

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-02-01
EVALUATIONS**

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0520-02-01-.01 DEFINITIONS.

- (1) The following definitions shall only be applicable to this chapter:
- (a) “Educator” means teachers, administrators, or non-instructional licensed staff as further defined in this rule.
 - (b) “Teacher” means licensed, instructional staff who are responsible for providing direct instruction to students for the majority of the instructional day.
 - (c) “Administrator” means staff, including, but not limited to principals or assistant principals, who spend a majority of the instructional day on administrative duties.
 - (d) “Non-instructional licensed staff” means staff including, but not limited to, Library media specialists and Response to Intervention (RTI) coordinators who have a Tennessee educator license but who are not classroom teachers.
 - (e) “Administrative Duties” means duties typically performed by a principal or assistant principal, including, but not limited to performing evaluations, delivering professional development, providing instructional coaching, scheduling students and staff, facilitating data team meetings, and other actions that provide support to teachers and non-instructional licensed staff.
 - (f) “State Board” means the Tennessee State Board of Education
 - (g) “The Department” means the Tennessee Department of Education
 - (h) “LEA” means a Tennessee local education agency and has the same meaning given in T.C.A. § 49-1-103(2).
 - (i) “Local Board” means a Tennessee local board of education.
 - (j) “Charter School” means a Tennessee public charter school authorized to operate under T.C.A. Title 49, Chapter 13.

Authority: T.C.A. §§ 49-1-201, 49-1-301, 49-1-302, and 49-5-5205; Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief); and Public Chapter 652 of 2020.
Administrative History: Original rule certified June 10, 1974. Repeal and new rule filed July 17, 1981; effective October 28, 1981. Amendment filed March 7, 1983; effective June 15, 1983. Amendment filed September 30, 1986; effective November 14, 1986. Amendment filed October 18, 1988; effective January 29, 1989. Amendment filed November 18, 1988; effective February 28, 1989. Amendment filed October

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31, 1989; effective January 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rule filed February 18, 2011; effective July 29, 2011. Amendment filed December 16, 2011; effective May 30, 2012. Emergency rules filed April 16, 2020; effective through October 13, 2020. Emergency rules expired effective October 14, 2020; and the rules reverted to their previous statuses. Amendments filed December 4, 2020; effective March 4, 2021.

0520-02-01-.02 GENERAL REQUIREMENTS FOR EVALUATION.

- (1) Local boards of education and charter schools shall implement annual evaluations for educators in accordance with T.C.A. § 49-1-302, these rules, and the State Board Teacher and Administrator Evaluation Policy 5.201. The Department of Education may issue additional guidance.
- (2) The annual evaluation model utilized by local boards of education and charter schools shall be comprised of multiple measures including student growth data, student achievement data, and qualitative data. Each educator's student growth data, student achievement data, and qualitative data shall be combined into a Level of Overall Effectiveness (LOE) rating that differentiates educator performance. The five (5) LOE ratings are:
 - (a) Significantly above expectations (level 5);
 - (b) Above expectations (level 4);
 - (c) At expectations (level 3);
 - (d) Below expectations (level 2); and
 - (e) Significantly below expectations (level 1).
- (3) Evaluations shall be conducted in accordance with the timelines published by the Department.
- (4) For teachers with individual growth data, fifty percent (50%) of the evaluation criteria shall be comprised of student achievement data. This fifty percent (50%) shall be comprised of thirty-five percent (35%) 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, and fifteen percent (15%) based on other measures of student achievement as defined in State Board Policy 5.201. The remaining fifty percent (50%) of the evaluation shall be comprised of qualitative data using the qualitative appraisal instrument contained in the approved evaluation model utilized by the local board of education or charter school.
 - (a) If a teacher's individual student growth data reflects attainment of an achievement level of level 3, level 4, or level 5, then the student growth data shall comprise the full fifty percent (50%) student achievement data portion of the teacher's evaluation, if such use results in a higher evaluation score for the teacher.
 - (b) Local boards of education may adopt a policy allowing teachers whose individual student growth data demonstrates an effectiveness level of 4 or 5 to use the individual student growth score as one hundred percent (100%) of the teacher's final evaluation score.
 - (c) A teacher's most recent year's individual student growth data shall comprise the full thirty-five percent (35%) of the student growth data portion of the teacher's evaluation, if such use results in a higher evaluation score for the teacher.

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- (5) For teachers and non-instructional licensed staff without individual student growth data, thirty percent (30%) of the evaluation criteria shall be comprised of student achievement data, including fifteen percent (15%) student growth data as evidenced by the school-level composite TVAAS score, and fifteen percent (15%) based on other measures of student achievement as defined in State Board Policy 5.201. The remaining seventy percent (70%) shall be comprised of qualitative data using the qualitative appraisal instrument contained in the approved evaluation model utilized by the local board of education or charter school.
 - (a) For educators in state special schools without individual, school, or district growth data, fifteen percent (15%) of the evaluation criteria shall be comprised of other measures of student achievement as defined in State Board Policy 5.201. The remaining eighty-five percent (85%) of the evaluation shall be comprised of qualitative data.
- (6) For school administrators, the evaluation shall be comprised of thirty five percent (35%) student growth data as evidenced by the school composite TVAAS score, fifteen percent (15%) shall be comprised of other measures of student achievement data as defined in State Board Policy 5.201, and the remaining fifty percent (50%) shall be comprised of qualitative data.
 - (a) If a school administrator's student growth data reflects attainment of an achievement level 3, level 4, or level 5, then the student growth data shall comprise fifty percent (50%) of the school administrator's evaluation, if such use results in a higher evaluation score for the school administrator.
- (7) Evaluation scores shall be a factor in employment decisions, including, but not limited to, promotion, retention, termination, compensation, and the attainment of tenure status; however, nothing shall require an LEA to use student achievement data based on state assessments as the sole factor in employment decisions.
- (8) The Department of Education shall monitor observation scores each year and ensure consistent application of observation standards across districts. Districts and schools that fall outside the acceptable range of alignment between student achievement data and observation results as defined in Educator Evaluation Policy 5.201 may be subject to additional training and monitoring by the Department as further defined in Educator Evaluation Policy 5.201.

Authority: T.C.A. §§ 49-1-201, 49-1-301, 49-1-302, and 49-5-5205. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Repeal and new rule filed July 17, 1981; effective October 28, 1981. Amendment filed September 30, 1986; effective November 14, 1986. Amendment filed September 20, 1987; effective December 22, 1987. Amendment filed January 31, 1991; effective May 1, 1991. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed May 28, 1999; effective September 28, 1999. Amendment filed April 28, 2000; effective August 28, 2000. Amendment filed October 31, 2002; effective February 28, 2003. Amendment filed September 6, 2007; effective January 28, 2008. Repeal and new rule filed February 18, 2011; effective July 29, 2011. Amendment filed December 16, 2011; effective May 30, 2012. Amendments filed December 4, 2020; effective March 4, 2021.

0520-02-01-.03 EVALUATION COMPONENTS.

- (1) Student Growth Data.
 - (a) The student growth data component shall be represented by the Tennessee Value-Added Assessment System (TVAAS) or some other comparable measure of student growth, if no such TVAAS data is available.

(Rule 0520-02-01-.03, continued)

1. For teachers with individual TVAAS scores, the student growth measures shall be comprised of the TVAAS score.
 2. For teachers and other educators who do not have individual TVAAS scores, LEAs may choose from the following alternative individual growth score measures:
 - (i) A student growth model specified in State Board Policy 5.201.
 - (ii) A pre-K/Kindergarten alternative growth model approved in accordance with the requirements in State Board Policy 5.201.
 3. For teachers implementing an alternative growth model approved by the State Board, the student growth data component of the evaluation shall be comprised of the alternative growth score.
 - (i) Each LEA and charter school shall use at least one (1) alternative growth model that has been approved by the State Board to provide an alternative individual growth score to teachers and other educators who do not have individual TVAAS scores.
 4. For school administrators, the student growth measure shall be comprised of schoolwide composite TVAAS.
- (2) Student Achievement Data.
- (a) The student achievement measure for educators shall be selected in collaboration with the evaluator from the list of achievement measures listed in State Board Policy 5.201.
 - (b) The selected achievement measure shall be a measure aligned as closely as possible to the educator's primary teaching assignment. If the educator and evaluator do not agree on a measure, the educator being evaluated shall select the measure. The evaluation measures shall be verified by the Department to ensure that the evaluations correspond with the teaching assignments or duties of each educator.
 - (c) Educators may use a student growth measure of level three (3), four (4), or five (5) in lieu of the achievement measure if it results in a higher overall evaluation score.
- (3) Qualitative Data.
- (a) The qualitative, or observation, portion of the evaluation model shall use multiple data sources to evaluate educator practice against the qualitative appraisal instrument contained in each approved observation model.
 - (b) All classroom teachers and non-instructional, licensed staff shall be observed with a State Board-approved observation model.
 - (c) All school administrators shall be observed with a State Board-approved administrator observation model based on the Tennessee Instructional Leadership Standards (TILS) contained in State Board Policy 5.106.
 - (d) All teachers and non-instructional, licensed staff, with the exception of non-instructional, licensed staff observed using the school services personnel rubric, shall have at least one-half ($\frac{1}{2}$) of all observations be unannounced. A minimum of one (1) observation shall be announced for teachers and non-instructional, licensed staff

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scoring levels one through four (1-4) on individual growth or level of overall effectiveness. For teachers and non-instructional, licensed staff scoring level 5 on individual growth or level of overall effectiveness, with the exception of non-instructional, licensed staff observed using the school services personnel rubric, the required observation shall be unannounced. All observations for non-instructional, licensed staff observed using the school services personnel rubric shall be announced observations.

- (e) Evaluators shall provide written feedback and a face-to-face debrief with the educator, within one (1) week of the conclusion of each observation.
- (f) Observation pacing for teachers and non-instructional, licensed staff shall meet the requirements outlined in State Board Policy 5.201.

Authority: T.C.A. §§ 49-1-302; 49-5-5003; 49-5-5004; 49-5-5101, et seq.; and 49-5-5205. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Repeal and new rule filed July 17, 1981; effective October 28, 1981. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Amendment filed April 28, 2000; effective August 28, 2000. Repeal filed February 18, 2011; effective July 29, 2011. New rule filed December 4, 2020; effective March 4, 2021.

0520-02-01-.04 THROUGH 0520-02-01-.14 REPEALED.

Authority: T.C.A. §§ 49-1-302, 49-5-5003, 49-5-5004, and 49-5-5101, et seq. **Administrative History:** Repeal filed May 28, 1999; effective September 28, 1999.

0520-02-01-.15 OBSERVATION MODELS.

- (1) Each LEA shall use the Tennessee Educator Acceleration Model (TEAM) or an alternative observation model approved by the State Board and listed in State Board Policy 5.201.
- (2) School administrators shall be observed using an approved observation model based on the Tennessee Instructional Leadership Standards (TILS) contained in State Board Policy 5.106.
- (3) LEAs and charter schools may use a State Board-approved student survey instrument weighted in accordance with the approved observation model.
- (4) In lieu of the TEAM model, LEAs may select an alternate observation model from a State Board-approved list. Public charter schools or charter management organizations, if applicable, may select the state observation model, an alternate observation model approved by the State Board for LEAs, or a charter school alternate observation model from a State Board-approved list.
- (5) LEAs and charter schools may submit an alternate observation model to the Department for review and recommendation to the State Board. All proposed alternate observation models shall, at a minimum:
 - (a) Be research-based, effectively differentiate teacher performance, and meet all legal requirements regarding evaluation;
 - (b) Differentiate educator performance into five (5) performance levels. The use of a conversion plan to convert scores on a different scale to a five (5)-level scale is permitted, if the conversion plan is approved by the State Board;
 - (c) Include a plan for observation data to be submitted into the state evaluation data system on an annual basis in compliance with timelines determined by the Department;

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- (d) Require yearly certification of all evaluators;
 - (e) Include a formal feedback component; and
 - (f) Include at least the same number of observations as required by the TEAM model.
- (6) LEAs may propose to pilot an alternate observation model to the Department via the following process:
- (a) A formal request to pilot a new alternate observation model shall be submitted to the Department by January 15 of the year prior to implementation of the pilot.
 - (b) The request to pilot shall, at a minimum, include the proposed observation rubric, documentation that the proposed model meets the minimum requirements for alternate observation models as outlined in paragraph (6) of this rule, the research base for the particular model, and the numbers of teachers and schools to be involved in the pilot.
 - 1. The Department shall review the proposed pilot and the Commissioner or Commissioner's designee shall approve or deny the proposed pilot.
 - 2. If approved, data regarding the outcome of the pilot shall be submitted to the Department no later than July 1 following the piloted school year.
 - 3. The Department shall review the data from the proposed observation model pilot and shall recommend approval or denial of the alternate observation model to the State Board.
- (7) Charter schools or charter management organizations, if applicable, may propose an alternate observation model via the following process:
- (a) A proposal shall be submitted to the Department by January 15 of the year prior to implementation.
 - (b) Each proposal shall include the proposed observation rubric, evidence that the proposed model meets the minimum requirements for alternate observation models as outlined in paragraph (6) of this rule, and the research base for the particular model.
 - (c) The Department shall review the proposed model and shall recommend to the State Board either approval or denial of the model.
- (8) LEAs using an approved alternate observation model shall submit the following documents to the Department by June 1 each year:
- (a) Documents noting any proposed changes to the evaluation model for the following school year; and
 - (b) An annual plan for ensuring all evaluators are certified.
- (9) The approved evaluation model for non-public school teachers shall be the state's evaluation framework used by all schools prior to 2011-12 school year.

Authority: T.C.A. § 49-1-302. **Administrative History:** Original rule filed December 4, 2020; effective March 4, 2021.

0520-02-01-.16 REQUIREMENTS FOR EVALUATORS.

- (1) All educators must be evaluated annually by a certified evaluator.
- (2) Training of Evaluators. Anyone conducting an evaluation and/or observation shall complete a certification process determined by the Department of Education. To become certified, a potential evaluator must:
 - (a) Participate in an official state-sponsored evaluation training or the training model for an approved alternative evaluation plan; and
 - (b) Pass the subsequent certification test designed by the Department pursuant to required passing scores in Evaluation Policy 5.201.
- (3) The training process shall be conducted by a trainer certified by the Department of Education. Local boards of education that choose an alternative evaluation plan shall present their training plans to the Department of Education by August 1 of each year. Certification is valid through June 30 of the current school year regardless of the certification date.

Authority: T.C.A. § 49-1-302. **Administrative History:** Original rule filed December 4, 2020; effective March 4, 2021.

0520-02-01-.17 PARTIAL YEAR EXEMPTIONS.

- (1) Educators who are employed under contracts of duration of one hundred twenty (120) days per school year or fewer or who are not employed full-time shall receive a partial year exemption.
- (2) Full-time educators who would otherwise receive an evaluation score may be eligible to receive a partial year exemption under the following circumstances:
 - (a) The educator has been on extended leave and cannot provide the one hundred twenty (120) days of instruction to students required to receive an evaluation score;
 - (b) The educator has transferred to a different school during the school year and cannot provide the one hundred twenty (120) days of instruction to students; or
 - (c) The educator has transferred to another role during the school year and cannot provide the one hundred twenty (120) days of instruction to students.
- (3) Partial year exemptions shall be identified by the LEA or charter school in the state evaluation data system.
- (4) Educators who receive a partial year exemption shall not receive an evaluation score for that school year.

Authority: T.C.A. § 49-1-302. **Administrative History:** Original rule filed December 4, 2020; effective March 4, 2021.

0520-02-01-.18 LOCAL LEVEL GRIEVANCES.

- (1) T.C.A. § 49-1-302 provides for a local-level evaluation grievance procedure, which shall provide a means for evaluated teachers and school administrators to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation rules and policies adopted by the State Board.

(Rule 0520-02-01-.18, continued)

- (2) All local-level grievance procedures shall be aligned with the requirements of this rule, State Board Policy 5.201, and the Local-Level Grievance Protocol published by the Department. The local-level grievance procedure shall provide for a review of the data used for the calculation of an evaluation score to ensure it is properly attributed to the educator.
- (3) The director of schools or charter school leader shall ensure all educators are aware of the local-level grievance procedures and shall ensure the grievance process is conducted without fear, discrimination, or reprisal.
- (4) Each local-level grievance procedure shall provide educators an opportunity to request for a review of the accuracy of the data, including the following:
 - (a) The calculation of the qualitative score to ensure the correct procedures were followed; and
 - (b) Student scores used as part of the quantitative portion to ensure they were correctly assigned to the educator.
- (5) All grievances shall be filed with the educator's LEA or charter school governing body. If the grievance decision does not require a change to the educator's evaluation score, the grievance shall be resolved by the LEA or charter school governing body. If a grievance decision by an LEA or charter school governing body would require a change to an educator's evaluation score, the grievance resolution shall be submitted to the Department for final approval and action.
- (6) Minor procedural errors in implementing the evaluation model shall be resolved by the LEA or charter school governing body 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 shall provide guidance on which procedural errors may materially affect or compromise the results of the evaluation.
- (7) Grievances may be filed at the end of each of the three (3) components of the evaluation model: qualitative appraisal; student growth measures; and other measures of student achievement.
- (8) A grievance shall be filed no later than fifteen (15) days from the date educators receive the results for each component; otherwise the grievance shall be considered untimely and invalid. Nothing shall preclude educators from filing a grievance at any time prior to the deadlines stated herein.
- (9) LEAs and charter schools shall develop and make available standard grievance forms. No grievance may be denied because the standard form adopted by the educator's LEA or charter school has not been used, as long as the components required by this rule are included.
- (10) Each grievance submitted shall contain:
 - (a) The educator's name, position, school, and additional title, if any;
 - (b) The name of the educator's immediate supervisor;
 - (c) The name of the evaluator/reviewer;

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- (d) The date the challenged evaluation was received;
 - (e) The evaluation period in question;
 - (f) The basis for the grievance, which must include an allegation of inaccurate data used in the evaluation or a failure to follow correct evaluation procedures under this rule and State Board Policy 5.201. A failure to state the basis for the grievance shall result in the grievance being considered invalid;
 - (g) The corrective action desired by the educator; and
 - (h) Sufficient facts or other information to begin an investigation.
- (11) Procedures. The grievance process shall be conducted in accordance with the following three (3) steps:
- (a) Step I – Evaluator. Educator submits their grievance to the evaluator.
 - 1. Written grievance containing the information required under paragraph ten (10) is submitted to the evaluator within fifteen (15) days of receipt of the result of the component being grieved.
 - 2. Local administrative investigation and fact finding. Evaluator submits decision to LEA administrator or charter school leader for review and confirmation of final decision.
 - 3. Decision clearly communicated in writing to educator within fifteen (15) days of receipt of the grievance. If a grievance is resolved at Step I and requires a change to an educator’s evaluation score, the grievance resolution shall be submitted to the Department for final approval and action.
 - 4. To allow disputes to be resolved at the lowest level possible, the evaluator may take necessary action, based on the circumstances, to correct any procedural errors made in the evaluation process.
 - (b) Step II – Director of Schools or Charter School Leader. If a grievance is not resolved to the satisfaction of the educator at Step I, the Step I decision may be appealed to the director of schools or charter school leader or their 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 by the educator to the director of schools or charter school leader or their designee within fifteen (15) days of receipt of decision from Step I. The designee cannot be used in cases involving a school administrator’s evaluation.
 - 2. Informal discussion or hearing of facts, allegations, and testimony by appropriate witnesses as soon as practical. An attorney or a representative of an educator may speak on behalf of the educator during the informal discussion or hearing but is not required.
 - 3. Local investigation, fact finding, and written final decision communicated to the educator in writing within fifteen (15) days of discussion.

(Rule 0520-02-01-.18, continued)

4. If a grievance is resolved at Step II and requires a change to an educator's evaluation score, the grievance resolution shall be submitted to the Department for final approval and action.
 5. To allow disputes to be resolved at the lowest level possible, the Director of Schools or charter school leader may take necessary action, based on the circumstances, to immediately correct any procedural errors made in the evaluation process.
- (c) Step III – Local Board of Education or Charter School Governing Body. If a grievance is not resolved to the satisfaction of the educator at Step II, the Step II decision may be appealed by the educator to the local board of education or charter school governing body.
1. To appeal the Step II decision to the local board of education or charter school governing body educators must submit a written grievance and all relevant documentation to the local board of education or charter school governing body within fifteen (15) days of receipt of the decision from Step II. Educators may include with the grievance a request for a full hearing before the local board of education or charter school governing body as part of the written grievance.
 2. The board of education or charter school governing body, may grant a request for a full hearing or if the board of education or charter school governing body denies a request for a full hearing, the local board or charter school governing body may affirm or overturn the decision of the director of schools or charter school leader without a hearing by basing the decision upon the record from the previous grievance steps. Any hearing granted by the board of education or charter school governing body shall be held no later than thirty (30) days after receipt of a Step III appeal and request for a hearing.
 3. The local board of education or charter school governing body shall give written notice of the time and place of any hearing to the educator, director of schools or charter school leader, and all administrators involved.
 4. If a grievance is resolved at Step III and requires a change to an educator's evaluation score, the grievance shall be submitted to the Department for final approval and action.
 5. The decision of the local board of education or charter governing body 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 or charter school governing body shall serve as the final step for all local level grievances to resolve issues with the qualitative portions of the evaluation process.
 7. An attorney may represent an educator before the local board of education or charter governing body. The educator and the local board of education or charter governing body may have counsel present at discussions prior to the final step.

Authority: T.C.A. § 49-1-302. **Administrative History:** Original rule filed December 4, 2020; effective March 4, 2021.