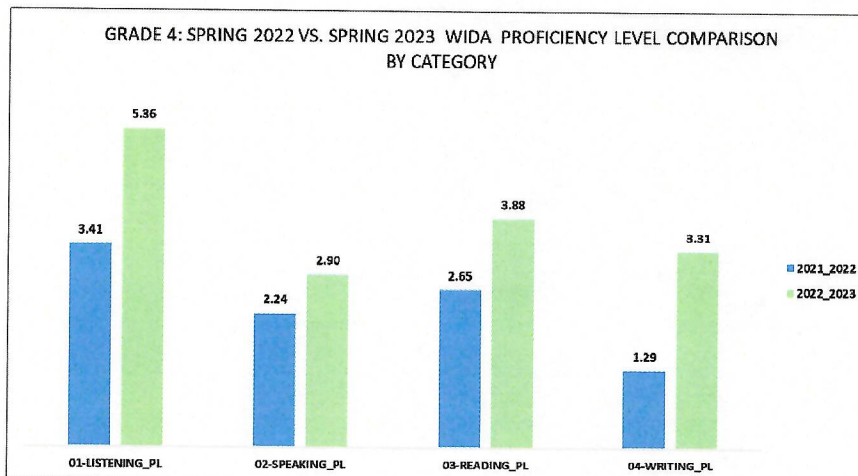
1st grade: growth standard met in listening, speaking, and reading.



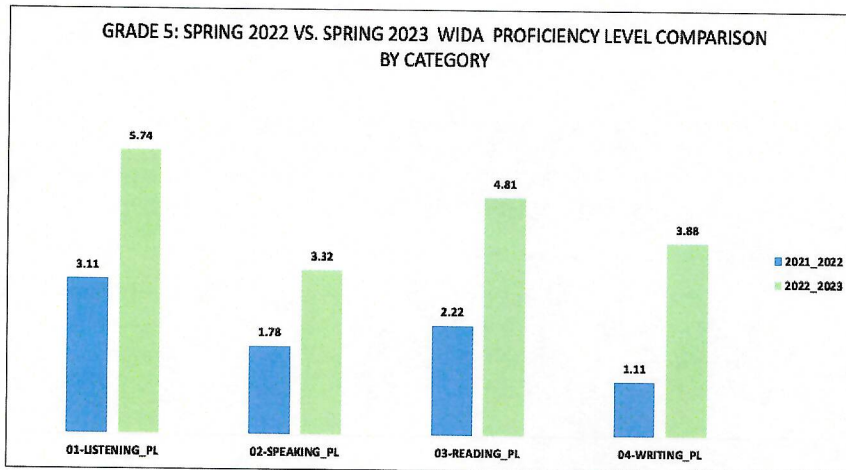
2nd grade: growth standard met in all domains: listening, speaking, reading, writing.



3rd grade: growth standard met in listening and reading.



4th grade: growth standard met in listening, reading, and writing.

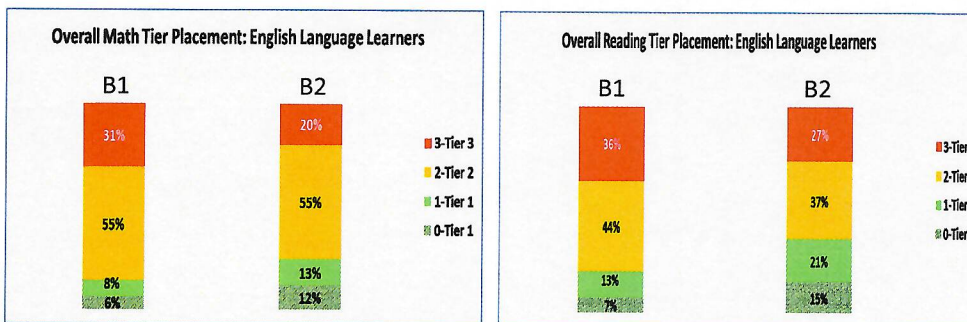


5th grade: growth standard met in all domains: listening, speaking, reading, and writing.

Current Year Data: 2023-2024

The *i-Ready Diagnostic* is an adaptive assessment in reading and mathematics designed to provide teachers with actionable insight into student needs. By adapting to student responses and assessing a broad range of skills—including skills above and below a student’s chronological grade—the *i-Ready Diagnostic* pinpoints student ability level, identifies the specific skills students need to learn to accelerate their growth, and charts a personalized learning path for each student.

As evidenced in the tables below, when comparing benchmark 1 to benchmark 2 administered in fall and winter 2023, our English learners are continuing to demonstrate growth in both reading and math. These data also support the gains students are making in our community classroom model with sheltered instruction.



3. Expected duration of the condition necessitating this waiver request.

This waiver is requested for the 2024-2025 school year, with the following student growth and performance information reported annually:

- Number of ELs served

- Proficiency levels of EL students
- Academic growth of EL students
- Evidence that we are not ATSI based on the EL student group
- EL student group analysis in reading/language arts, mathematics, and science
- Proposed staffing ratio that will be used in place of the 1:35 teacher/student ratio and the justification

In summary, on behalf of the ReThink Forward board, we are requesting a waiver for the approval of an alternative staffing model for Nashville Collegiate Prep and Rutherford Collegiate Prep. This waiver will allow us to provide required services for our English learners through the sheltered instruction model that provides students access to grade-level instruction that is serving students well, as evidenced by the TCAP and WIDA data provided for 2023 and 2022. Of note, these outcomes are exceeding schools in the area. It is a model in which we are also intentional about continue to increase the number of ESL-endorsed teachers so that ELs receive required service hours by an ESL-endorsed teacher but are also receiving additional services throughout the day in their core academic courses. This structure allows students continued access to instruction and content, and to their peers. We are financially committed to 100% of our teachers being endorsed in ESL so that services are delivered more continuously and embedded into grade-level instruction.

The original intent of charter schools was to foster innovation in the public education space. The practices which emerge from this innovation can catapult change in how we think about and deliver education – given the changing needs for college and career readiness; advances in technology; and opportunities to reimagine the learning experience for students. This original intent and its potential impact were cited as part of the [CREDO study](#) in 2013, “Charter schools are better positioned than district schools to adopt and faithfully implement personalized instruction and new approaches to teacher training, placement, and support.” We submit this request in this spirit, aligned with the waiver authority given to the Commissioner of Education.

