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NO CONFIDENCE FOR COMMISSIONER SCHWINN?

Radio host Brian Wilson ([SuperTalk 99.7 WTN](#)) broke the news that members of the Tennessee General Assembly could consider a “No Confidence” letter to Governor Lee in regards to Education Commissioner Penny Schwinn. Wilson said on his Friday, August 21, 2020, show, “the long knives are out.” That news is hardly a shock to legislative insiders or news media. Wilson reported that the Governor’s Office still supported Schwinn.

Penny Schwinn was a surprising choice to be chosen as Commissioner of Education for Tennessee. Tennessee had been hailed as one [a handful of success stories across the nation](#) that an incoming Governor could build upon. Schwinn had very little actual classroom teaching experience, about 2 years. She was the founder and principal of [Capitol Collegiate Academy](#) in Sacramento for 1 year in 2011 and remains on their board. Starting in 2012, she had stops in Sacramento City Unified Schools, Delaware Department of Education, and the Texas Education Agency (TEA). She had no previous connections to our state before her selection by Governor Bill Lee.

Schwinn’s departure from Texas came on the heels of a controversial no-bid contract awarded to a vendor, SPEDx, that utilized a subcontractor with whom she had a personal relationship. In Texas, [state auditors found the agency](#) had failed to follow state policies before awarding the contract. The TEA, the agency which oversees education in Texas, was ordered to [repay the federal government more than \\$2.5 million spent on this special education contract](#). State auditors found only about \$150,000 worth of work was actually completed on the project. Investigators said officials failed to check SPEDx’s security controls, potentially jeopardizing the data of thousands of special education students statewide. Laurie Kash, [the whistleblower](#) who reported this incident, was fired by the agency. Kash was later awarded more than \$200,000 in damages.

Problems began to escalate for Schwinn here in Tennessee with the revelation of an unusually high turnover rate at the Tennessee Department of Education since her arrival. [Chalkbeat reported](#) in November 2019 that the agency had 250 departures. Chalkbeat added, “The departure rate of just over 19% exceeds those of Schwinn’s two predecessors over comparable periods.” We believe the 19% estimate is too low and should be updated. The actual figure today is probably closer to about 33% or 1/3 of the employees that have left since Schwinn was named Commissioner.

Legislators, especially those that champion limited government, are likely to question the number of chiefs or assistant commissioners at the Department of Education, which has increased from the 13 under Commissioner McQueen to roughly 23 chiefs or assistant commissioners under Commissioner Schwinn. Our estimate is that the average salary of these chiefs and assistants exceeds \$135,000 yearly. There were several lower-salaried employee positions eliminated and many of those were not replaced. However, the savings were not realized by taxpayers, but merely shifted into higher

SUMMARY

Whether Commissioner Schwinn should be given a no-confidence vote is not our decision to make, nor are we advocating it. Our criticism of Schwinn has focused specifically on her handling of the [COVID-19 crisis](#) and we simply want her, or anyone in that office, to make Tennessee educators and students their only priority.

salaries for other staff with new job titles. What Legislators should look at is simple: Has service to districts, parents, and educators improved under Schwinn or not? Ultimately, that is the question for lawmakers and the Governor to decide.

What has puzzled many lawmakers, parents, and educators is the fact that while schools are being pressured to open their doors, the Tennessee Department of Education has remained closed, and employees have been allowed to work virtually. One recent hire, identified as Sophie Mann, a resident of Chicago, is the new [Director of Accountability](#) for the state of Tennessee. In past administrations, employees who worked for the Tennessee Department of Education, as an employee, were required to be residents of the state in which they worked. Policymakers will certainly want to ascertain how many employees have been hired from outside the state of Tennessee, how many are allowed to work remotely, and how many employees reside outside the state.

Commissioner Schwinn, without prior consultation with stakeholders or policymakers, wanted [changes to the Tennessee accountability model](#) for students and teachers which resulted in a [forced meeting](#) with Senate and House Education leaders and the State Board at the capitol. She has seemingly abandoned that plan. In February, outraged Tennessee lawmakers grilled state education officials about the department's decision to award a [\\$2.5 million non-compete contract](#) to Florida-based vendor ClassWallet. Next in 2020, her agency put forth a literacy bill that seemed to revert the state to Common Core state standards that the state had [previously dumped](#). The proposed legislation appeared headed for certain defeat. Legislators, after seeking input from districts and stakeholders, created [a better literacy bill](#) that seemed much more likely to pass, with a more robust emphasis on phonics and Tennessee standards. The Governor indicated he would support that legislation. This also seemed to adversely strain the relationship between the Department of Education and the Tennessee General Assembly about whether the department had already [begun conversations with potential vendors](#). When the COVID-19 crisis came along, it brought a reprieve for the embattled Commissioner, who was no longer being questioned about Tennessee's [handling of textbooks and contracts](#).

Our criticism of Commissioner Schwinn has focused specifically on her handling of the [COVID-19 crisis](#): the latency in sending out the state's reopening plan, failure by the state to provide PPE and cleaning supplies to schools and districts in a timely fashion, and the ill-conceived monthly child well-being inspections that would further increase educator workload and [expand government](#). We strongly believe she should have opened the Department of Education before asking any school to reopen. Educators across the state have repeatedly asked "why public schools were pressured to open before the Department of Education was opened and who made that decision." Districts, schools, and educators have borne the brunt of unjust criticism of the flawed re-opening efforts statewide. The state should have sent out guidelines in the months or weeks before some schools had already opened to better assist local efforts. The state should have put forth protocols for collecting and reporting COVID-19 data tracking that was transparent from the onset. It is important that our community is informed and knows the numbers of COVID-19 cases we faced to best meet any emerging health challenges. Educators and districts across the state are tired of toolkits and dashboards. They are looking for leadership. The House Education Committee will meet on September 22nd and 23rd. It is unclear if Commissioner Schwinn will be asked to appear before that committee.

Should Commissioner Schwinn be given a no-confidence vote? That is not our decision to make, nor are we advocating it. We want her, or anyone in that office, to simply make Tennessee educators and students their only priority. And we will never apologize for speaking up for our educators and students.

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JC Bowman is the Executive Director of Professional Educators of Tennessee, a non-partisan teacher association headquartered in Nashville, Tennessee. Permission to reprint in whole or in part is hereby granted, provided that the author and the association are properly cited. For more information on this subject or any education issue please contact Professional Educators of Tennessee. To schedule an interview please contact communications@proedtn.org or 1-800-471-4867.

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