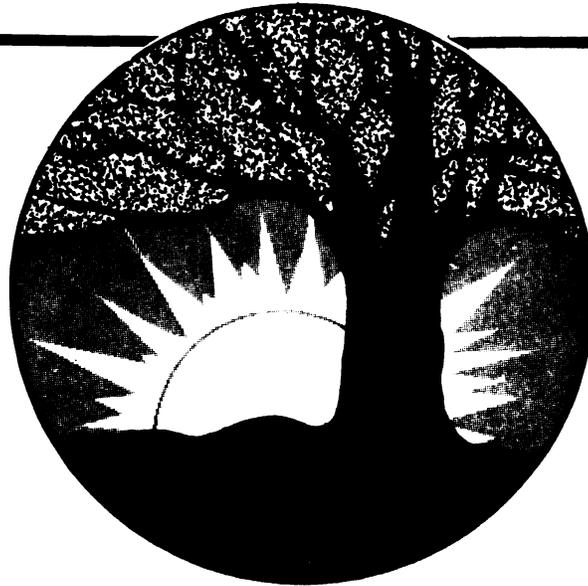


PERFORMANCE AUDIT

Department of Education
State Board of Education
July 2006



John G. Morgan
Comptroller of the Treasury



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John G. Morgan
Comptroller

July 21, 2006

The Honorable John S. Wilder
Speaker of the Senate
The Honorable Jimmy Naifeh
Speaker of the House of Representatives
The Honorable Thelma M. Harper, Chair
Senate Committee on Government Operations
The Honorable Mike Kernell, Chair
House Committee on Government Operations
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is the performance audit of the Department of Education and the State Board of Education. This audit was conducted pursuant to the requirements of Section 4-29-111, *Tennessee Code Annotated*, the Tennessee Governmental Entity Review Law.

This report is intended to aid the Joint Government Operations Committee in its review to determine whether the department and board should be continued, restructured, or terminated.

Sincerely,

A handwritten signature in black ink that reads "John G. Morgan".

John G. Morgan
Comptroller of the Treasury

JGM/[dww]
05-028

State of Tennessee

Audit Highlights

Comptroller of the Treasury

Division of State Audit

Performance Audit
Department of Education
State Board of Education
July 2006

AUDIT OBJECTIVES

The objectives of the audit were (1) to determine the authority and responsibility mandated to the department and the board by the General Assembly; (2) to determine whether the department has a clear focus on how its activities affect the quality of public K-12 education in the state, especially in regard to the requirements of the federal No Child Left Behind (NCLB) Act; (3) to assess the department's ability to develop and maintain an adequate pool of "highly qualified" (as defined by NCLB) public school teachers, including the efficient and timely processing of teacher license applications, the sufficient provision of high-quality professional development (training), and strategies to recruit and retain such teachers; (4) to determine if the department's performance measures for vocational education are adequate, and whether credit for vocational education coursework completed at the high school level can be smoothly articulated (transferred) to postsecondary institutions; (5) to evaluate whether the department ensures that all home school students are trained at least to the same standards required of students in traditional public schools; (6) to determine if the department adequately inspects all child care centers it regulates and reviews the backgrounds of center staff; (7) to determine if the department, in cooperation with the State Fire Marshal's Office, ensures that all public schools have annual fire inspections; (8) to determine if the board has an adequate range of suspension and revocation penalties for noncompliant teachers, and has developed and implemented an adequate conflict-of-interest policy for its members and staff; (9) to ascertain whether the department adheres to the requirements of Title VI of the Civil Rights Act of 1964; and (10) to recommend possible alternatives for legislative or administrative action that may result in more efficient and effective operation of the department and the board.

FINDINGS

The Department Does Not Verify the Accuracy of Federal No Child Left Behind Act Highly Qualified Teacher Data Submitted by Local Education Agencies

The No Child Left Behind Act requires that public school teachers be highly qualified to

teach core academic subjects. The department does not have a monitoring system in place to confirm the validity of the highly qualified teacher data submitted by local education agencies. Without such a monitoring system,

the department cannot ensure compliance with federal requirements (page 16).

The Office of Teacher Licensing Has Not Developed an Adequate System to Monitor Its License Processing Activities

The office does not have a system to monitor its performance by setting time guidelines or tracking the processing time of license applications and renewals and the numbers of licenses issued. Such a system would help the department ensure that teachers get licenses as quickly as possible (page 18).

The Department Does Not Have a Centralized, Formal Strategic Plan to Address Teacher Shortages

Tennessee has shortages of math, science, and foreign language teachers. The department does not have current, adequate data and analysis regarding teacher supply and demand to address this problem (page 22).

Extent of Compliance With Home School Laws Is Unknown

State law sets out requirements for parents who wish to educate their children through home schools, but does not clarify what entity, if any, is responsible for ensuring that parents comply with these laws. The department does not review home schools to determine whether parents or church-related organizations are complying with home school laws concerning registration, parent education, testing, or test sanctions. According to the department, this is not its responsibility because Section 49-6-3006, *Tennessee Code Annotated*, places “the sole responsibility and authority for the enforcement of the compulsory attendance laws upon the local board of education and its designated employees and officers.” Thus, the department has not determined the extent of compliance with the home school laws (page 26).

The Department Does Not Know Whether Schools Have Fire Inspections as Required by the State Board of Education*

The department does not conduct any central oversight of fire safety inspections, except for schools that also house child care programs.

Without a monitoring system, the department cannot ensure that school systems follow the State Board of Education rule requiring them to have annual fire safety inspections (page 28).

The Department Needs to Document That All Child Care Programs It Regulates Meet Certificate of Approval Requirements Before Granting Such Certificates

Seventeen percent of files reviewed had inadequate documentation—either no documentation to show that identified deficiencies had been resolved or unsigned annual reports. Failure to ensure that all requirements for certificates of approval are followed before such certificates are issued puts the safety of the children in child care programs at risk (page 30).

Two Reports Indicate Problems With Articulation (Transfer of Course Credit) Between Secondary and Postsecondary Institutions

Two studies on articulation barriers in vocational education concluded that there are major problems with the articulation process, including lack of confidence in secondary programs by postsecondary institutions, lack of qualified secondary faculty, lack of faculty and administrator knowledge regarding the articulation process, and lack of alignment between secondary and postsecondary curriculum. Without a smooth transition of course credit from secondary to postsecondary institutions, students cannot fully benefit from the reduction of cost and time required to graduate with a postsecondary degree or certificate (page 33).

The Division of Vocational-Technical Education Lacks Data on Student Participation in Articulated Courses and Student Complaints Relating to Articulation Agreements

Neither the Division of Vocational-Technical Education nor the Tennessee Board of Regents’ Tech Prep Program collects information on the number of students participating in articulated courses, including the types of courses and the secondary and postsecondary institutions involved. Without such data, it is difficult for the department to establish the goals and

benchmarks necessary for systematic improvement of articulation. In addition, the department cannot predict future student demand for articulated courses. Also, neither the division nor the Tech Prep program has a formal complaint-handling system to deal with disputes between secondary and postsecondary institutions regarding articulated courses. Without a formal complaint-handling system, the department cannot determine precisely the location and number (and thus magnitude) of problems relating to transferring course credit through articulation agreements and cannot develop a coordinated and consistent approach to addressing these problems (page 37).

The Department Has Not Adequately Addressed the Risk That Discriminatory Practices Have Continued Because Staff Do Not Ensure That Substantiated Title VI Complaints Are Resolved

The department does not follow up to see that entities (e.g., school systems) respond to its findings when it determines that Title VI complaints are valid. As a result of its failure to follow proper Title VI complaint-handling procedures, the department cannot determine if substantiated Title VI complaints have been resolved, and thus discriminatory practices could continue unchecked (page 38).

*Related issues were also discussed in the 1997 audit of the department.

OBSERVATIONS AND COMMENTS

The audit also discusses the following issues: results of our educator survey concerning the No Child Left Behind Act, quality of vocational education, and disciplinary actions against teachers (page 10).

ISSUES FOR LEGISLATIVE CONSIDERATION

The General Assembly may wish to consider whether more information is needed on home school programs and students, including information on compliance with state laws. The General Assembly may wish to consider whether the Department of Education should have the responsibility to monitor compliance with and ensure enforcement of the home school laws. Additionally, if it determines that more information is needed on the home school program, it should amend state law to give the department authority to collect such information.

The General Assembly may wish to consider requiring the State Fire Marshal's Office (or a designee) to inspect schools annually and forward the results to the Department of Education.

**Performance Audit
Department of Education
State Board of Education**

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**Performance Audit
Department of Education
State Board of Education**

INTRODUCTION

PURPOSE AND AUTHORITY FOR THE AUDIT

This performance audit of the Department of Education and the State Board of Education was conducted pursuant to the Tennessee Governmental Entity Review Law, *Tennessee Code Annotated*, Title 4, Chapter 29. Under Section 4-29-227, the department and the board were scheduled to terminate on June 30, 2006. On May 24, 2006, the General Assembly passed House Bill 1000, which extended these and other entities in the 2006 Sunset Cycle that had not yet been heard, for one year or until a public hearing can be held. The Comptroller of the Treasury is authorized under Section 4-29-111 to conduct a limited program review audit of the department and the board and to report the results to the Joint Government Operations Committee of the General Assembly. This performance audit is intended to aid the committee in determining whether the department and the board should be continued, restructured, or terminated.

OBJECTIVES OF THE AUDIT

The objectives of the audit were

1. to determine the authority and responsibility mandated to the department and the board by the General Assembly;
2. to determine whether the department has a clear focus on how its activities affect the quality of public K-12 education in the state, especially in regard to the requirements of the federal No Child Left Behind (NCLB) Act of 2001;
3. to assess the department's ability to develop and maintain an adequate pool of "highly qualified" (as defined by NCLB) public school teachers, including the efficient and timely processing of teacher license applications, the sufficient provision of high-quality professional development (training), and strategies to recruit and retain such teachers;
4. to determine if the department's performance measures for vocational education are adequate, and whether credit for vocational education coursework completed at the high school level can be smoothly articulated (transferred) to postsecondary institutions;
5. to evaluate whether the department ensures that all home school students are trained at least to the same standards required of students in traditional public schools;

6. to determine if the department adequately inspects all child care centers it regulates and reviews the backgrounds of center staff;
7. to determine if the department, in cooperation with the State Fire Marshal's Office, ensures that all public schools have annual fire inspections;
8. to determine if the board has an adequate range of suspension and revocation penalties for noncompliant teachers, and has developed and implemented an adequate conflict-of-interest policy for its members and staff;
9. to ascertain whether the department adheres to the requirements of Title VI of the Civil Rights Act of 1964; and
10. to recommend possible alternatives for legislative or administrative action that may result in more efficient and effective operation of the department and the board.

SCOPE AND METHODOLOGY OF THE AUDIT

We reviewed the department's activities and procedures, focusing on procedures in effect during fiscal years 2004 and 2005. The audit was conducted in accordance with the standards applicable to performance audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. The methods included

1. review of applicable state and federal legislation, and department rules, policies, and procedures;
2. examination of the department's records, reports, and information summaries;
3. examination of prior performance audit and financial and compliance audit reports on the department, as well as reports from other states;
4. analysis of information obtained from the federal government, and state and national organizations; and
5. interviews with department staff and federal government staff who interact with the Department of Education.

ORGANIZATION AND RESPONSIBILITIES

Department of Education

The Department of Education was created by Section 4-3-801, *Tennessee Code Annotated*. According to Sections 49-1-201 and 49-1-1101, the Commissioner of Education's duties include

- implementing law or policies established by the General Assembly or the State Board of Education and ensuring that these laws and the board's regulations are faithfully executed;
- collecting and publishing statistics and other information about the public school system;

- inspecting and surveying public schools;
- submitting annually to the Governor a detailed report on the condition and progress of public schools;
- revoking licenses of school faculty who are guilty of immoral conduct;
- inspecting, approving, and classifying private schools at their request;
- presenting to the State Board for its action rules and regulations necessary to implement board policies or state law;
- conducting a public information program concerning public schools, subject to the approval of the State Board; and
- inspecting and approving child care centers operated by church-related schools and local school systems.

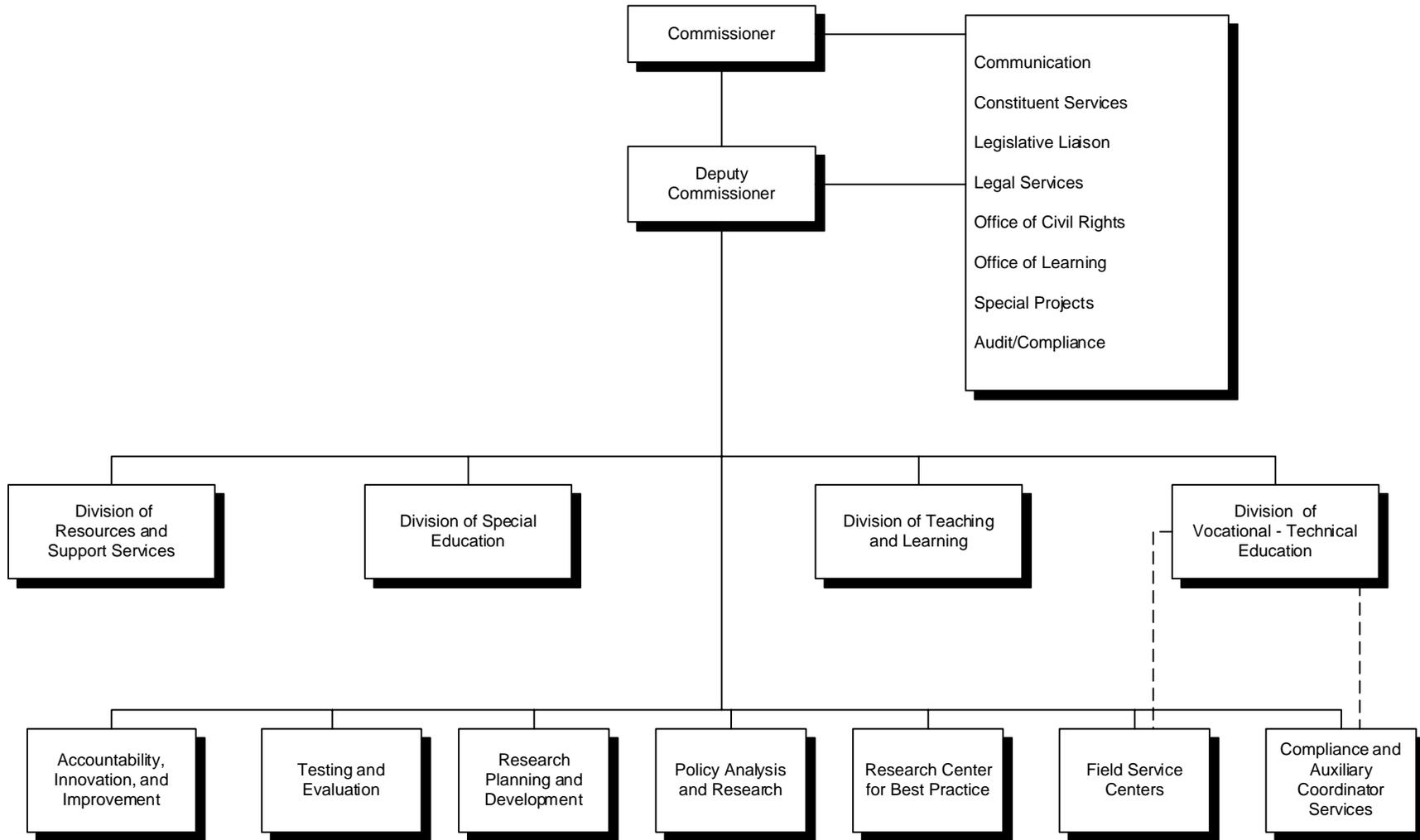
The Department of Education is organized into four divisions, each headed by an assistant commissioner. (See organization chart on the following page.) In addition, the following offices are under the direction of the Commissioner and Deputy Commissioner: Communication, Constituent Services, Legal Services, Legislative Liaison, Office of Civil Rights, Office of Early Learning, Special Projects, and Audit/Compliance. Also, the following areas report directly to the Deputy Commissioner: Accountability, Innovation, and Improvement; Testing and Evaluation; Research, Planning, and Development; Policy Analysis and Research; the Research Center for Best Practice; the Field Service Centers; and Compliance and Auxiliary Services. In May 2005, the department had 1,646 employees.

The Division of Special Education is responsible for initiating, improving, and expanding special education programs and services to children with disabilities as mandated by state and federal law. Also under this division are the Tennessee School for the Blind in Nashville, the Tennessee School for the Deaf in Knoxville, and the West Tennessee School for the Deaf in Jackson.

The Division of Resources and Support Services contains several programs providing support to the department and local school systems. These are the School Nutrition Program, Tennessee School-Based Health Program, Local Finance and Disbursements, Data Services and School Approval, Facilities Management, Personnel, and Human Resources and Technology.

The Division of Teaching and Learning is responsible for programs that directly affect the academic achievement and well-being of Tennessee students. The Office of Curriculum and Instruction provides the state and local school systems with leadership and technical assistance in the design, development, and implementation of curriculum and instructional programs. The Office of Federal Programs channels federal funds to the school systems and provides technical assistance in specific programs of the No Child Left Behind Act of 2001 (NCLB). The Office of Professional Development provides professional development opportunities to address the needs of superintendents, school board members, administrators, and teachers. The Office of Special Programs includes alternative education, adult and community education, dropout prevention, school health, and extended contracts. The Office of Teacher Quality and Development is the

Department of Education Organization Chart August 2005



Source: Department of Education

central agency for application, renewal, and changes (e.g., from apprentice to professional license) for Tennessee teacher and administrator licenses.

The Division of Vocational - Technical Education is the fiscal agent for the Carl Perkins agreement with the State of Tennessee. The federal Carl D. Perkins Act of 1998 provides the bulk of funding for the division. The agreement with the U.S. Department of Education involves specific performance measures that the division has agreed to comply with. The division develops courses and curriculum, operates nine state vocational youth organizations, provides professional development for the school systems, and provides leadership and coordination in transitions, industry certification, Tech Prep, applied academics, and career counseling.

State Board of Education

The board's duties listed in Section 49-1-302, *Tennessee Code Annotated*, include

- studying programs of instruction in public schools, analyzing the needs of public schools, and including its conclusions in its annual recommendations to the Governor and General Assembly for the funding of public education;
- setting policies for completing academic levels (elementary, middle, junior high, and senior high school), for evaluating student progress and achievement, for evaluating teachers, and for measuring the educational achievement of individual schools;
- developing a master plan for public education;
- developing and adopting policies and formulas for the fair and equitable distribution of funds for public education and making recommendations regarding the use of the funds;
- adopting policies governing the qualifications, requirements, and standards for (and providing the licenses and certificates for) all public school teachers, principals, assistant principals, supervisors, and superintendents;
- setting policies for graduation requirements;
- setting policies for the review, approval or disapproval, and classification of all public schools;
- setting policies governing all curricula and courses of study in public schools;
- prescribing the use of textbooks and other instructional material based on recommendations of the State Textbook Commission;
- meeting jointly with the Tennessee Higher Education Commission and the Commissioner of Education at least annually to review the expenditures and programs of public education and jointly providing a report to the Governor, the General Assembly, and all public schools and institutions of higher learning and their respective governing boards;
- acting on rules and regulations prepared by the Commissioner of Education in order to implement board policies, standards, or guidelines;

- determining ways and means of improving teacher, student, and school performance and setting policies to accomplish these improvements;
- providing, in association with the Commissioner of Education, an annual report on teacher, student, and school performance to the Governor and the General Assembly;
- developing a professional credentialing program for school principals;
- developing and providing school systems guidelines and criteria for evaluating all certified employees;
- developing and adopting rules and regulations to achieve a duty-free lunch period for all teachers;
- adopting rules, upon the Commissioner's recommendation, permitting local school boards to operate ungraded and/or unstructured K-3 classes;
- adopting rules, upon the Commissioner's recommendation, urging local boards of education to establish goals for recruitment, employment, and retention of African-American teachers; and
- enforcing standards, through the department, for care of children in before- or after-school child care programs.

As provided by Section 49-1-301, *Tennessee Code Annotated*, the board is to be composed of nine members (appointed by the Governor) representing the nine congressional districts; one high school student appointed by the Governor; and the Executive Director of the Tennessee Higher Education Commission (nonvoting). As of August 2005, the board has an executive director, six other full-time staff, and one part-time staff member.

NO CHILD LEFT BEHIND ACT

The federal Elementary and Secondary Education Act of 1965 was amended in 2001 as the No Child Left Behind (NCLB) Act. The purpose of NCLB is to “ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments.” According to the U.S. Department of Education, NCLB has four “pillars”: (1) stronger accountability for results, (2) more freedom for states and communities, (3) proven education methods, and (4) more choices for parents.

- Stronger Accountability for Results: Annual state and school district report cards prepared by the state education department inform parents and communities about state and school progress. Schools that do not make progress must provide supplemental services, such as free tutoring or after-school assistance; take corrective actions; and, if still not making adequate yearly progress after five years, make dramatic changes to the way the school is run.
- More Freedom for States and Communities: States and school districts have greater flexibility in how they use federal education funds. This allows districts to use funds

for their particular needs, such as hiring new teachers, increasing teacher pay, and improving teacher training and professional development.

- Proven Education Methods: NCLB puts emphasis on determining which educational programs and practices have been proven effective through rigorous scientific research. Federal funding is targeted to support these programs and teaching methods that work to improve student learning and achievement. In reading, for example, NCLB supports scientifically based instruction programs in the early grades under the Reading First program and in preschool under the Early Reading First program.
- More Choices for Parents: Parents of children in low-performing schools have new options under NCLB. In schools that do not meet state standards for at least two consecutive years, parents may transfer their children to a better-performing public school, including a public charter school, within their district. Students from low-income families in schools that fail to meet state standards for at least three years are eligible to receive supplemental educational services, including tutoring, after-school services, and summer school. Also, students who attend a persistently dangerous school or are the victim of a violent crime while in their school have the option to attend a safe school within their district.

Under NCLB, each state must measure every public school student's progress in reading and math in each of grades 3 through 8 and at least once during grades 10 through 12. By school year 2007-2008, assessments (or testing) in science will be underway. These assessments must be aligned with state academic content and achievement standards. In addition, NCLB requires that states develop plans to achieve the goal that all teachers of core academic subjects (e.g., English, mathematics, and science) be highly qualified by the end of the 2005-06 school year. According to NCLB, "highly qualified" generally means that a teacher:

1. Has obtained full State certification as a teacher or passed the State teacher licensing examination and holds a license to teach in the State, and does not have certification or licensure requirements waived on an emergency, temporary, or provisional basis;
2. Holds a minimum of a bachelor's degree; and
3. Has demonstrated subject-matter competency in each of the academic subjects in which the teacher teaches, in a manner determined by the State and in compliance with Section 9101(23) of NCLB.

Listed in Tables 1 and 2 are NCLB targets for Tennessee in the areas of core academic subject scores, attendance, and high school graduation. The targets are developed by the state and federal government; the federal government has final approval of the targets.

**Table 1
Elementary and Middle School NCLB Targets**

School Year	Reading/Language Arts Passage Rate	Mathematics Passage Rate	Attendance Rate
2002-2003 through 2003-2004	77%	72%	93%
2004-2005 through 2006-2007	83%	79%	93%
2007-2008 through 2009-2010	89%	86%	93%
2010-2011 through 2012-2013	94%	93%	93%
2013-2014	100%	100%	93%

**Table 2
High School NCLB Targets**

School Year	Reading/Language Arts Passage Rate	Mathematics Target Rate	Graduation Rate
2002-2003 through 2003-2004	86%	65%	90%
2004-2005 through 2006-2007	90%	74%	90%
2007-2008 through 2009-2010	93%	83%	90%
2010-2011 through 2012-2013	97%	91%	90%
2013-2014	100%	100%	100%

REVENUES AND EXPENDITURES

The Department of Education had a budget of \$4,060,908,300 for fiscal year 2006, including the State Board of Education’s budget of \$762,100. During fiscal year 2005, the department had revenues and expenditures of 3,844,012,100. Fiscal year 2005 departmental revenues were derived from state appropriations (78.3%), federal funding (21.2%), and other sources (0.4%). The major categories of expenditure were as follows:

**Department of Education
Categories of Expenditure for Fiscal Year 2005**

Category of Expenditure	Amount	Percent of Total Department Expenditures
<u>Administration and the State Board of Education</u>		
Administration	\$7,754,800	0.2%
Governor's Books from Birth Fund	\$690,400	0.0%
State Board of Education	\$739,500	0.0%
Total	\$9,184,700	0.2%
<u>State Support of LEA Programs</u>		
BEP and Other LEA Support	\$2,825,604,700	73.5%
Early Childhood Education	\$18,142,900	0.5%
Career Ladder	\$81,121,600	2.1%
Grants-In-Aid	\$3,722,600	0.1%
Driver Education	\$1,527,200	0.0%
Technology, Infrastructure, and Support Systems	\$3,279,300	0.1%
Accountability and Assessment	\$22,523,000	0.6%
Curriculum and Instruction	\$35,985,800	0.9%
Training and Professional Development	\$5,237,900	0.1%
Total	\$2,997,145,000	78.0%
<u>Federally-Funded and Supported LEA Programs</u>		
ESEA No Child Left Behind	\$307,813,400	8.0%
Improving School Programs	\$26,495,000	0.7%
Special Education Services	\$213,052,200	5.5%
Tennessee Early Intervention Services	\$28,261,500	0.7%
School Nutrition Programs	\$198,808,500	5.2%
Vocational Education Programs	\$32,177,500	0.8%
School-Based TennCare Services	\$906,500	0.0%
Total	\$807,514,600	21.0%
<u>Special Schools</u>		
Tennessee School for the Blind	\$9,873,200	0.3%
Tennessee School for the Deaf	\$12,538,300	0.3%
West Tennessee School for the Deaf	\$2,265,100	0.1%
Alvin C. York Institute	\$5,354,700	0.1%
Major Maintenance	\$136,500	0.0%
Total	\$30,167,800	0.8%
Department Total	\$3,844,012,100	100.0%

OBSERVATIONS AND COMMENTS

The issues discussed below did not warrant findings but are included in this report because of their effect on the operations of the Department of Education and the State Board of Education.

RESULTS OF EDUCATOR SURVEY CONCERNING NO CHILD LEFT BEHIND ACT

In their responses to a Division of State Audit survey, some teachers and administrators indicated concerns about the No Child Left Behind Act. We surveyed educators because of the impracticality of interviewing a significant number of these individuals. (See Appendix 1 for the survey results.)

No Child Left Behind Act

The federal Elementary and Secondary Education Act of 1965 was amended in 2001 as the No Child Left Behind (NCLB) Act. The purpose of NCLB is to “ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments.” A strategic goal of NCLB is that core subject teachers be “highly qualified.” (See Finding 1 for the definition of “highly qualified.”)

Perception Survey

The Division of State Audit conducted an internet survey in May 2005 of educator perceptions regarding several topics pertaining to NCLB, including familiarity with NCLB goals, professional development training, and technical assistance. A randomly selected and proportional sample of 1,773 teachers, 94 assistant principals and principals, and all 136 superintendents was chosen for the survey. The total population of teachers was 59,872, and the total population of assistant principals and principals was 3,030, as of December 2004. Of the 2,003 individuals surveyed, 544 responded, resulting in a response rate of 27 percent.

Although most respondents were familiar with the goals and requirements of the No Child Left Behind Act, only 45 percent thought the goals and requirements of the act were achievable within formal deadlines. At least fifty percent of the respondents said improvements were needed in the following areas: improving the amount and availability of technical support, reducing class sizes, increasing the number of teachers certified in their subject areas, increasing the number of highly qualified teachers, and improving instructional materials. The department should review these results and consider what improvements are necessary.

Respondents were asked to rate the quality of technical assistance on a scale of one through five, with “one” being poor and “five” being excellent. About as many respondents rated the technical assistance as poor (1 & 2) as excellent (4 & 5). Most respondents who had an

opinion thought the training from the department staff was adequate. In regard to training provided by the local school system, most reported receiving training and rated it adequate. Few respondents indicated that either the local school system or department provided opportunities to provide input on professional development courses.

QUALITY OF VOCATIONAL EDUCATION

The Division of Vocational-Technical Education management stated that it obtains information on the opinions of businesses, students, and secondary and postsecondary institution personnel on the quality and availability of vocational education courses using two methods: evaluations and public hearings by Council for Vocational-Technical Education. The division sends in teams to local education agencies (LEAs) to evaluate them on their vocational education efforts no more than once every five years. These teams evaluate LEAs on such areas as safety requirements, compliance with federal Perkins Act “indicators,” student organizations, and vocational advisory councils (which advise LEAs on vocational education efforts). The federal Carl D. Perkins Act of 1998 provides the bulk of funding for the division. The department’s Perkins agreement with the U.S. Department of Education involves specific performance measures that the division must comply with. Table 3 lists the Perkins indicators for Tennessee. These performance measures appear adequate for assessing the efficiency and effectiveness of vocational education provided by LEAs.

Table 3
Perkins Act Performance Indicators for Tennessee

Indicator Type	Performance Measure
Academic attainment	Number of 12 th grade secondary vocational concentrators graduating from high school.*
Skill proficiencies	Number of 12 th grade concentrators who have met state-established, industry-validated career and technical standards.
Completion	Number of 12 th grade secondary vocational concentrators graduating from high school.
Placement	Number of concentrators who graduated in the reporting year and were placed in postsecondary education or advanced training, employment, and/or military service within one year of graduation.
Participation in non-traditional programs**	Number of students in underrepresented gender groups who participated in a non-traditional secondary vocational program in the reporting year.
Completion of non-traditional programs	Number of concentrators in underrepresented gender groups who completed a non-traditional secondary vocational program in the reporting year.

* “Concentrators” are high school students who took three core vocational courses and a related course (e.g., computer science or business).

** A non-traditional program is normally dominated by students of one gender (e.g., a cosmetology class with mostly females, a welding class with mostly males).

In addition to the teams evaluating vocational education at the LEAs, management obtains information from public hearings conducted annually by the Tennessee Council for Vocational-Technical Education. Participants include secondary and postsecondary vocational education officials, business leaders, and government/community leaders. The council was created in 1980 by Section 49-11-201, *Tennessee Code Annotated*, to provide advice in the area of vocational education to the State Board of Education, the Board of Regents, the Governor, and the General Assembly. The Tennessee Board of Regents' Tech Prep Program does not on a regular basis conduct surveys or studies about postsecondary institution personnel opinion of high school vocational education.

It appears that the division does not regularly obtain quantifiable information on the opinions of the major parties (i.e., businesses, students, and secondary and postsecondary institution personnel) involved in vocational education. The two reports, *A Study of Barriers to Articulation from High Schools to Two-Year Public Colleges in Tennessee with Emphasis on the Associate of Applied Sciences Program* (June 2004) and *A Study of Barriers to Articulation and Dual Credit from High Schools to the Tennessee Technology Centers* (June 2005), contracted for by the Board of Regents contain valuable information on vocational education quality and availability at secondary institutions. (See Finding 7.) However, these reports are not part of a regular evaluation of these areas. The division should consider developing a survey of interested-party opinions in these areas on a regular basis to help improve the quality of vocational education programs.

DISCIPLINARY ACTIONS AGAINST TEACHERS

We reviewed the disciplinary process for teachers and administrators and had areas of concern for which the board has since revised its rules. The two areas of concern were (1) the lack of penalties for superintendents who do not comply with reporting requirements, and (2) the lack of a range of penalties when teachers violate licensing requirements. The following is a description of the disciplinary process and recent rule revisions.

Local School Boards: Suspension and Dismissal of Teachers

Disciplinary proceedings against teachers generally start at the local level. Under Section 49-5-511, *Tennessee Code Annotated*, a superintendent may suspend a teacher as necessary, pending investigation or final disposition of a case before a local school board or an appeal. Teachers may only be dismissed for incompetence, inefficiency, neglect of duty, unprofessional conduct, or insubordination. Section 49-5-512 gives a teacher so charged the right to a hearing before the local school board. Section 49-5-513 gives a teacher under permanent or limited tenure status who has been dismissed or suspended the right to judicial review in chancery court.

Neither suspension nor dismissal of a teacher by a local school board has any immediate effect on that teacher's license. Only the State Board of Education has the authority to revoke the license. Section 49-5-511(c)(2) requires superintendents to notify the Department of Education in writing of any teacher dismissals that have been upheld in board and chancery court reviews. State Board of Education Rule 0520-2-4-.01(9)(e) places a greater responsibility on superintendents by requiring them to inform the department's Office of Teacher Licensing and Certification of educators who have been suspended or dismissed for reasons that constitute

grounds for license revocation by the State Board of Education (see the “State Board of Education Teacher License Revocation and Restoration” section for a list of grounds).

Department Process for Flagging Teacher Licenses

The State Board of Education and Office of Teacher Licensing and Certification have established a process to warn superintendents and principals about teachers who have been suspended or dismissed in another district and to initiate revocation proceedings. According to Office of Teacher Licensing and Certification staff, the office receives information to start the process from two sources: (1) letters that report suspended or dismissed teachers written by superintendents to the office, as required by Section 49-5-511, *Tennessee Code Annotated*, and State Board of Education Rule 0520-2-4-.01; and (2) monthly reports from the National Association of State Directors of Teacher Education and Certification (NASDTEC) that list teacher license revocations in participating states. The licenses of such teachers are flagged in the Office of Teacher Licensing and Certification’s mainframe. After processing the flag on a teacher license, the office forwards copies of the file to the board’s General Counsel, who then becomes responsible for further investigative work and eventual initiation of board license revocation proceedings.

Because of due process concerns, schools are free to hire teachers whose licenses have been flagged but not yet revoked. The office’s system is meant to put school districts on notice that they are hiring flagged teachers at their own risk. Office staff stated that the department does not have the ability to track the place of current employment of a flagged teacher who moves to another district after being reported and flagged by Office of Teacher Licensing and Certification. There is no requirement for districts to notify the Office of Teacher Licensing and Certification when teachers are hired.

State Board of Education Teacher License Revocation and Restoration

Under Section 49-1-302(a)(5)(A)(ii), *Tennessee Code Annotated*, the State Board of Education has the power and the duty to adopt policies for revocation of teacher licenses. State Board of Education Rule 0520-2-4-.01(9)(b) states that teacher licenses may be revoked

upon proof of immoral conduct, conviction of a felony, including conviction on a plea of nolo contendere, improper use of narcotics or intoxicants, conviction of possession of narcotics, discovery of fraudulent misrepresentation of documentation required for licensure or certification, alteration by the educator of the license or certificate, or for other good cause.

The board is normally prompted to revoke teacher licenses only when notified by the department through the Office of Teacher Licensing and Certification. According to Office of Teacher Licensing and Certification staff, the department does not have a system for handling complaints about teachers who may have violated licensure requirements; thus local school systems take all complaints. According to the board’s General Counsel, the board cannot proceed with license revocation hearings until local school board or criminal court proceedings have been resolved because of due process concerns and statutory tenure protections. Because of the length of the local school board hearing and appeals process and the length of time involved in any criminal court cases, license revocation typically takes place between six months and two

years after the initial incident prompting revocation, according to the General Counsel. In January 2005, the State Board of Education adopted a policy for restoration of revoked licenses, in appropriate circumstances, to ensure consistency and fairness in the process.

Number and Nature of Teacher License Revocations

Department staff stated that 97 licenses were revoked in the last 5 years. We reviewed board meeting minutes to determine the number and reasons for revocations of teacher licenses in calendar years 2003 and 2004. We collected the following information from State Board of Education minutes on the 42 licenses revoked during those two years.

**Table 4
Revocations by the State Board of Education
Calendar Years 2003 and 2004**

	Board Meeting Date	Location of teacher at time of incident: State, County (if available)	Violation
1	1/31/2003	Tennessee, Shelby County	Sexual misconduct
2	1/31/2003	Tennessee, Maury County	Sexual misconduct
3	1/31/2003	Tennessee, Benton County	Corrupting minors
4	1/31/2003	Tennessee, Montgomery County (Clarksville)	Sexual misconduct
5	8/22/2003	Tennessee	Falsified records
6	8/22/2003	Tennessee	Falsified records
7	10/31/2003	Kentucky	Sexual misconduct
8	10/31/2003	Tennessee, Hamilton County	Fund mismanagement
9	10/31/2003	Tennessee, Hamilton County	Inappropriate conduct
10	10/31/2003	Tennessee, Williamson County	Sexual misconduct
11	10/31/2003	Tennessee	Falsified records
12	10/31/2003	Tennessee/North Carolina	Falsified records
13	10/31/2003	Tennessee, Blount County	Theft, funds mismanagement
14	10/31/2003	Tennessee, Sumner County	Sexual misconduct
15	1/30/2004	Virginia	Sexual misconduct
16	1/30/2004	Florida	Humiliated student, health and safety
17	1/30/2004	Tennessee, Hamilton County	Assault (possibly sexual)
18	1/30/2004	Tennessee, Rutherford County	Sexual misconduct
19	1/30/2004	Tennessee, Putnam County	Inappropriate communication with staff
20	1/30/2004	Georgia	Sexual misconduct
21	1/30/2004	Texas	Drug trafficking
22	1/30/2004	Tennessee	Falsified records
23	1/30/2004	Georgia	Misuse of school computers
24	1/30/2004	Tennessee, Sumner County	Sexual misconduct
25	1/30/2004	Georgia	Sexual misconduct
26	1/30/2004	Tennessee, Hancock County	Gun on school property, endangerment

	Board Meeting Date	Location of teacher at time of incident: State, County (if available)	Violation
27	1/30/2004	Kentucky	Sexual misconduct
28	1/30/2004	Virginia	Sexual misconduct
29	1/30/2004	Tennessee, Shelby County	Sexual misconduct
30	1/30/2004	Tennessee	Falsified records
31	1/30/2004	Texas	Sexual misconduct
32	1/30/2004	Kentucky	Sexual misconduct
33	8/27/2004	Tennessee, Hancock County	Drugs, incompetence
34	8/27/2004	Georgia	Falsified records
35	8/27/2004	Texas	Injury to child
36	8/27/2004	Tennessee	Sexual misconduct
37	8/27/2004	Tennessee	Sexual misconduct
38	8/27/2004	Georgia	Sexual misconduct
39	10/22/2004	West Virginia	Inappropriate conduct
40	10/22/2004	Tennessee, Hamilton County	Sexual misconduct
41	10/22/2004	Tennessee	Fraud, drugs
42	10/22/2004	Tennessee	Sexual misconduct

Failure of Some Districts to Report Disciplinary Actions

According to Office of Teacher Licensing and Certification staff, superintendents sometimes choose not to notify their office and the State Board of Education of teacher suspensions and dismissals as required by Section 49-5-511, *Tennessee Code Annotated*, and State Board of Education Rule 0520-2-4-.01. The staff stated that their office sometimes becomes aware of criminal activity or severe misconduct of a teacher only through news sources. The staff cited several possible reasons for the failure of certain superintendents to report suspensions or dismissals: conflicts of interest such as friendships, fear of lawsuits, and, in many cases, a sense that certain teachers may not deserve license revocation, the only penalty the State Board of Education may impose. Teachers who have been suspended or dismissed by a local school board, but who have not been flagged by the Office of Teacher Licensing and Certification, have a greater chance of obtaining employment in another district, a private school, or in another state. Until April 2006, there were no penalty provisions for superintendents that fail to report teachers. Effective April 26, 2006, the board's rule was revised in 0520-2-4-.01(9) to make failing to report teachers who have been suspended or dismissed grounds for license suspension or revocation.

Proposed Rules and Legislation

According to the State Board of Education's General Counsel, the board created an Ethics Task Force in December 2004 that identified the lack of flexibility in the board's disciplinary proceedings as a problem and revised Rule 0520-2-4-.01 so that the board will be able to impose suspension of teacher licenses when appropriate. The rule became effective April 28, 2006. The rule revision includes

- providing the board the option to deny and suspend licenses for several specific offenses as well as a general “good cause” criterion;
- allowing the board to automatically revoke licenses of teachers convicted of certain felonies (e.g., statutory rape);
- expanding and clarifying the list of reasons for disciplinary actions against license holders; and
- establishing procedures for the board to vote on approving applicants who have been previously denied licenses or want their licenses restored.

The board’s General Counsel stated that the board should have the requisite rules and guidelines in place by the fall of 2006.

The State Board of Education should ensure that it has procedures in place for enforcing rules for a graduated system of disciplining teachers (e.g., suspensions of increasing degree of severity leading to revocation) and for taking action when superintendents do not report problem teachers to the Office of Teacher Licensing.

FINDINGS AND RECOMMENDATIONS

1. The department does not verify the accuracy of federal No Child Left Behind Act highly qualified teacher data submitted by local education agencies

Finding

Title IIA, of the federal No Child Left Behind Act of 2001 (NCLB) requires that, by the end of the 2005-2006 school year, public elementary and secondary school teachers be “highly qualified” to teach the following “core academic subjects”: English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, the arts, history, and geography.

“Highly qualified” means that the teacher:

1. Has obtained full State certification as a teacher or passed the State teacher licensing examination and holds a license to teach in the State, and does not have certification or licensure requirements waived on an emergency, temporary, or provisional basis;
2. Holds a minimum of a bachelor’s degree; and
3. Has demonstrated subject-matter competency in each of the academic subjects in which the teacher teaches, in a manner determined by the State and in compliance with Section 9101(23) of NCLB. The law gives states flexibility in determining subject-matter competency. Teachers can demonstrate their competency and skills by (a) passing a rigorous State academic subject-matter

test, (b) in the case of middle or secondary school teachers, completing an academic major, graduate degree, coursework equivalent to an academic major, or advanced certification or credentialing, or (c) using the high, objective, uniform State standard of evaluation (HOUSSE).

The criteria for demonstrating subject-matter competency in the core academic subjects are listed in the department's *Tennessee Plan for Implementing the Teacher and Paraprofessional Quality Provisions of the No Child Left Behind Act of 2001*. (Each state develops its own criteria for highly qualified teachers.) See Appendix 2 for an overview of Tennessee's requirements and the options for meeting them.

Although the department was involved in setting the criteria for subject matter competency (with the approval of the federal Department of Education), local education agencies were solely responsible for making highly qualified status determinations of individual teachers. Beginning in the 2002-2003 school year, the department set up a process for local education agencies to submit spreadsheets identifying the subjects for which each teacher was highly qualified. The department created a computer program to identify all courses taught by each highly qualified teacher. Using this program, the department has annually measured the percent of core academic subject courses taught by highly qualified teachers on a statewide and a local level; however, this measure is based on self-reported data from the school systems (i.e., the lists of highly qualified teachers and lists of courses being taught by each teacher).

The department has no monitoring system in place to confirm the validity of the highly qualified spreadsheet data submitted by local education agencies. Without such a monitoring system, the department cannot ensure compliance with Title IIA of NCLB.

Recommendation

The department should set up a system to regularly monitor the validity of highly qualified data submitted by local education agencies. At a minimum, such a system should include random audits of local education agency records to confirm whether teachers meet the highly qualified criteria.

Management's Comment

We concur. Monitoring of highly qualified data submitted by school districts will start no later than the beginning of the 2006-07 school year.

2. The Office of Teacher Licensing has not developed an adequate system to monitor its license processing activities

Finding

The Office of Teacher Licensing has several responsibilities, including issuing and renewing teacher and administrator licenses and adding endorsements and advanced degree information to licenses. As of May 2005, the office employed 11 licensing consultants and 4 support staff to process license issuances, renewals, endorsements, and certifications. Each licensing consultant specializes in processing certain types of applications. The office does not have a system to monitor its performance by setting time guidelines or tracking the processing time of license applications and renewals and the number of licenses issued. If the office does not track process times and identify causes of delays, the office cannot get licenses as quickly as possible to teachers so they can go to work.

Formal tracking of processing times does not take place, but office management stated that its staffing level and current software were inadequate to handle the high volumes of telephone inquiries and complaints and paper applications that had to be processed, microfilmed, and destroyed. Office management stated that the licensing consultants were often two months behind on processing applications. Office management also stated that the number of incomplete applications created additional paperwork, contributing to the length of processing times.

No Tracking System for the Volume of Requests or the Volume of License Issuances or Renewals

The Office of Teacher Licensing does not have a method for tracking the volume of requests by category. Nor is the office able to determine the number of teacher license issuances or renewals processed within a given time period. However, daily reports, as well as monthly summaries created by office staff, contain counts of the total number of licenses printed for each license type. The office did not indicate that these reports or summaries were used or analyzed in any way. The auditor's analysis of the monthly summaries determined that approximately 31,000 licenses were printed between May 2003 and April 2004 and that approximately 28,000 licenses were printed between May 2004 and April 2005.

The reports and summaries did not differentiate between the many purposes for which particular licenses had been printed, such as issuances, renewals, added endorsements, name changes, or reprint requests. Therefore, the reports and summaries could not be used to determine the number processed for each of these types of requests.

No Time Guidelines or Formalized Method of Determining Licensing Delays

The office does not have a formalized method of determining licensing delays. The office maintains an electronic mail log that indicates the date an application was received and allows staff to record the final disposition of the request. Additionally, daily reports indicate the extent to which each licensing consultant is behind in the mail log. However, the office did not indicate that it performed any analysis of mail log data or the daily reports. Nor did the office have any time guidelines for processing applications. According to office staff, applications are processed on a first-in, first-out basis.

Auditor Review of Mail Log and Teacher Databases

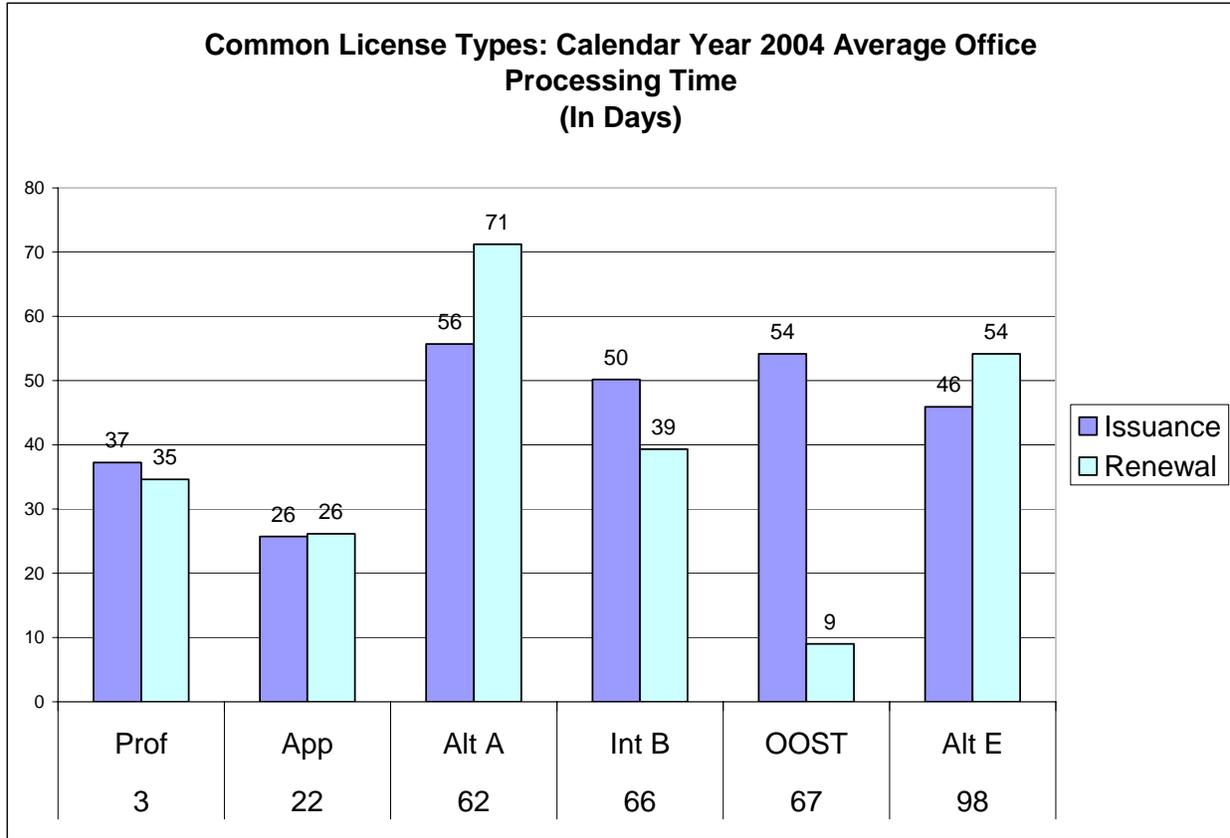
Because the department did not know the average processing time for licenses, we examined the mail log data for calendar year 2004 and verified the data by comparison to the office’s teacher database. There were 35,034 mail log entries made in calendar year 2004. The auditor drew a random sample of 500 mail log entry records, representing 498 individual applicants. To find additional entries related to each of these individual applicants selected, the auditor reviewed a total of 905 mail log records. Among these 905 records, the auditor found information showing 290 license issuances and 110 license renewals. The volumes of the most common license types reviewed are presented in Table 5.

**Table 5
Frequencies of the Most Common License Types Reviewed***

License Type Number and Abbreviation	License Type	Issuances Reviewed	Renewals Reviewed	Total	Percent of Total Applications Reviewed
3 “Prof”	Professional Teacher	74	62	136	34%
22 “App”	Apprentice Teacher	83	13	96	24%
62 “Alt A”	Alternative A	30	9	39	9.75%
66 “Int B”	Interim B	16	9	25	6.25%
67 “OOST”	Out of State	27	2	29	7.25%
98 “Alt E”	Alternative E	<u>11</u>	<u>6</u>	<u>17</u>	<u>4.25%</u>
		241	101	342	85.5%

*See Appendix 1 for a description of all license types.

The processing times of these applications reviewed varied widely, ranging from a minimum of less than a day to a maximum of 148 days. The following chart does not account for seasonal differences (e.g., the department usually receives more applications after spring graduations). Among the most common categories, the auditor found the following average processing times:



Incomplete Applications

Of the 400 successful issuances and renewals reviewed, 68, or 17%, of the applications were incomplete and had been returned to applicants (or, in some cases, had been held by the Office of Teacher Licensing while deficiency letters were sent) and were resubmitted before they were ultimately approved. Additional mail log records were created when these applications were completed and resubmitted.

Office staff stated that incomplete applications were a major problem because of the time involved in attempting to process them the first time and then processing them multiple times until they were submitted correctly. The auditor found that average processing time for resubmitted applications was more than seven days greater than the time for applications submitted complete the first time. Moreover, the auditor found that considerable time elapsed before a corrected application was received by the office, causing an average 52-day delay above and beyond office processing time. The office did not have a system to track the frequency of particular deficiencies or the number of incomplete applications.

Identification Problems

The Office of Teacher Licensing does not use social security numbers or other teacher numbers to identify applicants in the mail log. Office staff recorded mail log entries by entering an applicant's name and sometimes the applicant's address. During the auditor's review,

identification of several applicants was challenging due to a variety of factors: data entry variations and errors, occurrences of different applicants with the same or similar names, and name changes. Of the 400 successful issuances and renewals reviewed, 9 could not be identified in the office's teacher database by either the auditor or office staff. Identification problems were a significant obstacle to the auditor's analysis of processing time.

Mail log records and reports are used to determine when applications were first received, according to office staff. As an adjustment for the office's constant backlog, the effective date of an application (i.e., the date the license is formally issued) is retroactive to the date the application was first received by the office. Essentially, the office is backdating to the date the application is received rather than reflecting the date it is actually approved. The effective date is crucial because it is used to determine teacher status for the following deadlines: December 1, the cutoff date for determining salary levels for teachers; and June 30, the cutoff date for showing that each teacher is teaching on a valid (not expired) license. The department cannot consistently determine whether teachers have met these deadlines unless it is able to maintain and retrieve accurate application receipt dates for each individual teacher.

Recommendation

The commissioner should review the risks associated with the current license processing system and should develop a tracking system and time guidelines in order to monitor and remedy any licensing problems found. Essential to this tracking system is maintenance of accurate and accessible records of application receipt dates for all applicants. Moreover, the department should use the tracking system to regularly monitor the volumes of incomplete applications and particular deficiencies by license type in order to enable development of specific strategies that will increase the percentage of complete applications submitted.

The department should use regularly updated, categorical analysis of relevant measures, including but not limited to volumes of requests, volumes of work accomplished, and processing times, to conduct and measure the effectiveness of process improvements, to manage existing resources efficiently, and to assess and justify needs for additional resources.

Management's Comment

We concur. These and other concerns had been identified previously. Teacher licensure is a part of the department's project management process (PMOC).

Updated software, the Multi-Agency Research System (MARS), for the Office of Teacher Licensing (OTL) is currently under development with a projected start date of October 2006. There are six stages to the MARS software project (RFP, Departmental Design, Vendor Design, Installation/Transfer, Personnel Training, and Institutionalization). We are currently in the third stage. Once the software installation is complete, pertinent information will be accessible to the license applicant and the LEA Central Office staff.

In the meantime, to reassure applicants that progress is being made, the OTL has implemented the practice of sending post cards in response to each application. The post card

indicates the date the application was received and indicates that it will be processed as soon as possible. This procedure not only provides information to the candidate, but also can be used for verification purposes to resolve deficiencies on the Preliminary Report of the Office of School Approval.

3. The department does not have a centralized, formal strategic plan to address teacher shortages

Finding

Department management and the Southern Regional Education Board have reported that Tennessee was experiencing teacher shortages for math, science, and foreign languages. The State Board of Education's fiscal year 2006 Master Plan also notes the problem of teacher recruitment and retention. However, the department does not have current, adequate data and analysis regarding teacher supply and demand in order to address the problem.

Third-Party Study

A December 2003 Southern Regional Educational Board study provided a comprehensive analysis of statewide and local trends shaping teacher supply and demand, including corresponding projections. The study was done under contract with the Department of Education, the State Board of Education and the Tennessee Higher Education Commission as part of the state's ongoing Educator Supply and Demand study. (The SREB is an interstate compact that studies education policy.) The study pointed out that a key area of concern was the supply of math, science, and foreign language teachers for grades 7-12, as well as certain types of special education teachers. However, the most recent teacher counts available for the study were from 2000-2001, a year behind the student enrollment data used. According to department staff, information regarding teachers' assignments for a school year is not compiled and analyzed until after school starts for the following year. The study had not been updated at the time of the audit.

Lack of Data on the Number of Teachers Trained Out of State

An issue of growing importance in teacher supply and demand is teacher distribution on a national level. In 2001-2002, according to *The Secretary's Third Annual Report on Teacher Quality*, issued by the U.S. Department of Education in July 2004, 20 percent of teachers received their training in a state other than the one in which they were certified, and some states reported that they imported more than 40 percent of the teachers to whom they granted initial certification. However, Tennessee was among six states and the District of Columbia that did not collect information on the percent of teachers teaching in Tennessee who had been trained out of state. According to Office of Teacher Licensing staff in May 2005, the department still does not collect data on the number of Tennessee teachers trained out of state, even though information on where they obtained their education is on their license applications. Knowing this information for Tennessee would help the department determine how to focus its strategic plan. For example, if many teachers come from certain states, the department may want to increase its recruiting efforts in those states to fill shortage areas. On the other hand, the

department might want to study how it can better recruit teachers from Tennessee to address shortage areas.

Department Recruiting Efforts

The department is involved in several alternative licensure programs geared toward the recruitment of teachers, which include the following:

Program	TDOE Division	Description
Teach Tennessee	Commissioner's Office	State-funded program targets mid-career professionals and retirees with bachelor's degrees in content area to teach grades 7-12, focusing on high-need school districts and subject areas such as math, science, and foreign languages.
Transition to Teach	Teacher Quality & Development	Federal grant program targets individuals with bachelor's degrees in math and science to teach grades 7-12 in eligible districts.
Troops to Teachers	Teacher Quality & Development	Federally funded program assists eligible military personnel to transition to careers as teachers in high-need schools.
BASE-TN	Special Education	"Become A Special Educator in Tennessee." Federally funded program provides support for earning initial teaching licenses and endorsements in special education.

Alternative licenses allow individuals with bachelor's degrees who have not completed a teacher preparatory track to become school teachers. The department staff involved in these programs stated that they looked at waiver and permit data periodically to assess immediate areas of need. A teacher on waiver is licensed but teaching out of his or her field because no other licensed teacher is available to teach that subject. A permit is granted to a local school system to temporarily employ a degreed individual who does not hold a valid license only when no qualified teacher is available. Although some department staff involved in these programs referred to the 2003 Southern Regional Educational Board study, they were not familiar with any more current sources of detailed teacher supply and demand information aside from waiver and permit data. Furthermore, due to the department's shift to alternative licensure programs, waiver and permit data had lost some relevance at the time of the audit, according to the Director of Federal Programs. Only the Division of Special Education factors alternative and interim license data into its assessments.

According to the department's deputy commissioner, the department had performed its own assessment and found math, science, and foreign languages to be high-need subject areas. (When asked for the assessment, the department provided *Basic Facts On Math And Science In Tennessee*, which discusses the options for school districts that cannot find math and science teachers.) However, the deputy commissioner also stated that the department's information was "one to two years old," as of July 2005. He further stated that departmental recruiting efforts were not centrally coordinated and that the department did not have a centralized, formal strategic plan for teacher supply and demand issues.

Recommendation

The department should develop a centralized, formal strategic plan to address teacher shortages. The department should use regularly updated, timely data and analysis in order to assess current and potential problems by location, endorsement, and other significant criteria. The department should track progress in meeting plan goals, regularly update its plan, and coordinate the efforts of the involved divisions and offices within the department. The department should include within its strategic plan information and goals related to attracting and retaining teachers trained in other states as well as those trained in Tennessee.

Management's Comment

We concur. One of the department's major goals is to improve the teacher retention rate to 75% (after the first five years of teaching) by developing programs for attracting, supporting and maintaining highly qualified individuals. The department has developed four objectives to accomplish this goal:

Objective 1: Coordinate recruitment component. A coordinated process to recruit prospective teacher candidates will be initiated by August 31, 2007, and will result in maintenance of 100% training capacity in recruitment programs such as Teach Tennessee, Transition to Teaching, Troops to Teachers and increased enrollment of 30% in traditional teacher education programs as measured on the annual Title II Higher Education Institute Report, by August 31, 2008. The action plan for this objective is:

Action Plan	Projected Completion Date
Collect and centralize information on available programs (Troops to Teachers, Teach Tennessee, Transition to Teaching, BASE-TN, LEA initiatives, higher education initiatives, available financial assistance)	8/31/06
Create a comprehensive presentation for use at job fairs	8/31/06
Create a database of interested candidates for teacher education (not currently licensed) to include career changers and current high school students	8/31/07
Establish an agreement with Future Teachers of America (FTA) to use the Governor's School for Teachers and the Governor's Partnership Program as early practicums for future teachers	8/31/07
Establish a presentation and information packet for use with Student Teacher Educators of America (STEA)	8/31/07
Build incentive package to encourage out-of-state teachers to relocate (lower mortgage rates, discounted rent, moving expenses, family relocation assistance)	8/31/07

Data sources: Title II IHE Report, STEA, FTA enrollment/retention, permits/waiver yearly data.

Objective 2: Activate licensed teachers who are currently not employed as public school teachers. By August 31, 2007, ten percent of teachers leaving the profession, per Tennessee Consolidated Retirement System data as of August 31, 2006, will return to teaching positions and attract licensed teachers who have not been employed as public school teachers to enter the profession. The action plan for this objective is:

Action Plan	Projected Completion Date
Provide orientation and establish incentives to entice currently licensed teachers who are currently not teaching in public schools to enter/reenter the profession	8/31/07

Data sources: TCRS, Workforce data.

Objective 3: Enhance Licensure of Current Teachers. By August 31, 2007, twenty-five percent of current teachers will add at least one additional endorsement to their license per Office of Teacher Licensure data. The action plan for this objective is:

Action Plan	Projected Completion Date
Streamline policies and establish incentives for licensed teachers to pursue additional endorsements in areas of high need	8/31/07

Data sources: Teacher licensure data.

Objective 4: Retention Component. By the 2009-2010 school year, Tennessee will retain 75% of new teachers who enter the profession as measured by the Tennessee Consolidated Retirement Report.

Action Plan	Projected Completion Date
Establish a statewide policy for retention of new teachers including induction, mentoring and identified additional supports	10/31/07
Establish a contract for training and supporting the school mentor team	1/31/10
Establish an ongoing mentoring support program through the Field Service Centers	1/31/10

Data sources: TCRS, Satisfaction Surveys, Student Achievement

4. Extent of compliance with home school laws is unknown

Finding

State law sets out requirements for parents who wish to educate their children through home schools, but does not clarify what entity, if any, is responsible for ensuring that parents comply with these laws. Section 49-6-3050, *Tennessee Code Annotated*, places different requirements on parents who conduct home schools depending on whether they register with their local school system or with a church-related organization.

There are two types of home schools. According to Section 49-50-801, *Tennessee Code Annotated*, “Church-related schools” are

operated by denominational, parochial or other bona fide church organizations, which are required to meet the standards of accreditation or membership of the Tennessee Association of Christian Schools, the Association of Christian Schools International, the Tennessee Association of Independent Schools, the Southern Association of Colleges and Schools, the Tennessee Association of Non-Public Academic Schools, the Tennessee Association of Church Related Schools, or a school affiliated with Accelerated Christian Education, Inc.

Independent home schools are all other schools not associated with a church-related school. See Table 6 for the requirements for and differences between the two types of home schools.

**Table 6
Home School Requirements**

Requirements	Independent Home Schools		Church-Related Home Schools	
	Grades K-8	Grades 9-12	Grades K-8	Grades 9-12
Parent’s Education	High School Diploma or GED	Baccalaureate Degree	Determined by state-recognized church-related school	High School Diploma or GED
Registration	With local school system	With local school system	With state-recognized church-related school	With state-recognized church-related school and local school system
Testing	In grades 5 and 7 (same tests required of public school students)	In grade 9 (same tests required of public school students)	Determined by state-recognized church-related school	An annual standardized test or the Sanders Model of value-added assessment, whichever is used by that school system

Test Sanctions	One year or more below grade level for two years in a row, superintendent may required parents to enroll child in school	One year or more below grade level for two years in a row, superintendent may required parents to enroll child in school	Determined by state-recognized church-related school	Below-average achievement two years in a row, child shall be enrolled in school
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Source: Department of Education

According to department management, it cannot estimate how many students are in home schools in Tennessee. It did provide, at our request, the home school test results for school year 2004-2005 to show the number tested. This report indicated about 400 students were tested in grades 5 and 7 that year. The department does not review home schools to determine whether parents or church-related organizations are complying with home school laws concerning registration, parent education, testing, or test sanctions. According to the department, this is not its responsibility because Section 49-6-3006, *Tennessee Code Annotated*, places the sole responsibility for the enforcement of the compulsory attendance laws upon the local board of education and its designated employees and officers. Thus, the extent of compliance of the home school laws is unknown.

Recommendation

The General Assembly may wish to consider whether more information is needed on home school programs and students, including information on compliance with state laws. The General Assembly may wish to consider whether the Department of Education should have the responsibility to monitor compliance with and ensure enforcement of the home school laws. Additionally, if it determines that more information is needed on the home school program, it should amend state law to give the department authority to collect such information.

Management's Comment

The department concurs. The department respects the right of parents to determine how their children are educated. Parents may choose to conduct a home school registered with the local public school or with a church-related school or may enroll their children in a church-related school or private school. The department acknowledges that the state loses the ability to monitor curriculum and faculty and to collect data if parents choose to enroll their children in a church-related school or some categories of private schools. Just as the state does not know the number of students enrolled in private schools, determining the number of students in home schools would be very difficult. If the General Assembly wishes to review the state's current home school laws, the department will provide information and assistance if necessary.

5. The department does not know whether schools have fire inspections as required by the State Board of Education

Finding

The 1997 performance audit of the department found that there was no requirement for schools to be periodically inspected by a fire marshal and that some schools were not regularly inspected by either a local fire marshal or by the Tennessee Fire Marshal's Office staff. In September 1999, an amendment to State Board Rule 0520-1-4-.01(2) became effective, requiring that each public school have "at least one fire safety inspection annually" under Tennessee Fire Marshal's Office guidelines and that copies of inspection reports be maintained in the offices of the directors of the school systems. However, the Tennessee Fire Marshal's Office, located in the Department of Commerce of Insurance, has no rule requiring annual fire safety inspections of schools. Nor is there statutory authority containing such a requirement.

Although not required by law, the Fire Marshal's Office began a School Inspection Program in January 2001. According to its *Guidelines for Annual Existing School Inspections*, the School Inspection Program's goal is for all schools in Tennessee to receive fire safety inspections annually. (The Department of Commerce and Insurance has no official rules for the program.) The guidelines require follow-up inspections when deficiencies are found to ensure compliance with plans of corrective action. According to the Fire Marshal's staff, these inspections should be made within 30 to 90 days, although this time is not specified in the guidelines. Under Section 68-102-117, *Tennessee Code Annotated*, the Department of Commerce and Insurance may also prosecute violators of fire safety standards.

Due to staff constraints, the Fire Marshal's Office has entered into formal, written "Partnering Jurisdiction" arrangements with several cities. As of May 2005, there were 15 Partnering Jurisdictions, which included larger cities such as Chattanooga, Nashville, Knoxville, and Memphis. Local officials "have total accountability" for inspecting schools in their respective jurisdictions, according to School Inspection Program guidelines. An analysis of fiscal year 2003-2004 inspection cycle data maintained by Fire Marshal's Office management found that Partnering Jurisdictions completed only 385 out of 865, or 45%, of their required annual public and private school inspections for that cycle.

The Department of Education does not directly interact with the Fire Marshal's Office regarding schools that do not have child care programs. The department's Office of School-Based Support Services oversees child care programs. Department rules for child care programs require the programs to have fire safety inspections annually. The office annually forwards updated spreadsheets containing lists of all infant-toddler, pre-K, and before- and after-school programs to the Fire Marshal's Office. The Fire Marshal's Office uses these spreadsheets as a checklist, recording the dates of successful inspections and notifying the Office of School-Based Support Services of any deficiencies. The department does not conduct any central oversight of fire safety inspections for other schools.

Fire Marshal's Office staff is uncertain of the origin of its current list of public and private schools that are to receive annual fire safety inspections. According to the staff, the list probably originated from the Department of Education. The Fire Marshal's Office staff stated

that their office adds schools to the database when they find them, while new school buildings are added to the database when the Fire Marshal's Office reviews building plans.

We reviewed the completeness of the Fire Marshal's list of public schools to be inspected to see if the department and board could rely on the list to have inspection results for all public schools. Specifically, we compared the Fire Marshal's list of public schools for the 2003-04 and 2004-05 inspection cycles with the Department of Education's May 2005 list of public schools.

We encountered problems comparing the lists. There were no unique school identification numbers common to both the Fire Marshal's and the Tennessee Department of Education's lists: the Fire Marshal's databases contain five-digit "Tennessee Fire Marshal Numbers" to identify individual schools but do not contain any Tennessee Department of Education identification numbers. Furthermore, many of the public school names and addresses had been entered into the respective databases in an inconsistent manner.

Despite our use of data processing techniques to resolve the most common naming inconsistencies, we were only able to match 1,230 of the 1,692 public school names listed by the Department of Education to either the 2003-04 or the 2004-05 Fire Marshal's databases. The comparison of the remaining schools involved a time-consuming, item-by-item process. We counted public schools covered by Partnering Jurisdictions and public schools whose names or addresses were even remotely similar to those present in the Fire Marshal's databases. Nevertheless, we found that there were clearly 41 public schools absent from the Fire Marshal's spreadsheet.

Finally, we individually assessed the length of time that each of the 41 public schools not present in the Fire Marshal's databases had retained the same physical address. Twenty-nine of the 41 public schools not present in the Fire Marshal's lists had been active and had retained the same physical address since September 17, 2002, or earlier. Thus, these 29 schools had been in place long enough that they should have been included in the Fire Marshal's databases. Without an up-to-date public school list from the Department of Education, the Fire Marshal's Office cannot ensure that all applicable Tennessee schools are inspected annually. In addition, such a list would help the Fire Marshal's Office hold Partnering Jurisdictions accountable for their inspections.

Recommendation

The Department of Education should regularly provide the State Fire Marshal's Office with an updated list of schools meeting the criteria for the School Inspection Program which would include the name, physical address, and unique department identification number for each school. The department should annually obtain and review a status report from the State Fire Marshal's Office that includes the dates and outcomes of inspections of all listed schools. The department should ensure that it has a monitoring system to determine whether school systems are following the rule requiring them to have fire safety inspections and to maintain copies of the inspection reports in the central office. The department should consider what actions it should take if school systems do not comply, such as withholding school approval.

The General Assembly may wish to consider requiring the State Fire Marshal's Office (or designee) to inspect schools annually and forward the results to the Department of Education.

Management's Comment

We concur. We will send the State Fire Marshal's Office an electronic file that contains current lists of all public and private schools. These lists will include a unique identifying number for each school. We also will again provide information to the State Fire Marshal's Office on how to access the complete directory. Changes in schools, school addresses, and administration are kept current on the department's web site and are easily accessible by the State Fire Marshal's Office. We will submit this documentation by April 30, 2006.

The Tennessee Department of Education will implement a monitoring system through the Office of School Approval. Language will be added to the approval forms that are annually submitted by the local education agency for verification of the established rule. To further enhance this monitoring process, the Field Service Centers will randomly monitor for the district's compliance.

6. The department needs to document that all child care programs it regulates meet certificate of approval requirements before granting such certificates

Finding

Section 49-1-1101, *Tennessee Code Annotated*, gives the Department of Education "the authority to issue certificates of approval . . . for those child care programs which meet the child care standards of the [State Board of Education], and the commissioner shall be responsible for enforcing the board's standards for such programs." Section 49-1-1102 defines such programs as

any place or facility operated by any person or entity which provides child care for children in a before or after school-based program operated by a local board of education pursuant to § 49-2-203(b)(11), a public school administered early childhood education program, a church affiliated program operated pursuant to § 49-50-801 or a federally funded early childhood education program such as a Title I program, a school-administered head start or an even start program, state-approved Montessori school programs, and a program operated by a private school as defined by §49-6-3001(c) (3)(A)(iii).

The Department of Education does not license child care programs in "child care centers," "group child care homes" or "family child care homes" as defined in Section 71-3-501. Those programs are regulated by the Department of Human Services.

State Board Rule 0520-12-1-.03 requires that each child care program regulated by the Department of Education receive an annual certificate of approval to continue operations. Criteria for granting such a certificate are

1. the safety, welfare, and best interests of the children in the care of the agency;
2. the capability, training, and character of the persons providing or supervising the care to the children and the use of such judgment by a caregiver in the performance of any of the caregiver's duties as would be reasonably necessary to prevent injury, harm, or the threat of harm to any child in care;
3. the quality of the methods of care and instruction provided for the children;
4. the suitability of the facilities provided for the care of the children; and
5. the adequacy of the methods of administration and the management of the child care agency, the agency's personnel policies, and the financing of the agency.

State Board Rule 0520-12-1-.07 specifically requires child care workers to have background checks. Section 49-1-1108, *Tennessee Code Annotated*, requires each child care program to submit an annual report by October 1 to qualify for a certificate of approval. This report should consist of

1. identification information;
2. current enrollment figures;
3. self-reporting on mandatory regulations;
4. current certification status; and
5. such additional information as determined by the department.

Department field staff conduct inspections to determine if child care programs meet certificate of approval requirements. However, there are no formalized standards or procedures for such inspections, although field staff do use a formal inspection checklist. Without such guidance, the department cannot provide its field staff sufficient direction on conducting inspections, both announced and unannounced, the timing of inspections, and providing the central office with all required documentation of noncompliance and corrective actions. (Unlike the child care centers regulated by the Department of Human Services which must have unannounced inspections, the rules for centers regulated by the Department of Education only require "at least two visits to the child care center, one of which may be unannounced.")

We reviewed a randomly selected sample of 66 public child care programs and 30 private child care programs (out of 1,127 child care programs) for compliance with certificate of authority requirements. Although the department's Child Care Programs section has no formal, written procedures, its director stated that each local child care program director is required to sign the annual report to signify that all deficiencies have been resolved. See Table 7 for a summary of deficiencies identified during the review.

Table 7
Deficiencies Found During Child Care Program File Review
August 2005

	Private Child Care Program	Public Child Care Program	Total
Programs with unresolved performance deficiencies	5	5	10
Programs with unsigned annual reports	1	5	6
Programs with unresolved deficiencies and unsigned reports	0	2	2

Ten of the 96 child care programs sampled (10%) had identified deficiencies but no indication of resolution. These deficiencies included lack of documentation of criminal history and abuse registry background checks being completed, and deficiencies of a non-criminal-background-check nature (e.g., damaged or unclean equipment, lack of clearly defined legal and administrative responsibilities, and lack of sufficient staff training hours). Six of the programs (6%) had signed certificates of approval from the department despite unsigned annual reports in their folders. Two other programs (2%) had unresolved deficiencies and unsigned annual reports. Overall, 17 percent of the files reviewed had inadequate documentation. Failure to ensure that all requirements for certificates of approval are followed before such certificates are granted puts the safety of the children in child care programs at risk.

Recommendation

The commissioner should review the risks presented by the conditions noted in this finding and assign specific responsibility to appropriate staff to more formally assess these risks and design and implement effective controls to mitigate these risks. The controls should include, among other things, clear, written policies and procedures to ensure that all day care programs the department is responsible for regulating are adequately reviewed to give an appropriate level of assurance that the programs are meeting the statutorily required child care standards. The department should take steps to ensure that all certificate of approval requirements are met by a child care program before such a program is granted a certificate. The department should also develop and implement formal policies and procedures for its child care program inspection process, including the need for both announced and unannounced inspections. The controls implemented by the department should provide for regular monitoring of the review activities to ensure that the controls are working as designed. The controls should also provide for timely identification of noncompliance with the controls or with the child care standards. In the event of noncompliance, timely, appropriate corrective actions should be taken.

Management's Comment

We concur. The Department of Education recognized that the workload on the staff responsible for inspecting all public and private school-administered infant/toddler, pre-kindergarten and school-age care programs was excessive with a caseload of over 150 school-administered programs per program evaluator. The excessive workload resulted in a need for improved oversight of individual case documents.

The Department of Education increased staffing in the Office of School-based Support Services and conducted a reorganization in order to increase program reliability and efficiency. The Office of School-based Support Services was moved to the Office of Early Learning (OEL) with the creation of OEL in school year 2005-06. The reorganization yielded an increase in supervisory staff knowledgeable of the legislated outcomes assigned to the program evaluation component of the operation. In addition, six new child care program evaluator positions were approved. The new staff have been hired and trained, reducing the caseload to approximately 100 school-administered programs per evaluator (33.3% reduction in caseload volume). The program evaluators, education consultants, program directors and the executive director are conducting staff meetings to generate formalized procedures in order that the work plan provides sufficient direction on conducting inspections and providing adequate documentation to denote program compliance or noncompliance. If noncompliance is noted, documentation must include a plan of corrective action. The revised work plan will be prepared for formal adoption prior to school year 2006-07.

Currently, the Office of School-based Support Services faces a massive clerical challenge due to the duplicate records and databases which must be maintained on all programs inspected. This situation not only creates more opportunities for document errors, it results in the generation of multiple files, requiring expensive office space for storage of documents. The Department of Education not only maintains records in user friendly databases for departmental use, the department must encode the same data into a limited access software system maintained by the Department of Human Services in order that the children participating in infant/toddler, preschool and school-age care programs monitored and certificated by Department of Education may qualify for federal child care supplement funds. The Department of Human Services is working with the Department of Education to expand access to an updated, web-based, data capture system. It is anticipated that the accuracy of evaluation documentation and oversight will be enhanced further when the web-based data capture system is operational in school year 2006-2007.

7. Two reports indicate problems with articulation (transfer of course credit) between secondary and postsecondary institutions

Finding

The Tennessee Board of Regents contracted with the Center for Occupational Research and Development (CORD), a non-profit organization, for two studies on articulation barriers in the area of vocational education (also called career and technical education or CTE). Specifically, the studies focused on barriers preventing transfer of course credit between

secondary schools and two types of Tennessee public postsecondary institutions: community colleges and Tennessee technology centers. These reports are *A Study of Barriers to Articulation from High Schools to Two-Year Public Colleges in Tennessee with Emphasis on the Associate of Applied Sciences Program*, released in June 2004; and *A Study of Barriers to Articulation and Dual Credit from High Schools to the Tennessee Technology Centers*, released in June 2005.

There are two primary methods for transferring course credits from secondary to postsecondary institutions: dual credit and articulated credit. See Table 8 for a comparison between of dual and articulated credit courses.

Table 8
Characteristics of Dual Credit and Articulated Credit Courses

	Dual Credit	Articulated Credit
Student Enrollment	Student is enrolled in both secondary and postsecondary institutions.	Student is enrolled in secondary institution only.
Cost	Tuition, fees, and books are required by postsecondary institution.	Free.
Instructor Employment	Member of postsecondary institution.	Member of secondary institution.
Credit Transfer	Credit given by postsecondary institution as if earned at postsecondary institution.	Credit given as “scholarship” by postsecondary institution.

Most CTE (career and technical education) courses involved in articulation agreements are articulated credit, not dual credit, in nature. See Table 9 for examples of such courses. There are some dual credit CTE courses. For example, the technology center at Pulaski, Tennessee, has a dual enrollment program at Lawrence County High School in the Industrial Maintenance Technician area. The technology center provides the faculty and some upgraded equipment, and the high school provides the space.

Table 9
Examples of Articulated Credit Courses
Highland Rim Tech Prep Consortium
March 2005

High School	High School Course Name	Postsecondary Institution	Postsecondary Course Name
Coffee County	Marketing and Management 1	Motlow State Community College	Principles of Marketing
DeKalb County	Keyboarding	Motlow State Community College	Keyboarding
Moore County	Electronic Commerce/Web Page Design	Shelbyville Technology Center	Computer Operations Technology
Smyrna	Automotive Engine Performance	Murfreesboro Technology Center	Automotive Technology
Tullahoma	Principles of Machining and Manufacturing	Shelbyville Technology Center	Machine Tool Technology

A Study of Barriers to Articulation from High Schools to Two-Year Public Colleges in Tennessee with Emphasis on the Associate of Applied Sciences Program involved a literature review, a web-based survey, and focus groups. The literature review identified a list of potential articulation barriers, which was useful in developing the survey. The purpose of the focus groups was to expand and clarify some of the responses to the survey and to solicit suggestions for improvement. The survey, which had 465 respondents, focused on individuals in both secondary and postsecondary positions. The secondary positions (and number of respondents in each) were administrator (53), faculty (244), counselor (26), and vocational/CTE director (40). The postsecondary positions were administrator (19), faculty (59), counselor (7), dean (5), and Tech Prep coordinator (12). Tech Prep coordinators work with secondary and postsecondary staff but are located at the community college campuses and are directed by the Board of Regents. “Tech Prep” is a federally funded program administered by the Board of Regents that includes a combination of, at a minimum, two years of secondary education and a minimum of two years of postsecondary education in a nonduplicative, sequential course of study. The intent of Tech Prep is to provide the student with workplace skills that will allow the individual to successfully enter the job market, the military, or further education. Tech Prep is organized regionally across Tennessee into 13 consortia, which are partnerships of local school districts; two-year and four-year colleges; Tennessee technology centers; and business, industry, and labor representatives serving as local coordinating bodies for Tech Prep.

A Study of Barriers to Articulation and Dual Credit from High Schools to the Tennessee Technology Centers followed a similar methodology. This report’s survey had 673 respondents. The secondary positions (and the number of respondents in each) were administrator (43), faculty (262), counselor (29), and vocational/CTE director (72). The postsecondary positions were administrator (42), faculty (184), counselor/advisor (26), and Tech Prep coordinator (15).

The major conclusions and recommendations of the two reports are described in Appendix 4. The reports concluded that there are major articulation barriers between high schools and both Tennessee technology centers and community colleges. These include lack of confidence in secondary programs by postsecondary institutions, lack of qualified secondary faculty to teach dual credit courses, lack of faculty and administrator knowledge regarding the articulation process, and lack of alignment between secondary and postsecondary curriculum. The recommendations addressed improving communication between groups, improving the quality of secondary programs, providing incentives for teacher training, improving student counseling, and marketing the program to students, parents, and the community.

Department management stated that it was discussing the results of the two studies with the Board of Regents but had not yet developed any formal steps to implement the studies' recommendations. Without a smooth transition of CTE credit from secondary to postsecondary institutions, students cannot fully benefit from the reduction of cost and time required to graduate with a postsecondary degree or certificate. In addition, when students are impeded from taking dual/articulated credit courses, they have less exposure to postsecondary education and less encouragement to continue their studies.

Recommendation

The department and the State Board of Education should take steps, along with the Board of Regents, to evaluate the recommendations of *A Study of Barriers to Articulation from High Schools to Two-Year Public Colleges in Tennessee with Emphasis on the Associate of Applied Sciences Program* and *A Study of Barriers to Articulation and Dual Credit from High Schools to the Tennessee Technology Centers*. The three groups should be involved in a coordinated effort to implement those recommendations that are the most feasible to facilitate the transfer of dual credit/articulated course credit from secondary to postsecondary institutions.

Management's Comment

We concur. The department's Division of Vocational-Technical Education (DVTE) along with the Board of Regents' Tech Prep Program actually coordinated the two studies referred to in this finding. We are aware of the recommendations in the two studies and have implemented steps to increase these types of opportunities. Our DVTE leadership has implemented regular meetings with the leadership from the Tennessee Technology Centers and the Executive Director of Tech Prep. These meetings are focusing on increasing opportunities for secondary students to receive dual or articulated credit in specific courses of study. We have worked with postsecondary to align certain secondary and postsecondary curriculums to allow a seamless transition from secondary to postsecondary. Those curriculums have the approval of the State Board of Education. As a result of these detailed efforts, we now have 21 agreements with community colleges and 20 agreements with Tennessee Technology Centers.

8. The Division of Vocational-Technical Education lacks data on student participation in articulated courses and student complaints relating to articulation agreements

Finding

The Division of Vocational-Technical Education lacks data on the number of students participating in articulated courses and on the number of complaints related to the ability of students to transfer credit from secondary to postsecondary institutions through articulation agreements.

Student Data

Neither the Division of Vocational-Technical Education nor the Tennessee Board of Regents' Tech Prep Program collects information on the number of students participating in articulated courses, including the types of courses and the secondary and postsecondary institutions involved. Division management stated that it was developing a system to track students' progress through post-secondary institutions which would include their participation in articulated classes. However, the system used by postsecondary institutions is not compatible with the division's system so determining which students participate in articulated courses is not possible. The division does have some data from the Tech Prep Program on student participation in articulated courses, but this data is not complete. Without such data, it is difficult for the department to establish the goals and benchmarks necessary for systematic improvement of articulation. In addition, the department cannot predict future student demand for articulated courses.

Complaint Data

Neither the division nor the Tech Prep program has a formal complaint-handling system to deal with disputes between secondary and postsecondary institutions regarding articulated courses. Division management stated that the university systems (e.g., the Board of Regents) handle such complaints. However, the Tech Prep Program's State Executive Director stated that the Board of Regents has no centralized complaint-handling system. He said that complaints are handled at the local level by Tech Prep coordinators, located at each of the 13 community colleges. Division management stated a common complaint is that articulation opportunities are not uniform across the state. Without a formal complaint-handling system, the department cannot determine precisely the location and number (and thus magnitude) of problems relating to transferring course credit through articulation agreements and cannot develop a coordinated and consistent approach to addressing these problems.

Recommendation

The department, in cooperation with its counterparts in university systems (e.g., the Board of Regents' Tech Prep Program), should develop and implement a method to determine the number of students participating in articulated vocational education courses, including the types of courses and the specific institutions, both secondary and postsecondary, involved.

The department, in cooperation with university systems, should develop a formal, centralized complaint-handling system to assess the number of complaints by type and location involving problems transferring vocational education credit through articulation agreements from secondary to postsecondary institutions. This information should be reviewed in an effort to seek a coordinated and consistent approach to resolving the problems.

Management's Comment

We concur that data on student participation in articulated courses is not adequate. As a part of compliance with the Carl D. Perkins Vocational – Technical Act, Tennessee is required to report detailed postsecondary data. The Tennessee Board of Regents has filed a plan with the department's Division of Vocational-Technical Education (DVTE) and subsequently with the U. S. Office of Vocational and Adult Education to meet the federal requirements. This data is to be available by December 1, 2006.

The department is not aware of student complaints that are not being dealt with adequately. Although articulation to postsecondary institutions is primarily a matter to be resolved by the Institution of Higher Education (IHE), the department's DVTE staff will include this finding for a topic of discussion with Tennessee Board of Regents staff at our next joint meeting.

9. The department has not adequately addressed the risk that discriminatory practices have continued because staff do not ensure that substantiated Title VI complaints are resolved

Finding

The department does not follow up to see that entities (e.g., school systems) respond to its findings when it determines that Title VI complaints are valid. The department's Title VI complaint-handling policy states the following:

- If the investigation substantiates the allegations of the complainant or if other instances of noncompliance with Title VI of the Civil Rights Act of 1964 are found, the department will send a draft copy of the investigative report to the entity that has been the subject of the investigation. The department will request the entity to submit a written response to any findings or recommendations in the draft report.
- If the entity that is the subject of the complaint submits a written response which states that action will be taken to resolve the complaint, the department will issue a final investigative report that will include the response of the entity. The department's Civil Rights Section or other unit of the Tennessee Department of Education will schedule a follow-up review for an appropriate time period to determine whether the complaint has been resolved.
- If the entity does not agree to resolve a substantiated complaint, the Civil Rights Section will issue a final investigative report with an opinion statement that the entity has not committed to resolving the complaint. The department's Civil Rights

Director, in consultation with the Commissioner, will make a determination as to further action the department will take to resolve the complaint.

However, department staff stated that actual practice differs from the policy. In practice, substantiated allegations are considered “resolved” after findings and recommendations are issued to the entity subject to the complaint. Department staff stated that the department did not track whether entities responded to the findings and recommendations, nor did it conduct follow-up reviews to determine whether the discriminatory activities actually abated. In cases where entities did not agree to resolve substantiated complaints or failed to respond to the department’s findings and recommendations, no further action was taken by the department to resolve the complaint. Parties dissatisfied with the department’s disposition of their complaints are referred to the U.S. Department of Justice or the U.S. Department of Education’s Office of Civil Rights.

According to department staff, from March 2003 through March 2005, the department received 23 civil rights complaints—21 alleging racial discrimination and 2 alleging harassment (e.g., sexual harassment). As a result of its failure to follow proper Title VI complaint-handling procedures, the department cannot determine if substantiated Title VI complaints have been resolved, and thus discriminatory practices could continue unchecked.

Recommendation

The commissioner should determine which staff have disregarded the department’s Title VI complaint-handling policy and take prompt remedial action to correct the situation. The department should promptly resolve substantiated allegations of discrimination by following its Title VI complaint-handling policy. In particular, the department should ensure that it reaches agreements with entities that have violated Title VI, takes further steps when agreements cannot be reached, and conducts follow-up reviews to confirm that the discriminatory practices have actually ceased.

The commissioner should assign staff to assess the risks of any future breakdowns in the department’s Title VI responsibilities and to design and implement controls, in the form of written policies and procedures, to adequately mitigate these risks. Those controls should include measures to monitor compliance with the provisions of Title VI on an ongoing basis. The assessment and the controls, including the results of monitoring efforts, should be fully documented in writing. The commissioner’s review and approval of the assessment and controls should also be documented in writing.

Management’s Comment

We concur and had previously taken steps to address the issues identified. The Tennessee Department of Education Office for Civil Rights (TOCR) is an important priority within the department. Ensuring that students of all races, genders, and ethnicities are able to go to school and be free from discrimination and/or harassment is crucial to guaranteeing that all students receive an effective education in the State of Tennessee. After an internal review of the Office for Civil Rights was conducted in May of 2004, it became clear that the organization, activities, post-investigative responses and compliance efforts of the office as it stood were not

up to departmental standards. We felt this office needed the presence of an attorney to make sure that the laws were being appropriately complied with and applied by the department as well as the local education agencies (LEAs) who are its financial sub-recipients. In December of 2004, the department was successful in securing the services of an attorney who specialized in Civil Rights laws as they apply to Education programs. Her job at that time was to review various open and closed cases, to evaluate the organization of TOCR and its ability to effectively apply the laws, and to determine how best the department could make the office stronger and more efficient. She was subsequently promoted to Director for the Office for Civil Rights in late April 2005.

Since that time, she has reorganized and restructured the Office for Civil Rights. She has established relationships with Civil Rights attorneys at both the U.S. Department of Education as well as the U.S. Department of Justice, which is useful in ensuring that all avenues to protection have been exhausted. She has created and implemented new policies and procedures for the office's internal functions as well as its investigative processes. She has also conducted several trainings for the LEAs and their Title VI and Title IX coordinators on the requirements of the laws as well as participated in community service events to further educate the public on their rights. Several complaints have been investigated and resolved within the time she has been in the director position. School systems have been subjected to Resolution Agreements and/or Corrective Action plans when investigations have revealed that they have not been compliant with one of the statutes, and in some cases have voluntarily requested training and technical assistance when they were not under investigation at all. We believe that, based on these changes and enhancements, the TOCR is now functioning at a level which reflects the department's commitment to guaranteeing equality for the students of K-12 educational institutions within the State of Tennessee.

RECOMMENDATIONS

LEGISLATIVE

This performance audit identified areas in which the General Assembly may wish to consider statutory changes to improve the efficiency and effectiveness of the Department of Education's operations.

1. The General Assembly may wish to consider whether more information is needed on home school programs and students, including information on compliance with state laws. The General Assembly may wish to consider whether the Department of Education should have the responsibility to monitor compliance with and ensure enforcement of the home school laws. Additionally, if it determines that more information is needed on the home school program, it should amend state law to give the department authority to collect such information.

2. The General Assembly may wish to consider requiring the State Fire Marshal's Office (or designee) to inspect schools annually and forward the results to the Department of Education.

ADMINISTRATIVE

The Department of Education or State Board of Education should address the following areas to improve the efficiency and effectiveness of their operations.

1. The department should set up a system to regularly monitor the validity of highly qualified data submitted by local education agencies. At a minimum, such a system should include random audits of local education agency records to confirm whether teachers meet the highly qualified criteria.
2. The commissioner should review the risks associated with the current license processing system and should develop a tracking system and time guidelines in order to monitor and remedy any licensing problems found. Essential to this tracking system is maintenance of accurate and accessible records of application receipt dates for all applicants. Moreover, the department should use the tracking system to regularly monitor the volumes of incomplete applications and particular deficiencies by license type in order to enable development of specific strategies that will increase the percentage of complete applications submitted.
3. The department should use regularly updated, categorical analysis of relevant measures for the licensing process, including but not limited to volumes of requests, volumes of work accomplished, and processing times, to conduct and measure the effectiveness of process improvements, to manage existing resources efficiently, and to assess and justify needs for additional resources.
4. The department should develop a centralized, formal strategic plan to address teacher shortages. The department should use regularly updated, timely data and analysis in order to assess current and potential problems by location, endorsement, and other significant criteria. The department should track progress in meeting plan goals, regularly update its plan, and coordinate the efforts of the involved divisions and offices within the department. The department should include within its strategic plan information and goals related to attracting and retaining teachers trained in other states as well as those trained in Tennessee.
5. The department should regularly provide the State Fire Marshal's Office with an updated list of schools meeting the criteria for the School Inspection Program which would include the name, physical address, and unique department identification number for each school. The department should annually obtain and review a status report from the State Fire Marshal's Office that includes the dates and outcomes of inspections of all listed schools. The department should ensure that it has a monitoring system to determine whether school systems are following the rule requiring them to have fire safety inspections and to maintain copies of the inspection

- reports in the central office. The department should consider what actions it should take if school systems do not comply, such as withholding school approval.
6. The commissioner should review the risks presented by the conditions noted in the child care finding and assign specific responsibility to appropriate staff to more formally assess these risks and design and implement effective controls to mitigate these risks. The controls should include, among other things, clear, written policies and procedures to ensure that all day care programs the department is responsible for regulating are adequately reviewed to give an appropriate level of assurance that the programs are meeting the statutorily required child care standards. The department should take steps to ensure that all certificate of approval requirements are met by a child care program before such a program is granted a certificate. The department should also develop and implement formal policies and procedures for its child care program inspection process, including the need for both announced and unannounced inspections. The controls implemented by the department should provide for regular monitoring of the review activities to ensure that the controls are working as designed. The controls should also provide for timely identification of noncompliance with the controls or with the child care standards. In the event of noncompliance, timely, appropriate corrective actions should be taken.
 7. The department and the State Board of Education should take steps, along with the Board of Regents, to evaluate the recommendations of *A Study of Barriers to Articulation from High Schools to Two-Year Public Colleges in Tennessee with Emphasis on the Associate of Applied Sciences Program* and *A Study of Barriers to Articulation and Dual Credit from High Schools to the Tennessee Technology Centers*. The three groups should be involved in a coordinated effort to implement those recommendations that are the most feasible to facilitate the transfer of dual credit/articulated course credit from secondary to postsecondary institutions.
 8. The department, in cooperation with its counterparts in university systems (e.g., the Board of Regents' Tech Prep Program), should develop and implement a method to determine the number of students participating in articulated vocational education courses, including the types of courses and the specific institutions, both secondary and postsecondary, involved.
 9. The department, in cooperation with university systems, should develop a formal, centralized complaint-handling system to assess the number of complaints by type and location involving problems transferring vocational education credit through articulation agreements from secondary to postsecondary institutions. This information should be reviewed in an effort to seek a coordinated and consistent approach to resolving the problems.
 10. The commissioner should determine which staff have disregarded the department's Title VI complaint-handling policy and take prompt remedial action to correct the situation. The department should promptly resolve substantiated allegations of discrimination by following its Title VI complaint-handling policy. In particular, the department should ensure that it reaches agreements with entities that have violated

Title VI, takes further steps when agreements cannot be reached, and conducts follow-up reviews to confirm that the discriminatory practices have actually ceased.

11. The commissioner should assign staff to assess the risks of any future breakdowns in the department's Title VI responsibilities and to design and implement controls, in the form of written policies and procedures, to adequately mitigate these risks. Those controls should include measures to monitor compliance with the provisions of Title VI on an ongoing basis. The assessment and the controls, including the results of monitoring efforts, should be fully documented in writing. The commissioner's review and approval of the assessment and controls should also be documented in writing.
12. The State Board of Education should ensure that it has procedures in place for enforcing rules for a graduated system of disciplining teachers (e.g., suspensions of increasing degree of severity leading to revocation) and for taking action when superintendents do not report problem teachers to the Office of Teacher Licensing.

Appendix 1 Teacher License Type Descriptions

Type	Title	Length	Description
3	PROFESSIONAL	10 YEAR	The Professional License is a full teacher license issued to the holder of an Apprentice Teacher License or Out-of-State Teacher License who has accrued a minimum of three years of acceptable experience in an approved Tennessee school and has received a positive local evaluation from an approved Tennessee school.
16	PROFESSIONAL SCHOOL SERVICE PERSONNEL	10 YEAR	After completing a minimum of three years of experience on the Apprentice Special Group license in that endorsement area (with at least the last year completed in an approved Tennessee school), the individual is eligible to advance to the Professional School Service Personnel License.
17	BEGINNING ADMINISTRATOR	5 YEAR	The Beginning Administrator License is issued to an individual who has completed an approved graduate program in school administration at a college/university with acceptable accreditation.
18	PROFESSIONAL ADMINISTRATOR	10 YEAR	The Professional Administrator License is issued after the holder of a Beginning Administrator License obtains employment as a principal or supervisor of instruction in an approved Tennessee school and completes the requirements for advancement to the Professional Administrator License during the first three years of employment.
22	APPRENTICE TEACHER	5 YEAR	The Apprentice Teacher License is a full Tennessee teacher license issued to an educator who has completed an approved teacher preparation program. At the end of the three years of teaching, the school system must submit evidence of a positive local evaluation for the license holder to advance to the Professional License.
27	APPRENTICE OCCUPATIONAL EDUCATION	5 YEAR	The Health Science educator must document three years of full-time successful employment within the past five years in a state approved health care facility. He/she must also have an associate or higher degree and hold current licensure or certification in an allied health occupation, or current licensure as a registered nurse in Tennessee. The Trade and Industry educator must document a minimum of five years of appropriate and current work experience during the past eight years in the field for which application is made. He/she must also be a high school graduate or the equivalent as determined by the General Education Development (GED) test.
28	PROFESSIONAL OCCUPATIONAL EDUCATION	10 YEAR	Advancing to the Professional Occupational Education License, valid for a ten-year period, requires an evaluation of the candidate's knowledge and skills by an approved university to determine what specific coursework will be required for advancement.
36	APPRENTICE SPECIAL GROUP	5 YEAR	Certain endorsement areas for educators in Tennessee are issued on a separate license called an Apprentice Special Group License. These areas are: School Guidance Counselor (Grades PreK-12), School Psychologist (Grades PreK-12), and School Social Worker (Grades PreK-12.)
61	PERMIT	1 YEAR	The Permit to teach is not a teacher license. The superintendent/director of schools must state the intent to employ an individual to fill a teaching vacancy when a licensed educator cannot be located. Permit applications may be submitted only in extreme hardship cases and after sincere attempts have been made to locate and hire qualified personnel.
62	ALTERNATIVE A	1 YEAR	The Alternative License Type A is issued to an individual who holds a Bachelor's degree from a regionally accredited institution of higher education with an academic major in the endorsement area sought. A superintendent/director of schools in Tennessee must sign a statement of intent to employ the applicant and must provide a mentor for the applicant during the first two years of teaching.

Type	Title	Length	Description
66	INTERIM B	1 YEAR	The Interim License Type B is issued at the request of a superintendent/director of a Tennessee school district to an applicant who meets all Tennessee licensure requirements except for completion of the required Praxis Series Exams. An Interim License Type B is issued for one school year at a time and always expires on the August 31 following the academic school year for which it is issued. An individual may not be issued an Interim License Type B more than two times. This includes initial issuance plus one renewal.
67	OUT OF STATE TEACHER	5 YEAR	The Out of State Teacher is issued to teachers who have completed teacher licensure requirements in another state. This license is the functional equivalent of an Apprentice Teacher license.
68	ALTERNATIVE C	1 YEAR	The Alternative License Type C may be issued to an individual who holds at least a Bachelor's degree from a regionally accredited institution of higher education in the teaching field or related field. The applicant must participate in an approved Alternative C licensure program at one of the participating Tennessee higher education institutions, including an intensive summer program at the university prior to becoming employed on an Alternative License Type C.
98	ALTERNATIVE E	1 YEAR	The Alternative License Type E was developed to offer an alternative route to teacher licensure for individuals choosing to enter the teaching profession as a second career. An individual with at least a Bachelor's Degree from a regionally accredited college/university may be employed on an Alternative License Type E for up to three years while completing 24 semester hours of professional education coursework to advance to a full Tennessee license. An applicant is eligible for the Alternative License Type E if it can be documented that he or she has met the required knowledge and skills in the specific endorsement area.

APPENDIX 2

OVERVIEW: NCLB REQUIREMENTS FOR HIGHLY QUALIFIED TEACHERS

Highly Qualified New Teachers

The term *highly qualified teacher* applies to any public elementary or secondary school teacher who is fully licensed to teach in the state and does not have any licensure requirements waived on an emergency, temporary, or provisional basis. Teachers new to the profession:

Elementary	Middle	Secondary
--at least a bachelors degree AND --pass a test that demonstrates subject knowledge & teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum	--at least a bachelors degree AND --demonstrates competency in each academic subject they teach	--at least a bachelors degree AND --demonstrates competency in each academic subject they teach
Mechanisms for demonstrating competency in each core academic subject area: --pass a test --academic major --graduate degree --coursework equivalent to undergraduate academic major --advanced certification or credential		

Highly Qualified Existing Teachers

The term *highly qualified teacher* applies to any public elementary or secondary school teacher who is fully licensed to teach in the state and does not have any licensure requirements waived on an emergency, temporary, or provisional basis. Teachers not new to the profession:

Elementary	Middle	Secondary
--at least a bachelors degree AND --pass a test that demonstrates subject knowledge & teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum	--at least a bachelors degree AND --demonstrates competency in each academic subject they teach	--at least a bachelors degree AND --demonstrates competency in each academic subject they teach
Mechanisms for demonstrating competency: --pass a test --academic major --graduate degree --coursework equivalent to undergraduate academic major --advanced certification or credential		
OR		OR
--demonstrates competence in all academic subject areas via a highly objective uniform state standard of evaluation that: <ul style="list-style-type: none"> ➤ is based on both grade appropriate academic subject matter knowledge and teaching skills; ➤ is aligned with challenging State academic content and student academic achievement standards; ➤ provides objective, coherent information about the teacher’s attainment of core content knowledge in the academic subject areas being taught; ➤ is applied uniformly to all teachers in the same subject area and grade level; ➤ takes into consideration, but not based primarily on, the time the teacher has taught the academic subject; and ➤ may involve multiple, objective measures of teacher competency. 		

Source: Tennessee Plan for Implementing the Teacher and Paraprofessional Quality Provisions of the No Child Left Behind Act of 2001, August 18, 2005, update.

Appendix 3
Results of the Audit Survey of Tennessee Educators
May 2005

The Division of State Audit conducted a web-based survey in May 2005 of educator perceptions regarding several topics pertaining to NCLB, including familiarity with NCLB goals, professional development training, and technical assistance. A randomly selected and proportional sample of 1,773 teachers, 94 assistant principals and principals, and all 136 superintendents was chosen for the survey. The total population of teachers was 59,872, and the total population of assistant principals and principals was 3,030, as of December 2004. Of the 2,003 individuals surveyed, 544 responded, resulting in a response rate of 27 percent. See the Observations and Comments section for a discussion of the survey.

Questions 1 and 2 requested local school system number and state school number.

3. Please indicate your current position:

Teacher	82.5%
Assistant Principal	2.0%
Principal	2.6%
Superintendent	9.8%
Other	3.1%

4. Since December 1, 2004, which category of teaching best describes your current teaching assignment?

Grades K-4	33.4%
Grades 5-8	27.7%
Grades 9-12	21.4%
Other	17.5%

5. How many years have you been in this position?

Less than 1 year	7.9%
1 to 4 years	24.4%
5 to 9 years	22.3%
10 to 14 years	14.4%
15 to 19 years	8.7%
20 to 24 years	7.2%
25 to 29 years	7.2%
30 or more years	7.9%

6. If you teach one of the following grades 5 through 12, please indicate how much time you spend teaching in the following areas. Put an “x” in the appropriate box below.

<u>Subject Areas</u>	More Than		Less Than	<u>Not At All</u>
	<u>50%</u>	<u>50%</u>	<u>50%</u>	
Art	6.7%	0.8%	92.4%	0.0%
Business	2.3%	0.8%	8.3%	88.7%
English	34.4%	7.1%	19.7%	38.8%
English as a Secondary Language	2.3%	1.5%	3.1%	93.1%
Foreign Language(s)	5.7%	0.0%	7.1%	87.1%
History	10.3%	4.8%	22.1%	62.8%
Math	0.0%	38.9%	27.2%	34.0%
Science	21.5%	5.1%	23.4%	50.0%
Social Studies	17.2%	3.8%	24.2%	54.8%
Physical Education	7.0%	0.7%	9.9%	82.4%
Special Education	21.2%	0.0%	7.9%	70.9%
Economics	3.8%	0.8%	9.2%	86.3%
Home Economics	3.0%	0.0%	4.5%	92.5%
Journalism	0.7%	1.5%	8.2%	89.6%
Music	4.4%	1.5%	5.1%	89.0%
Vocational Education	12.0%	1.4%	5.6%	81.0%
Other	21.4%	4.1%	11.2%	63.3%

7. Are you currently a “highly qualified” teacher as defined by the Department of Education?

Yes	88%
No	12%

8. Is your school classified by the Tennessee Department of Education as a “high priority school?” (Note: A school classified by the department as “targeted” is not a “high priority school.”)

Yes	11.2%
No	65.8%
Uncertain	23.0%

9. To what extent are you familiar with the Tennessee Department of Education goals and requirements pertaining to No Child Left Behind (NCLB)?

I am not familiar with them	4.3%
I am somewhat familiar with them	50.5%
I am very familiar with them	44.5%
Uncertain	0.7%

10. Are the Tennessee Department of Education goals and requirements pertaining to No Child Left Behind (NCLB) achievable?

Yes	24.7%
No	44.5%
Uncertain	30.8%

If you answered "No," go to question #11, otherwise go to question #12.

11. If you perceive the department's NCLB goals to be unachievable (e.g., not achievable within formal deadlines), please indicate whether the following changes are needed:

a. Provide better explanations about such NCLB terms as:

NCLB Goals	30.5%
NCLB Requirements	43.3%
NCLB Consequences	26.1%

b. Improve both the amount and availability of technical support (e.g., Exemplary Educators, NCLB Field Consultants, Special Education Consultants, Vocational Consultants, Accountability Consultants, etc.):

Yes	70.3%
No	11.7%
Uncertain	18.0%

c. Reduce class sizes (i.e., the number of students being taught per teacher).

Yes	91.1%
No	6.9%
Uncertain	2.0%

d. Increase the number of certified teachers in their respective subject areas (e.g., math teachers, physics teachers, etc.):

Yes	83.9%
No	8.0%
Uncertain	8.0%

e. Increase the number of "highly qualified" teachers in K-12 public schools:

Yes	65.1%
No	18.8%
Uncertain	16.1%

f. Improve instructional materials (e.g., books, audiovisual materials):

Yes	78.3%
No	14.3%
Uncertain	7.3%

- g. Improve support to improve student subgroup performance (Based on your perceptions, indicate the subgroups needing the most improvement):

Economically Disadvantaged Students _____
 Students with Limited English Proficiency _____
 Students with Disabilities _____
 Ethnic Group Students: White__ African American__..Hispanic__ Asian__ Native American__ Pacific Islander__
 (Survey database provided consolidated responses instead of individual responses for each category, resulting in unusable data).

12. In the past school year, please indicate from which Tennessee Department of Education professional group you received technical assistance. Put an “x” in the appropriate box below.

<u>Professional Group</u>	<u>Yes</u>	<u>No</u>
Exemplary Educators	33.9%	66.1%
Federal Program (e.g., NCLB Field Consultants)	29.8%	70.2%
Special Education Consultants	41.7%	58.3%
Vocational Program Consultants	0.0%	0.0%
Accountability Consultants	22.4%	77.6%
Other Field Service Center Staff:	29.5%	70.5%
None	0.0%	0.0%

13. On a scale of one through five with “five” being excellent, and one being “poor,” select the number that best describes your perceptions about the quality of technical assistance received from:

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Exemplary Educators	25.9%	10.3%	28.1%	21.9%	13.8%
Federal Consultants (NCLB Field Consultants)	32.1%	9.6%	27.6%	15.1%	15.7%
Special Education Consultant	30.3%	11.8%	11.8%	24.0%	22.1%
Vocational Program Consultants	41.5%	13.1%	13.1%	16.9%	15.3%
Accountability Consultants	34.0%	9.6%	25.5%	18.4%	12.4%
Other Field Service Center Staff	31.1%	10.0%	25.8%	17.1%	16.1%

14. How would you rate the professional development training received during this school year from the Tennessee Department of Education? (Put an "x" in the appropriate box below).

<u>Professional Development Area</u>	Somewhat Adequate, But Needs Improvement			
	<u>Inadequate</u>	<u>Improvement</u>	<u>Adequate</u>	<u>Uncertain</u>
Curriculum and Instructional Training	15.0%	19.7%	49.6%	15.8%
Data Disaggregation Training	20.7%	18.4%	31.2%	29.7%
Attendance Training	21.3%	14.8%	30.6%	33.3%
Special Education Training	20.0%	17.7%	34.1%	28.2%
Accountability Training (e.g., School Improvement Training)	17.0%	21.2%	41.4%	20.4%
Other	15.9%	9.8%	22.0%	52.4%

Please Answer the Following Questions
Based on Your Perceptions About Your LOCAL SCHOOL SYSTEM.

15. Does your local school system provide you with professional development opportunities in the areas listed below? Put an "x" in the appropriate box below.

<u>Professional Development Area</u>	<u>Yes</u>	<u>No</u>	<u>Uncertain</u>
Curriculum & Instructional Training	92.7%	4.9%	2.4%
Attendance Training	39.4%	35.3%	25.3%
Special Education Training	71.2%	17.3%	11.4%
Data Disaggregation Training	51.9%	20.1%	28.1%
Accountability Training (e.g., School Improvement Training)	76.6%	11.6%	11.8
Other	0.0%	0.0%	0.0%

16. How would you rate the professional development training received during this school year from your local school system? Put an "x" in the appropriate box below.

<u>Professional Development Area</u>	Somewhat Adequate, But Needs Improvement			
	<u>Inadequate</u>	<u>Improvement</u>	<u>Adequate</u>	<u>Uncertain</u>
Curriculum & Instructional Training	6.1%	19.1%	71.6%	3.2%
Attendance Training	20.8%	10.5%	35.8%	32.9%
Special Education Training	15.6%	17.1%	51.2%	16.1%
Data Disaggregation Training	15.9%	15.5%	39.7%	29.0%
Accountability Training (e.g., School Improvement Training)	12.0%	17.4%	57.6%	13.0%
Other	0.0%	0.0%	0.0%	0.0%

17. If local school professional development opportunities need to change, please comment about the direction of the change. Put an "x" in the appropriate box below.

<u>Professional Opportunities</u>	<u>Yes</u>	<u>No</u>	<u>Uncertain</u>
Professional development should be provided more often.	8.0%	6.9%	8.0%
More training is needed on how to meet NCLB requirements in a more efficient and effective manner.	11.4%	3.7%	9.2%
More training is needed on how to improve methods of instruction.	10.4%	0.0%	9.8%
More professional development needs to focus on such barriers to student learning as student subgroup status, mental health problems, socio-economic status, problematic student behavior, etc.	12.4%	2.7%	8.0%
More training needs to focus on the topic – "time management"	7.4%	7.2%	8.7%
More training needs to focus on the topic – "job stress"	10.4%	4.7%	7.1%
More suitable instructional materials (e.g., books, audiovisual materials) are needed.	10.4%	4.4%	8.0%

18. Please indicate the communication methods used by both your local school system and Department of Education when seeking your suggestions about how to improve professional development course offerings. Put an "x" in the appropriate box below.

<u>Communication Methods Used</u>	<u>Local School System</u>	<u>Department of Education</u>
Surveys	16.6%	10.6%
Teacher evaluations	16.1%	4.3%
A dedicated telephone number	5.6%	3.2%
A mailing or email address	13.5%	6.9%
Face-to-face meetings	13.0%	2.5%
No input opportunities are provided	1.9%	2.5%
Teleconferences	1.2%	1.9%

Appendix 4

Vocational Education Reports on Articulation Conclusions and Recommendations

The Tennessee Board of Regents contracted with the Center for Occupational Research and Development (CORD), a non-profit organization, for two studies on articulation barriers in the area of vocational education (also called career and technical education or CTE). These reports are *A Study of Barriers to Articulation from High Schools to Two-Year Public Colleges in Tennessee with Emphasis on the Associate of Applied Sciences Program*, released in June 2004; and *A Study of Barriers to Articulation and Dual Credit from High Schools to the Tennessee Technology Centers*, released in June 2005. The reports had several major conclusions and recommendations, which are described below.

Study Conclusions

Both reports reached similar conclusions regarding barriers to articulation. Major conclusions included the following assessments.

1. There is a lack of confidence in secondary programs, especially among postsecondary institutions. It could be that either the secondary programs are in fact inadequate, or the postsecondary personnel misjudge the quality of the programs.
2. Postsecondary personnel perceive that secondary faculty lack up-to-date skills and knowledge of current industry trends.
3. There is a lack of qualified secondary faculty to teach dual credit courses. One reason is that for community college credit secondary faculty must meet strict requirements from the Southern Association of Colleges and Schools (SACS).
4. Postsecondary personnel, especially at community colleges, indicate that students' need for remedial coursework once in postsecondary institutions is unacceptably high. Even an "average" response indicates a problem as the "average" need for remediation across the country is very high.
5. Faculty and administrators lack knowledge on how dual credit/articulated credits are transcribed (transferred) to postsecondary institutions. Educators cannot effectively counsel students to pursue articulation if they do not know how the process works.
6. Respondents ranked as significant barriers to articulation lack of communication between secondary and postsecondary faculty to ensure smooth transition of students between their institutions and lack of counseling/advisory activities. These barriers outranked "Lack of written articulation agreements." Respondents indicated that there are difficulties in getting dual or articulated credits earned in a secondary institution in one region of the state accepted by a postsecondary institution in another region.

7. Secondary and postsecondary institutions don't regularly use joint advisory committees for CTE programs. Less than half of respondents, both secondary and postsecondary, indicated that they are aware of such committees.
8. Many students retake dual credit/articulated classes in postsecondary institutions. The most frequent reasons given for students retaking courses are (1) lack of understanding of the process by the student, (2) lack of student proficiency in the subject area being articulated, and (3) lack of transferability to a four-year college program.
9. Alignment between secondary curriculum and postsecondary or industry specifications needs improvement. Aligning curriculum is apparently not done with ease.
10. There is a general misperception that CTE programs lead to low-wage jobs.
11. High school counselors are biased against CTE, preferring to promote education at four-year institutions. Several free response and focus group comments identify counselors' lack of knowledge and/or support as a barrier to more students pursuing CTE pathways.
12. Marketing of articulation opportunities is inadequate. More needs to be done to make students, parents, teachers, and counselors aware of these opportunities.
13. There is a lack of collection and sharing of data that could be used to measure success of recent CTE high school graduates transitioning to postsecondary education. In addition, many respondents are not aware whether their institution's data management system can identify students who are taking, or have taken, articulated/dual credit courses. (See Finding 8.) Without such data, it is impossible to establish the goals and benchmarks necessary for systematic improvement.
14. There are financial barriers preventing students from taking advantage of dual credit/articulated courses. For example, having to pay for tuition, books, and supplies is a deterrent to student enrollment in dual credit courses at postsecondary institutions. Many of the free response and focus group statements mention cost to students for dual credit courses as a barrier. In addition, the guidelines governing eligibility for the HOPE and Wilder-Naifeh scholarships discourage students from coming to the technology centers, given that students who accept the HOPE scholarship forfeit their eligibility for the Wilder-Naifeh scholarship. In practice, this means that students who attend a college for a semester or two and then decide to transfer to a technology center face a kind of double jeopardy: They cannot apply their HOPE scholarship to technology center expenses, and they cannot receive Wilder-Naifeh funds.
15. Several, although not the majority, of respondents indicated that the senior year for most high school students in their district/region tends to be wasted academically. This issue has been identified by experts as a national problem. More postsecondary respondents than secondary respondents perceived that the senior year was wasted

indicating a communications problem between the two levels concerning what students are doing just prior to beginning their postsecondary education.

16. Students taking articulation/dual credit courses are more prepared for postsecondary education. The majority of respondents at all levels agree that dual credit and articulated courses are beneficial, yet relatively few students take advantage of available opportunities. Similarly, many respondents believe that (1) positive experiences in CTE courses encourage otherwise non-college-bound students to pursue postsecondary education and that (2) CTE programs and their students would benefit from expansion of opportunities to take dual-credit and/or articulated courses. Students who have articulated and/or dual credits at postsecondary institutions may be more motivated to attend such institutions because they are encouraged to see that they can do work at the postsecondary level.

Study Recommendations

The reports included the following major recommendations.

1. If postsecondary personnel misjudge the quality of their feeder programs, steps should be taken to communicate information regarding secondary program quality to appropriate postsecondary personnel. This could take any of several forms: syllabi, lesson plans, assessment instruments, summaries of credentials of secondary teachers, videotapes of teaching sessions, samples of student projects, endorsements from persons active in relevant occupations, and others. To facilitate the communication of this information to postsecondary personnel, some of these items could be posted online.
2. If secondary programs are inadequate, immediate steps should be taken to improve the quality of those programs. This could be accomplished by several means. For example, secondary students could use the same curriculum and assessment materials as those used by their postsecondary counterparts. If the postsecondary materials are unsuitable for use by the secondary students, the secondary and postsecondary instructors should *jointly* examine the secondary and postsecondary curricula and materials to better align them by eliminating gaps and unnecessary duplication.
3. To improve the quality of secondary programs, the state should provide funding and financial incentives for secondary CTE teachers to seek further training, either at postsecondary institutions or through faculty externships provided by employers in relevant occupational fields. (This would help to alleviate the problem, as identified by postsecondary respondents, that secondary CTE teachers are not highly skilled in the industry-specific aspects of their fields.)
4. Respondents of both levels (secondary and postsecondary) recognize a shortage of teachers qualified to teach dual-credit courses. The main obstacle for community college credit is SACS rules and requirements. Two possible remedies are suggested: (1) devise alternative means to meet SACS rules or (2) lobby SACS for a need-based loophole for getting around rules (i.e., to permit secondary teachers to

- teach dual enrollment courses). This lobbying effort could be based on the argument that CTE teachers are in the unique position of having to acquire industry-specific skills and knowledge and therefore should not have to bear the additional burden of meeting all SACS requirements. It could also be argued that SACS rules, as currently applied to CTE programs, ultimately harm rather than help students.
5. To increase the pool of teachers (both secondary and postsecondary) who are qualified to teach articulated and dual-credit CTE courses, Tennessee should provide financial incentives and release time for teachers (at both levels) to obtain necessary training and/or credentials.
 6. Where remediation issues are concerned, the postsecondary level should take the initiative in communicating to the secondary level the realities of remediation at postsecondary institutions. The secondary level should welcome, and even request, this information from the postsecondary level. Respondents from both levels agree that, among academically weak students, math and communication are the areas of greatest concern, especially math. To remedy this situation, secondary programs should redouble their efforts to improve achievement in these areas.
 7. Educators take steps necessary to find out what the relevant policies are relating to the transcription (transfer) of dual/articulated credits from secondary to postsecondary institutions.
 8. The department and/or the Board of Regents should gather information from CTE teachers and counselors in different parts of the state (a simple inquiry by e-mail would suffice) to determine whether the problem of students from one region of the state encountering difficulties in having articulated credits transcribed in another region exists and, if it appears to occur often and/or to affect a significant number of people, lobby at the state level for a uniform policy.
 9. Regarding the general lack of communication between secondary and postsecondary levels, program staff should go “back to the drawing board” and rethink organizational issues from the beginning. For example, for some programs, this would involve forming a joint program advisory committee. Even among programs for which committees are already in place but may be inactive or ineffective, the committees should be closely reviewed to ensure that they have a clearly written mission statement and program of work and that they are on track with respect to size, structure, general composition, governance, and other logistical matters. Program advisory committees are essential to program success.
 10. Regarding the issue of students retaking classes in postsecondary institutions, the most frequent respondents’ responses pointed to students’ misunderstanding of the process and students’ lack of proficiency. The first problem could be solved through more effective counseling strategies. The second reflects problems having to do with overall quality. Its solution would be part of a system improvement plan designed to

focus on all aspects of the educational process—teaching and curriculum quality, counseling, outreach to underrepresented students, and other familiar themes.

11. Standards can be a source of misalignment of curriculum between the two levels. If, in the view of postsecondary instructors, the standards set for a given secondary course are too low or lack specificity, secondary and postsecondary personnel should *jointly* devise new standards for the course. (Again, communication and collaboration between the two levels are critical.) “Standards,” in this context, should not be limited to technical standards but should include academic standards. To establish credibility with the postsecondary institution, the secondary school system should be diligent in maintaining high *academic* standards for CTE students and, to the extent possible, provide remediation services prior to graduation from high school, so that their graduates do not need further remediation at the postsecondary level.
12. Responses to the survey indicated that one of the main reasons students do not take advantage of dual credit and articulated course offerings is that they are unaware of them. Similarly, parents and even teachers are often unaware that certain courses earn dual or articulated credit. Experienced CTE coordinators know that marketing of CTE programs to parents must be proactive. Many parents will not come to the school; the school must go to them. Effective marketing efforts might include informational meetings at housing projects; informational placements in taverns; training sessions for church groups on labor market trends; and free Internet workshops with all websites visited focusing on market data and the concept of the “gold collar worker.” A “gold collar worker” combines the problem-solving skills of a white collar worker with the manual skills of a blue collar worker.
13. Programs must also be marketed to students, who are most strongly influenced by other students. A very productive and efficient way of marketing to students is to form a student leadership team that can develop community projects in which they market the idea of the “gold collar worker.” Another good way to market college CTE programs to students is to have postsecondary personnel visit high school classrooms and present information about the programs. Every effort should be made to gather success stories on recent local high school graduates who have been successful in the gold-collar worker arena. Dissemination of these stories to other students could take place through means such as matted portraits and stories in local high school hallways, featured stories in local newspapers, and continuous videos at mall kiosks.
14. Like parents, counselors play a huge role in students’ decision about postsecondary education. For this reason, counselors should have considerable expertise on labor market trends (including fields in which our country faces a serious labor shortage), hot jobs of the foreseeable future, and educational requirements for different careers. CTE programs and Tech Prep consortia should host workshops and similar learning events designed specifically to help counselors become more knowledgeable about the world of work.

15. Because community colleges and their feeder schools serve *communities*, CTE programs must be effectively promoted within the communities they serve. This process has the effect of garnering support from business stakeholders and counteracting many of the misperceptions that influence students' (and their parents') decisions about postsecondary education. For example, the belief that CTE training leads only to low-wage jobs is false and, wherever possible, should be counteracted with accurate labor market information. Promotional campaigns should be joint efforts between education (secondary *and* postsecondary) and the business community (chambers of commerce, members of economic development councils, business administrators, and other working professionals). Activities could include dinners, workshops, articles in newspapers and newsletters, informational mall kiosks, and displays in restaurants and markets.
16. Secondary and postsecondary institutions should schedule joint sessions specifically for the purpose of sharing student outcome and placement data. (If necessary, this can be handled via teleconference or videoconferencing.) Data to be shared by postsecondary and secondary faculty and administrators should include the following: (1) the percentage of last year's seniors enrolled in postsecondary institutions, (2) what they majored in, (3) the overall remediation rate and in specific areas (e.g., math and reading), and (4) the retention rate. This data should to be given to the secondary institutions at all levels, including the classroom teachers. Data should also be shared with program advisory committees.
17. Since roughly half of respondents in the Tennessee technology center report at both levels say either that students who have taken dual credit/articulated courses cannot easily be identified or that they don't know whether those students can easily be identified, there may be a problem in this area. And, since the problem, like many uncovered through these studies, has to do with cross-level communication, all parties involved should seek ways to communicate information about which students have and which have not taken dual credit/articulated courses.
18. The state should consider methods to reduce financial barriers such as waiving tuition requirements and allowing both secondary and postsecondary institutions to claim dually enrolled students for funding based on average daily attendance (schools) or credit/clock hours (colleges/technology centers).
19. The state should review its guidelines regarding the HOPE and Wilder-Naifeh scholarships and eliminate disqualifications that hinder transfer among postsecondary institutions.
20. To ensure that students remain focused during their senior year, teachers and counselors at the secondary level should urge them to take challenging academic courses—even if they have already met graduation requirements by the end of the junior year. Many students lose momentum or even regress just at that point at which they should be preparing themselves to cross what is perhaps the most important threshold in their educational careers.

Appendix 5
Title VI Information

Title VI of the Civil Rights Act of 1964 requires that “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.” In response to a request from members of the Government Operations Committee, we compiled information concerning federal financial assistance received by the Tennessee Department of Education and the department’s efforts to comply with Title VI requirements. The results of the information gathered are summarized below.

Two federal agencies, the U.S. Department of Agriculture and the U.S. Department of Education, provide funding to the Tennessee Department of Education. According to *The Budget: Fiscal Year 2005-06*, the Tennessee Department of Education received \$722,139,500 in federal assistance in 2003-2004, broken down as follows:

<u>Program/Activity</u>	<u>Dollar Amount</u>	<u>Percent</u>
Elementary and Secondary Education/No Child Left Behind Act	\$ 272,121,600	37.68%
Special Education Services	\$ 191,387,900	26.50%
School Nutrition Programs	\$ 179,528,100	24.86%
Vocational Education Programs	\$ 28,040,400	3.88%
Improving School Programs	\$ 24,178,700	3.35%
Tennessee Infant-Parent Services School	\$ 12,757,000	1.77%
Curriculum & Instruction	\$ 12,580,100	1.74%
Administration	\$ 1,408,100	0.19%
Accountability	\$ 87,100	0.01%
<u>Alvin C. York Institute</u>	\$ 50,500	<u>0.01%</u>
Total	\$ 722,139,500	100.00%

The department was scheduled to receive \$855,710,200 for fiscal year 2005.

The department reports Title VI complaints and implementation plan updates to the Tennessee Title VI Compliance Commission and the Tennessee Office of the Comptroller of the Treasury. The department’s Director of Civil Rights was the Title VI coordinator from 2003 through spring 2005 and stated that her duties included the following:

- approving the Title VI implementation plan and plan updates;
- providing leadership for Title VI compliance activities, including professional development;
- reviewing and approving complaint resolution and enforcement actions when requested by the department or other government entities (e.g., the U.S. Departments of Agriculture and Education, and the Tennessee Title VI Compliance Commission);

- consulting with the Commissioner during the review and approval of complaint resolution and enforcement actions;
- serving as liaison with federal and other state personnel on Title VI issues;
- providing information and guidance to local education agencies to help them comply with applicable laws and regulations; and
- chairing the department’s Civil Rights Task Force.

There is no Title VI monitoring support staff in the Office of Civil Rights. The Title VI coordination responsibilities were in the process of being transferred to a new Title VI Director as of June 2005.

According to the department’s June 2004 Title VI Implementation Plan Update to the Comptroller of the Treasury, Title VI prohibits segregation or separate treatment of any kind relating to the receipt of educational services or benefits. Coverage extends not only to the department, but also to a vast array of federal fund subrecipients, including Local Education Agencies (LEAs), schools, special schools operated by the state, program planning and advisory bodies, and any other parties to contracts or purchases.

Under the plan, any grant or contract recipient must sign a Title VI assurance statement as a precondition to receiving funds. The department also requires that all LEAs appoint Title VI coordinators, who are responsible for ensuring that all school programs and activities comply with Title VI.

The department’s Office of Internal Audit provided copies of civil rights monitoring instruments it used to evaluate Title VI compliance and a schedule indicating which LEAs had been monitored in fiscal year 2004-2005. According to the schedule, the department conducted civil rights monitoring in the following program areas:

	Special Education (IDEA Part B)	School Breakfast & Lunch	Vocational-Technical (Perkins Act)	“Policy 22” reviews conducted by TDOE Internal Audit
Number of LEAs reviewed in FY 2004-2005	31	31	22	10

The monitoring instruments for Special Education’s Individuals with Disabilities Education Act, Part B, include relative risk ratios used to determine disproportionate enrollment of minorities in the mentally retarded and intellectually gifted categories.

Auditors reviewed the working papers for two out of the ten “Policy 22” reviews for fiscal year 2004-2005 that had been completed by the department’s Office of Internal Audit. *Department of Finance and Administration Policy 22: Subrecipient Contract Monitoring*, requires that contract subrecipients adhere to Title VI requirements. The working papers

indicated that the department determined that each entity had a non-discrimination policy, that the entity had a procedure to communicate that policy to stakeholders, and that the entity had a civil rights coordinator. In addition, each review assessed whether the entity had complaint-handling procedures for handling complaints of discrimination, and the status of any such complaints filed.

The department does not track contract or grant recipients for race, services provided, or individual name, according to the Director of Civil Rights. The department was unable to provide a breakdown of program participants by ethnicity for each of the programs covered under Title VI.

Complaint Process

Any person alleging discrimination based on race, color, or national origin has a right to file a complaint within 180 days of the alleged discrimination. At the complainant's discretion, the complaint can be filed with the U.S. Department of Education (U.S. Department of Agriculture for School Nutrition Programs), the Tennessee Department of Education, the local school district, or the state's Human Rights Commission. These procedures are in compliance with Public Chapter 381 of the Public Acts of 1995. The procedures listed below will be followed in processing Civil Rights complaints.

- Within 15 days of receiving the complaint, the Tennessee Department of Education will send a letter to the complainant acknowledging receipt of the complaint form. The department will advise the complainant that the department will conduct a preliminary review of the complaint form and that he/she will be advised of the results of the preliminary review.
- The department's Director of Civil Rights will conduct a preliminary review of the complaint form. Appropriate checklists are used during the preliminary review of the complaint. During the preliminary review, the Director of Civil Rights will determine whether a potential violation of Title VI has occurred, whether the department has jurisdiction to investigate the complaint, and whether the department has the necessary resources to conduct an investigation. Based on the judgment of the department's Director of Civil Rights and/or Audit Section, the department may refer the complaint to the U.S. Department of Education Office for Civil Rights (USDE/OCR).
- Within 30 days of the department's receipt of the complaint, the department will notify the complainant as to the results of the preliminary review of the complainant. If the department will investigate the complaint, a sample letter will be sent. If the department will not investigate the complaint, a sample letter will be sent.
- Complainants will not be parties to the Title VI investigation and will not enjoy a status different from other persons interviewed.
- If the decision of the department is to conduct a complaint investigation, the department will send a letter of notice to the entity to be investigated.

- If the department accepts a complaint for investigation, the department will strive to complete the investigation within 180 days of the receipt of the complaint. The investigation will include interviews with persons who may have direct knowledge of the alleged discriminatory act(s), a review of pertinent documents and records, and any other legal investigative techniques deemed necessary to allow the department to reach a conclusion as to whether discrimination occurred.
- If appropriate, the department will coordinate with other agencies on matters of interdepartmental issues.
- If the investigation substantiates the allegations of the complainant or if other instances of noncompliance with Title VI of the Civil Rights Act of 1964 are found, the department will send a draft copy of the investigative report to the entity that has been the subject of the investigation. The department will request the entity to submit a written response to any findings or recommendations in the draft report.
- If the entity that is the subject of the complaint submits a written response which states that action will be taken to resolve the complaint, the department will issue a final investigative report that will include the response of the entity. The department Civil Rights Section or other unit of the department will schedule a follow-up review for an appropriate time period to determine whether the complaint has been resolved.
- If the entity does not agree to resolve a substantiated complaint, the Civil Rights Section will issue a final investigative report with an opinion statement that the entity has not committed to resolving the complaint. The department's Civil Rights Director, in consultation with the Commissioner, will make a determination as to further action the department will take to resolve the complaint.
- If the alleged discriminatory act(s) directly affected the complainant or the complainant's child, a letter, containing a description of the allegations investigated, the scope of the investigation, the facts learned, and a closing statement summarizing the basis on which the determination was made, will be sent to the complainant. The complainant will be advised of his/her right to file a complaint with other applicable governmental entities if dissatisfied with the resolution of the complaint by the department. A copy of the letter will be sent to the entity that was the subject of the investigation.

From March 2003 through March 2005, the department received 23 civil rights complaints, according to department staff. Twenty-one complaints alleged racial discrimination, while two complaints alleged harassment (e.g., sexual harassment). See Finding 9 for a discussion of the department's complaint-handling policies and deficiencies in complaint resolution.

**Staff of the Department of Education
By Title, Gender, and Ethnicity
As of May 2005**

<i>Title</i>	<i>Gender</i>		<i>Ethnicity</i>				
	<i>Male</i>	<i>Female</i>	<i>Black</i>	<i>White</i>	<i>Asian</i>	<i>Hispanic</i>	<i>Other</i>
Accounting Technician 1	0	5	0	5	0	0	0
Accounting Technician 2	0	9	0	9	0	0	0
Account Clerk	0	5	0	5	0	0	0
Accounting Manager	5	3	2	6	0	0	0
Accountant 2	1	0	0	1	0	0	0
Accountant 3	0	3	2	1	0	0	0
Assistant Commissioner 2	4	0	1	3	0	0	0
Administrative Assistant 1	0	6	1	5	0	0	0
Administrative Services Assistant 2	2	27	5	24	0	0	0
Administrative Services Assistant 3	1	7	1	7	0	0	0
Administrative Services Assistant 4	1	3	0	4	0	0	0
Administrative Services Manager	4	2	0	6	0	0	0
Administrative Secretary	1	42	14	29	0	0	0
Administrative Services Assistant 2	3	4	1	6	0	0	0
Administrative Services Assistant 3	1	1	0	2	0	0	0
Administrative Services Assistant 4	2	0	0	2	0	0	0
Audit Director 2	1	0	0	1	0	0	0
Auditor 2	1	1	1	1	0	0	0
Auditor 3	1	1	1	1	0	0	0
Auditor 4	1	0	0	1	0	0	0
Baker	0	2	1	1	0	0	0
Building Maintenance Worker 1	1	0	0	1	0	0	0
Building Maintenance Worker 2	15	1	1	15	0	0	0
Building Maintenance Worker 3	4	0	0	4	0	0	0
Boiler Operator 1	4	0	0	4	0	0	0
Board Member	2	5	0	7	0	0	0
Child Care Program Evaluator 2	1	8	2	7	0	0	0

<i>Title</i>	<i>Gender</i>		<i>Ethnicity</i>				
	<i>Male</i>	<i>Female</i>	<i>Black</i>	<i>White</i>	<i>Asian</i>	<i>Hispanic</i>	<i>Other</i>
Clerk 2	1	2	1	2	0	0	0
Clerk 3	0	1	0	1	0	0	0
Computer Operations Supervisor	0	1	1	0	0	0	0
Commissioner 4	0	1	0	1	0	0	0
Cook 1	2	6	1	7	0	0	0
Cook 2	0	2	0	2	0	0	0
Custodial Worker 1	8	8	6	10	0	0	0
Custodial Worker Supervisor 2	1	0	0	1	0	0	0
Database Administrator 3	1	0	0	1	0	0	0
Dentist	0	1	1	0	0	0	0
Deputy Commissioner 2	1	0	0	1	0	0	0
Deputy Executive Director - State Board of Education	0	1	0	1	0	0	0
Distributed Program/Analyst 3	1	1	0	2	0	0	0
Distributed Program/Analyst 4	1	0	0	1	0	0	0
Education Consultant 1	1	11	6	6	0	0	0
Education Consultant 1 - Computer Education	1	0	0	1	0	0	0
Education Consultant 1 - Research	0	1	0	1	0	0	0
Education Consultant 1 - School Food	0	8	0	8	0	0	0
Education Consultant 1 - Per Specialty	6	24	5	23	0	1	1
Education Consultant 1 - Vocational	1	1	0	2	0	0	0
Education Consultant 2	23	61	7	75	1	0	1
Education Consultant 3	19	22	5	35	0	0	1
Education Consultant 4	5	10	2	13	0	0	0
Education District Facilitator	8	3	1	10	0	0	0
Education Program Administrator 1	2	2	0	4	0	0	0
Education Program Administrator 2	2	7	2	7	0	0	0
Electronics Technician 2	1	0	0	1	0	0	0
Executive Director - State Board of Education	1	0	0	1	0	0	0

<i>Title</i>	<i>Gender</i>		<i>Ethnicity</i>				
	<i>Male</i>	<i>Female</i>	<i>Black</i>	<i>White</i>	<i>Asian</i>	<i>Hispanic</i>	<i>Other</i>
Executive Administrative Assistant 1	1	4	2	3	0	0	0
Executive Administrative Assistant 2	3	7	1	9	0	0	0
Executive Administrative Assistant 3	6	6	0	12	0	0	0
Executive Secretary 1	0	7	0	7	0	0	0
Executive Secretary 2	0	2	0	2	0	0	0
Executive Secretary 3	0	1	0	1	0	0	0
Food Service Manager 1	1	2	0	3	0	0	0
Food Service Manager 2	0	1	0	1	0	0	0
Facilities Construction Specialist 3	1	0	0	1	0	0	0
Facilities Manager 1	2	0	0	2	0	0	0
Facilities Supervisor	1	0	0	1	0	0	0
Fiscal Director 1	1	2	0	3	0	0	0
Fiscal Director 2	0	2	1	1	0	0	0
Fiscal Director 3	1	1	0	2	0	0	0
Food Service Supervisor 2	1	2	1	2	0	0	0
Food Service Worker	0	12	2	9	0	0	1
General Counsel 1	0	1	0	1	0	0	0
Grants Program Manager	0	1	0	1	0	0	0
Grounds Worker 1	1	1	0	2	0	0	0
Grounds Worker 2	1	0	0	1	0	0	0
Information Resource Support Specialist 2	1	0	0	0	0	1	0
Information Resource Support Specialist 3	3	0	0	3	0	0	0
Information Resource Support Specialist 4	1	0	0	1	0	0	0
Information Resource Support Specialist 5	2	2	0	4	0	0	0
Information Officer	0	2	0	2	0	0	0
Information Systems Analyst 4	0	3	0	3	0	0	0
Information Systems Director 1	1	0	0	1	0	0	0
Information Systems Director 2	0	1	0	1	0	0	0
Information Systems Manager 2	3	1	1	3	0	0	0
Information Systems Manager 3	1	1	1	1	0	0	0
Legal Assistant	1	0	0	1	0	0	0

<i>Title</i>	<i>Gender</i>		<i>Ethnicity</i>				
	<i>Male</i>	<i>Female</i>	<i>Black</i>	<i>White</i>	<i>Asian</i>	<i>Hispanic</i>	<i>Other</i>
Licensed Practical Nurse 2	0	6	0	6	0	0	0
Network Technical Specialist 3	1	1	1	1	0	0	0
Office Supervisor 1	0	1	0	1	0	0	0
Occupational Therapist	0	1	0	1	0	0	0
Personnel Analyst 2	0	1	0	1	0	0	0
Personnel Analyst 3	0	1	0	1	0	0	0
Personnel Director 3	1	0	0	1	0	0	0
Physician	2	1	0	3	0	0	0
Procurement Officer 2	0	1	0	1	0	0	0
Property Officer 1	1	0	0	1	0	0	0
Property Representative 2	1	0	1	0	0	0	0
Psychologist	0	1	0	1	0	0	0
Recreation Specialist 2	1	0	1	0	0	0	0
Registered Nurse 2	0	5	0	5	0	0	0
Registered Nurse 4	0	3	0	3	0	0	0
Secretary	0	14	3	11	0	0	0
Social Services Director	0	1	0	1	0	0	0
Special Schools Audiologist	0	4	0	4	0	0	0
Special Schools Director of Instruction	1	0	0	1	0	0	0
Special Schools Director of Program Services	1	0	0	1	0	0	0
Special Schools Director of Technology	1	0	0	1	0	0	0
Special Schools Educational Assistant	4	34	6	32	0	0	0
Special Schools Guidance Counselor	0	4	1	3	0	0	0
Special Schools Pre-School Counselor	0	1	1	0	0	0	0
Special Schools Principal	0	2	0	2	0	0	0
Special School Superintendent	3	1	0	4	0	0	0
Special School Teacher	76	752	91	730	0	5	2
Statistical Analyst 3	0	1	0	1	0	0	0
Statistical Analyst Supervisor	0	1	0	1	0	0	0
Statistical Research Specialist	1	0	0	0	1	0	0
Stores Clerk	3	0	0	3	0	0	0

<i>Title</i>	<i>Gender</i>		<i>Ethnicity</i>				
	<i>Male</i>	<i>Female</i>	<i>Black</i>	<i>White</i>	<i>Asian</i>	<i>Hispanic</i>	<i>Other</i>
Storekeeper 1	1	1	0	2	0	0	0
Television Art Director	1	0	0	1	0	0	0
Telephone Operator 1	0	1	0	1	0	0	0
Vehicle Operator	1	0	0	1	0	0	0
Warehouse Worker	1	0	0	1	0	0	0
Website Developer 1	1	0	0	1	0	0	0
Website Developer 2	0	1	0	1	0	0	0
Youth Service Worker 1	31	67	16	81	0	0	1
Youth Service Worker 2	6	23	7	22	0	0	0
Youth Service Worker Supervisor 1	8	14	2	19	0	0	1
Youth Service Worker Supervisor 2	2	4	1	5	0	0	0
Total	324	1319	211	1415	2	7	8

Appendix 6 — Cover Letter from the Commissioner of Education



STATE OF TENNESSEE

DEPARTMENT OF EDUCATION

6th FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

PHIL BREDESEN
GOVERNOR

LANA C. SEIVERS, Ed.D.
COMMISSIONER

April 10, 2006

Mr. Arthur A. Hayes, Jr., CPA
Director
Division of State Audit
Suite 1500 James K. Polk State Office Building
Nashville, Tennessee 37243-0261

Dear Mr. Hayes:

Thank you for the opportunity to review and respond to the performance audit report. Since 2003, the Department of Education has undertaken a number of projects designed to address many of the issues raised by the audit. Since the Commissioner did not have the opportunity to meet with the auditors, some of the primary initiatives are listed below:

PMOC – The Department has implemented a project management system to identify, approve, and oversee progress on projects necessary to carry out the Master Plan for Tennessee Schools. Oversight is provided through a Project Management Oversight Committee (PMOC) chaired by the Deputy Commissioner. Through the PMOC, we have had a head start on addressing many of the issues covered in the audit. The PMOC has authorized and overseen projects such as teacher licensure, vocational data collection, developing partnerships between secondary and postsecondary education to serve students in the transition from high school to college and careers, the pre-Kindergarten initiative, improving Field Service Center operations, implementing the Teach Tennessee Program, the e4-TN virtual academy pilot project, improving the Report Card, implementing a State Improvement Grant to improve pre-literacy and literacy skills for children with special needs, and the Statewide Student Information System.

Office of Early Learning (OEL) – We created the OEL because we felt it was important to have all the early childhood education expertise, guidelines, and resources in one place so school districts know the expectations and where to turn when they have questions. The OEL oversees Pre-kindergarten Programs (pilot and lottery), State Head Start Collaboration, Even Start, Family Resource Centers, and School-based Support Programs (child care monitoring program). The OEL monitors the programs for accountability, oversees the application process, consults with local communities/school systems about new programs, works closely with child care providers and Head Start programs, and serves as a clearinghouse for information. The Office works in close partnership with the Department of Human Services Child Care Programs.

Field Service Centers – The Department’s former regional offices have been restructured and converted to Field Service Centers (FSCs). There are nine FSCs across the state, including a newly created center to serve Memphis and Shelby County. As the name implies, the mission of the centers is to provide coordinated services to school districts, including oversight and technical assistance. The FSCs provide technical assistance in the No Child Left Behind (NCLB) Programs, Career and Technical Education, Special Education, Fiscal, Pre-Kindergarten, Child Nutrition, School Improvement Plans and other areas specific to State Board of Education policies and Tennessee Code Annotated. FSCs also provide technical assistance to Targeted Schools in NCLB. In addition, the FSCs coordinate the Teacher of the Year Program; principals’, supervisors’, teachers’ and superintendents’ study councils; Gateway test scanning; on-site professional development; monitoring; and coordination of various academies and workshops.

Data Warehouse – The Department has begun work on a Data Warehouse initiative to facilitate:

- Education research,
- Internal policy analysis and decision-making,
- Data-based consolidated school and system-wide improvement planning,
- Publication of the annual Report Card, and
- Federal reporting requirements.

The Data Warehouse will serve as the core of the Department’s Decision Support System (DSS). It will also serve as the backbone of the Longitudinal Data System designed to provide a data path from the School/LEA through the Department to the U.S. Department of Education.

TCSSP – Through the TCSPP (Tennessee Comprehensive Systemwide Planning Process), Tennessee is the first state in the nation to combine all state and federally required planning processes into one plan, one process which meets both performance based and compliance monitoring/budgetary obligations. The Council of Chief State School Officers has recognized Tennessee as the very first state to attempt to be more cost effective and time efficient in planning and improving student performance.

The TCSPP establishes a focus and clarity of purpose around four areas: organization, curriculum, instruction, and use of assessment results for central office personnel in answering the question, *“How is the school district building capacity for all schools and establishing equity and adequacy in the provision of resources, personnel, and expertise?”*. The Department has trained all 136 Directors of Schools and their leadership teams in the use of the TCSPP. It will be used as a trigger for the release of all federal and state funds in the next fiscal year. The plans will be reviewed by teams of trained program area specialists in May 2006.

The Urban Education Improvement Program – The program researches and implements best practices that focus on the needs of urban schools and the children they serve. The program assists in locating resources for urban schools, identifying staff development needs, and focusing school improvement processes on student achievement. A primary goal is to create a mechanism for replicating promising practices that are research-based. In an effort to foster collaboration between urban school systems and

schools, the first ever Urban Summit was held in July 2004. Urban school systems and their partners in higher education came together to share their work and their success stories. The second Urban Summit is scheduled to take place in June 2006. The program also:

- Coordinates professional development to improve the learning culture in high priority high schools and enhance collaboration between schools and communities;
- Provides leadership to the Urban Education Improvement Satellite Task Force in each urban education community; and
- Assists in coordinating the Tennessee Minority Teacher Recruitment and Retention Task Force.

FACTS – The Department reimburses LEAs for expenditures incurred in operating federally funded programs, i.e., funds have to be spent or obligated prior to requesting the funds. At times, this has strained LEA cash flow. In response to this concern, the Department developed FACTS to provide an automated disbursement processing system for Federal programs. In addition, FACTS is the Department’s general ledger for all Federal and state funds. From FACTS, LEAs are able to track grant awards, reimbursements, project balances, and transfers between Federal projects. The system allows school districts to request and draw down funds with a minimum of paperwork. In the majority of cases, Federal funds are reimbursed and received by the LEA within one week of the initial request, whereas in the past, it could take weeks for an LEA to receive reimbursement of Federal funds. The system also ensures funds are drawn from the oldest open Federal awards, which reduces the risk that the State will have to revert unused funds back to the Federal Government.

High School Summit – On May 31 through June 1, 2005, the Department held its very first High School Summit. Teams from schools across the state gathered to focus on the needs of high school students to improve academic achievement, curb drop-out rates and increase graduation rates. During the summit, teams of school directors, teachers, and other school officials assembled to discuss “promising practices” in their respective districts. The assemblies allowed school officials to discover what has been working in schools similar to their own and how to benefit from sharing resources and information. The Department plans to host the summit on an annual basis.

Closing the Achievement Gap -- In 2004, the Department charged a group of professionals to develop transformational recommendations to improve special education in Tennessee. The three resulting values have served as touchstones for educators striving for a higher level of excellence in working with students with disabilities:

- Create a system inclusive of students with special needs in the mainstream school environment and with an emphasis on early intervention;
- Ensure a qualified, stable workforce for all students; and
- Equip educators to recognize and implement proven, research-based strategies.

These efforts have paid off as Tennessee was recently recognized by the U.S. Department of Education as one of five states leading the nation in closing the achievement gap for students with disabilities. The

Mr. Arthur A. Hayes, Jr.

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number of K-8 students with special needs meeting academic standards in reading/language arts jumped 27 percent, from 54 percent to 69 percent, in 2004-05. The number meeting math performance standards increased 22 percent.

Attached to this letter is the response of the Department to each finding and recommendation. Please let me know if there is any additional information you may need.

Sincerely,

A handwritten signature in cursive script that reads "Lana C. Seivers".

Lana C. Seivers

LCS/cs

Attachments