



## **TEA PRESIDENT BETH BROWN: "FUNDING ALLOTTED SO FAR IS BARELY A DOWN PAYMENT."**

The special session on education of the 112<sup>th</sup> General Assembly adjourned sine die Friday morning. Below is a description of what passed and the implications of the bills moving forward. While no stakeholder testimony was heard in committee meetings and some bills need more work when the regular session resumes, TEA was able to make critical tweaks on key bills prior to the session's adjournment.

"It's disappointing that the administration pushed to do in one week what deserves to be deliberated for three months," said TEA President Beth Brown. "Even so, we have an opportunity in the coming months to provide more input during the regular legislative session, and we appreciate the attention of lawmakers who heard our serious concerns during the frenetic pace of lawmaking this week."

- **HB7003/SB7001 - This is the hold-harmless bill — modeled on the TEA legislation that passed when TNReady testing crashed in the past.**
  - Teachers, schools and districts would be exempted from any accountability protocols using testing data from this year, unless it was to their benefit.
  - Teachers who otherwise meet the requirements to be granted tenure shall receive it as well.
  - There is an exception to the hold-harmless provisions for LEAs that don't have a minimum of 80% of students take the TCAP. Those below 80% can receive the A-F letter grade, be identified as a priority school, or be taken over by the ASD.
  - The commissioner does have the discretion to waive the 80% requirement, which is significant as Metro and Shelby Co. schools have gone virtual through the end of the school year. There is also real potential for other systems, especially smaller ones with less of a margin, to have to go virtual again in the coming months due to future COVID spread or parents simply choosing to keep their kids home.
- **HB7004/SB7002 - This is the bill aimed at addressing the pandemic's disruption to student learning, which the administration insists on calling "learning loss."**
  - This bill was discussed and amended extensively during the special session. The bill requires a variety of interventions for students who are not proficient in math or ELA.
  - The bill establishes three new programs that LEAs will administer, two of which sunset in the 2023 school year: a six-week summer learning camp, a four-week learning loss bridge camp, and an after-school learning mini-camp (an hour of extra instruction). The only one of the three that will exist beyond 2022 is the "learning loss" bridge camp.
  - The funding for the bill is complex, braiding funding from the general fund with money from the federal TANF block grants as well as the Lottery for Education After-school Programs (LEAP) reserves from the lottery.

- TEA pointed out some issues with the initial fiscal note, and after revisions the final numbers for this year are \$67.3 million from the general fund, \$13.7 million from LEAP reserves, and \$37.5 million from the Tennessee Assistance for Needy Families (TANF) reserves. The funding requirements will ramp down in 2023 once the summer camps and extra hour sunset.
- The program funding is set at \$1,400 per classroom per week, a minimum \$1,000 for the instructor and \$400 for overhead. The governor is expected to include an additional \$18 million in this year's budget to increase that amount after cost concerns were raised. There are also concerns about future costs for retained students.
- The bill allows for the creation of a workforce of tutors who are not licensed teachers to assist with the implementation of this program. However, **TEA secured an amendment granting teachers right of first refusal to participate in the summer programs and receive the stipends, meaning a director cannot use unlicensed staff without first asking teachers.**
- The most controversial feature of the bill is an expanded retention policy if third graders fail to demonstrate proficiency in ELA on the 3<sup>rd</sup> grade TCAP. The retention policy does have several "off ramps" that students can undertake to avoid repeating third grade. They can retake the test (paid for by the state) attend the summer programming (also paid for by the state), or undergo 100 hours of tutoring the following school year, which would not be state-funded.
- There are exemptions for special education and ELL students, and the state board will administer an appeals process. This retention policy will not begin until 2023.
- The third-grade retention law was already in place, and TEA has always insisted it is bad policy to impose it from Nashville. Educators are professionals, and they should be trusted to decide which student needs to be held back and do more work before moving forward.
- **HB7002/SB7003 - This is the literacy bill.**
  - This bill changes the way literacy will be taught in grades K-5, as well as in the Educator Preparation Providers (EPPs). It is a departure from the existing practice of standards adoption by the State Board of Education.
  - The bottom line is teachers will have a new PD they will have to take, which will consist of two parts: one taught virtually and one in-person. **The length of the training was not made clear, but \$20 million is provided for implementation and teacher stipends, meaning every educator will receive at least \$1,000 upon completion of the course.** The state does not typically provide funding for PDPs, so this is a positive development.
  - Candidates for licensure will have to pass a test covering phonics-based literacy instruction, which include new teaching candidates and those coming in from out of state. It is important to note this does not include current licensed teachers.
  - The bill calls for the development of a universal screener to be administered three times a year to measure literacy skills. This can replace the existing screeners being used for RTI and will be provided at no cost to LEAs.
  - Districts must submit literacy plans to the state department for approval every three years describing the interventions that will be put in place for students who haven't demonstrated proficiency on the screeners.
  - The cost of this bill is estimated to be around \$1 million a year for training and support, and the request for proposal for development of the screeners is estimated to cost \$8.9 million.

- **HB7020/SB7009 - This is the appropriations bill.**
  - This bill funds the acts described above, as well as the teacher raise money provided during this session. The teacher raise money is described as being both the state and local match for a 2% increase in the instructional salary component for teachers retroactive to January 1 through the end of the fiscal year in June.
  - The total is \$42 million, with \$30 million being the state portion and \$12 million as the local match. As we know well, running the money through the BEP does not guarantee it makes it to teachers, but the legislature “strongly encourages” LEAs to pass it through to teachers. The administration was also adamant that all salary monies get into educator paychecks. The other appropriations amounts were described above.

The session was also marked by some really engaged conversations around some fundamental concepts TEA has been talking about for years. The literacy bill was presented citing proficiency rates on TCAP and NAEP scores, and many legislators in key committees wondered aloud if that really meant Tennessee students can't read. Several lawmakers cited TEA research and data to pull apart the concept that the 3<sup>rd</sup> grade TCAP measures neither literacy nor comprehension, but instead whether a student has met the standards adopted by the state board. There was also extensive discussion carried over from the last session about the problems with the BEP, especially with teacher pay. These conversations will continue into the regular session, as well as strategies to fix problems with the bills passed this week in such a compressed time without public testimony.

“The funding allotted so far is barely a down payment for what can and should happen,” said TEA President Beth Brown. “TEA will continue fighting this fight in the regular session and we invite every public school educator to raise their voice in those conversations.”

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