

Level of Overall Effectiveness (LOE) Nullification Guidance Updated: Oct. 22, 2018

The General Assembly passed two bills ([here](#) and [here](#)) (referred to collectively in this document as the Legislation) addressing the use of data generated from the 2017-18 TNReady assessment. Where educator evaluation is concerned, the legislation prohibits local education agencies (LEAs) from basing employment termination and compensation decisions during the 2017-18 school year on data generated by the 2017-18 statewide assessments.

Additionally, the Legislation adds a section to the law stating that, “No adverse action may be taken against any student, teacher, school, or LEA based, in whole or in part, on student achievement data generated from the 2017-18 TNReady assessments.”

To comply with the Legislation and provide educators a voice in the determining how 2017-18 TNReady data should be used locally, **any educator who has 2017-18 TNReady data included in their level of overall effectiveness (LOE) through any measure (school-wide TVAAS, individual TVAAS, or achievement measure) may choose to nullify the entire LOE generated for the 2017-18 school year or to let the LOE stand.**

No adverse action may be taken against an educator based on the decision to nullify his or her LOE.

The following questions will provide guidance for educators in the decision-making process.

1. How will educator evaluation scores be calculated in 2017-18?

Please see detailed overview of evaluation calculations [here](#).

2. How do I know if 2017-18 TNReady data was used in the calculation of my LOE?

When an educator views the LOE in [TNCompass](#), the various evaluation components that produce that LOE will be available in the details section of the evaluation page. Also, the option to nullify the LOE will only be available on the evaluation page if 2017-18 TNReady data is used in the calculation.

3. What does it mean to nullify an LOE? What does it mean to let an LOE stand?

Essentially, nullification means an absence of an evaluation score for the 2017-18 school year. A nullified LOE indicates that an educator has elected against using it for anything, including employment, compensation, and evaluation-related decisions, such as observation pacing. Letting an LOE stand provides an educator an evaluation score for the 2017-18 school year. An evaluation score that includes 2017-18 data will function the same as in any other year with the following exceptions based on Public Chapter 881:

- LEAs shall not base any compensation decisions for teachers during the 2017-18 school year based on data generated by statewide assessments administered in the 2017-18

school year. After the 2017-18 school year, LEAs may use 2017-18 TNReady data to make compensation decisions as long as doing so does not result in an adverse action being taken against a teacher.

- LEAs shall not make termination decisions in the 2017-18 school year based on data generated by statewide assessments administered in the 2017-18 school year. After the 2017-18 school year, LEAs may use 2017-18 TNReady data in employment decisions as long as doing so does not result in an adverse action being taken against a teacher.

4. What should I keep in mind when making a decision to nullify or let an LOE stand?

- **Impact on Future Evaluation Composites**

Moving forward, data from 2017-18 will only be included in an evaluation if it benefits the educator, similar to how data from 2015-16 has been treated. As a result, multi-year TVAAS composites, which use available data from the most recent three school years for teachers in tested grades and subjects, will be calculated both with and without 2017-18 data following the 2018-19 and 2019-20 school years. The decision to nullify an LOE for 2017-18 will not impact whether these composites will be available in future years.

Educators will be able to use the higher of the two multi-year TVAAS composites or their single-year TVAAS composite for the growth portion of their evaluation. School-wide TVAAS and achievement measures are one-year measures, so TNReady results from 2017-18 will not impact those evaluation components in future years.

- **Professional Development Points**

Educators who choose to nullify their 2017-18 LOE may still be able to earn Professional Development Points (PDPs). Educators who choose to nullify their 2017-18 LOE may use their 2016-17 score to earn applicable PDPs; if no PDPs were earned in 2016-17 through evaluation, no PDPs will be earned in 2017-18 through evaluation. If an educator lets the LOE stand, PDPs earned from qualifying evaluation scores will be automatically issued in TNCompass.

Educators who have an LOE Level 3, 4, or 5 earn PDPs. PDPs can be earned through a variety of other avenues, including professional learning, micro-credentials earned through a state-approved provider, continuing education, college or university coursework, or National Board for Professional Teaching Standards Certification. For more information on earning PDPs, visit <https://www.tn.gov/education/licensing/educator-licensure/licensed-educators.html>.

- **Number of 2018-19 Classroom Observations**

For educators who nullify their 2017-18 LOE, the number of observations required in 2018-19 will be calculated based on 2016-17 data in conjunction with the educator's current license type. If an educator was coded as partial year exempt (PYE) in 2016-17, the pacing will be calculated based on the most recent year's data. Educators who have no previous data on which to base pacing will be observed in accordance with [state board policy](#). Educators who

elect to have the LOE stand for 2017-18 will be observed in accordance with state board policy.

- **Tenure:**

If a teacher chooses to nullify his or her 2017-18 LOE, he or she may still become eligible for tenure this year. Pursuant to T.C.A. § 49-5-503(4), “a teacher who has met all other requirements for tenure eligibility but has not acquired an official evaluation score during the last one (1) or two (2) years of the probationary period due to an approved extended leave; transfer to another school or position within the school district; or invalidated data due to a successful local level evaluation grievance pursuant to § 49-1-302(d)(2)(A) may utilize the most recent two (2) years of available evaluation scores achieved during the probationary period.”

A teacher who has nullified his or her LOE and believes they are eligible for tenure this year based on his or her previous two evaluation scores should consult with their district human resource director and principal.

5. How do I indicate that I choose to nullify my LOE?

When LOEs are calculated in TNCompass, **evaluators** are required to complete a PIN signature to acknowledge the closing of the educator’s evaluation record for the academic year. Each year, **educators** are encouraged to acknowledge the completion of the evaluation process for the previous academic year by adding a PIN signature to the evaluation record. This year, educators who had 2017-18 TNReady data included in the calculation of an LOE will be provided the option to mark a prompt indicating their decision to nullify the LOE on the evaluation record and PIN the record to acknowledge the decision.

6. How does the evaluator PIN the evaluation record?

When the LOE has been calculated, the evaluator PINs the record using the following steps:

- Click the “Educator” tab.
- Select educator's name to open the evaluation record for the educator.
- Scroll to bottom of educator's evaluation page to find the PIN signature section. Enter the PIN in the designated section of the PIN signature section.
- Click “Complete Form.”
- Click “Show PIN” to display a forgotten PIN.

When the administrator clicks “Complete Form,” the date, time, and administrator's name displays on the evaluation record and becomes available for the educator's signature. An email notification will be issued from TNCompass alerting the educator that the evaluation is ready for review.

7. How does the educator nullify the 2017-18 score?

When he/she receives the email indicating the evaluation record is ready for completion, the educator notes the choice to nullify the evaluation through completing the PIN signature process, which requires the following steps:

- Click “My Educator Profile.”
- Scroll to the bottom of the evaluation record to find the PIN signature section
- To nullify the score, mark the box that says: “By checking this box, I am acknowledging that I am nullifying the 2017-18 LOE score.”
- Enter the PIN in the designated section of the PIN signature section.
- Click “Complete Form.”
- Click “Show PIN” to display a forgotten PIN.

When the educator clicks the “Complete Form” button, the date and time displays on the evaluation record. The word “Nullified” will appear next to the LOE on the evaluation page and an “N” will appear next to any evaluation metric that included 2017-18 TNReady data on the details page.

8. What happens to the LOE if I do not complete the PIN signature?

If an educator does not complete the PIN signature, the LOE will stand. Educators are encouraged to complete the PIN signature process regardless of the decision made.

9. How do I indicate that I choose to let the LOE to stand?

If an educator chooses to let the LOE stand, then no action needs to be taken in TNCompass. Educators are encouraged to complete the PIN signature process regardless of the decision made.

10. What happens if I change my mind about nullification after I have added a PIN signature and closed the evaluation record?

If an educator changes his or her mind about nullification after the PIN signature has closed the evaluation record, the LEA can, upon written request by the educator, conduct an administrative edit to reverse the decision. For more information on conducting an administrative edit, visit the TEAM website at <http://team-tn.org/wp-content/uploads/2013/08/TNCompass-User-Guide-Historical-Data-Edits-002.pdf>.

11. How will educators and LEAs know if the LOE has been nullified?

If an LOE has been nullified, TNCompass will display an indication of that choice on the evaluation page. Additionally, the *Evaluation Score by Educator* report will include an indication that the LOE was nullified.

12. What is the timeline for making the decision to nullify my LOE?

After the release of LOEs in TNCompass, educators will be able to indicate their decision to nullify the LOE in TNCompass through **Nov. 30**. The department will issue reminders of the deadline through [TEAM Update](#).

13. *Is a nullified score the same as a PYE (Partial Year Exemption)?*

When an LEA marks a teacher PYE, it is an indication that the teacher did not meet the time requirements in state board policy that would require an evaluation. In this case, an LOE is not generated.

When a teacher nullifies an LOE, it is an indication that the LEA should not use the LOE to take adverse actions.