



STATE OF TENNESSEE
DEPARTMENT OF EDUCATION

9th FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

BILL HASLAM
GOVERNOR

KEVIN HUFFMAN
COMMISSIONER

VIA ELECTRONIC MAIL

July 25, 2014

Mr. Jimmy Carter
Director of Schools
Union County Schools
P.O. Box 10
Maynardville, TN 37807
carterj@ucps.org

Dear Mr. Carter,

Thank you for your communication on July 25 relative to the Tennessee Virtual Academy (TNVA) and the Union County Public Schools' (UCPS) action of July 24. As we have discussed, Tenn. Code Ann. § 49-16-213 creates the expectation that action will be taken by the state if a virtual school demonstrates student achievement growth at a level of significantly below expectations (Level 1) for three consecutive years. TNVA demonstrated student achievement growth at a Level 1 during the 2013-2014 school year, marking the third consecutive year of such performance.

For the purposes of clarity, TNVA's scores represent growth rather than proficiency and therefore do not penalize the school for possibly serving students who have struggled elsewhere and historically performed at low achievement levels. This is further evidenced by the school's high attrition rate and the fact that when students attending TNVA in 2012-2013 attended another Tennessee public school in 2013-2014, their performance increased.

Despite this alarming three-year trend, upon receipt of the TNVA data for 2013-2014, rather than immediately direct UCPS to close the school, we committed to further analyze the data not only in an effort to ensure all factors were thoroughly considered but also as a show of good faith to UCPS and the students and families associated with TNVA. As you are aware, a close examination of the data showed the school's continued inability to have a positive educational impact on new students while at the same time demonstrated improvement for returning students. Based on this analysis, we provided you with a reasonable and responsible alternative to school closure and recommended limiting enrollment to students previously admitted and taking courses at TNVA. We are pleased that UCPS has chosen to accept our recommendation.

We understand the challenge of providing notice to parents and students impacted by this policy decision. However, this unfortunate situation was created by UCPS when, despite being fully aware of the potential

ramifications, it chose to accept students prior to and even after receiving notification of its student growth data for the 2013-2014 school year. In fact, since 2013, UCPS knew school closure was likely if the school performed significantly below expectations. In addition, UCPS knew of TNVA's Level 1 determination on June 15 and yet continued to accept new students for the upcoming school year. Comments originating from UCPS placing responsibility on the department for the difficulty impacted students now face are misguided and inappropriate and fail to acknowledge both Tennessee law and UCPS responsibility to prospective students and families.

Based on our previous conversations, I know you share my hope that this policy limiting enrollment will be temporary. I know you are confident in TNVA's ability to improve outcomes for students during the 2014-2015 school year and, if successful in its efforts, TNVA will be in a good position to expand and accept new students in 2015-2016. I know we share the same goal of improving student achievement for all students and we share your desire to see TNVA succeed.

Finally, we have received your request for a waiver from State Board of Education Rule 0520-01-03-.03(12)(d) relative to virtual school enrollment. While, as we have communicated, it is our opinion you do not need a waiver to limit enrollment to returning students, you may accept this letter as notice that your waiver request is granted. This waiver extends only to UCPS's desire to limit TNVA enrollment in the 2014-2015 school year to returning students. I strongly encourage UCPS to immediately notify all impacted students and families of your policy decision as there is no justifiable reason to delay.

Thank you for your time and attention to this matter. I wish UCPS and TNVA much success in the coming school year and look forward to continued dialogue.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Huffman', written in a cursive style.

Kevin Huffman

cc: Dr. Kathleen Airhart, Deputy Commissioner
Stephen Smith, Assistant Commissioner, Policy & Legislation