



**BILL LEE**  
GOVERNOR

STATE OF TENNESSEE  
**DEPARTMENT OF EDUCATION**  
NINTH FLOOR, ANDREW JOHNSON TOWER  
710 JAMES ROBERTSON PARKWAY  
NASHVILLE, TN 37243-0375

**PENNY SCHWINN**  
COMMISSIONER

**Via Electronic Mail**

May 2, 2023

Troy Kilzer II, Director of Schools  
Chester County Schools  
970 East Main Street  
Henderson, TN 38340

Re: Waiver for Class Size Average for the 2023-24 School Year

Dear Director Kilzer:

I am in receipt of your April 27, 2023 letter requesting a waiver of the class size average for grades K-3, grades 4-6, grades 7-12 and Career and Technical Education classes found in Tenn. Code Ann. § 49-1-104 for schools in Chester County Schools for the 2023-24 school year. You requested this waiver due to unexpected increases in new student enrollment and current staffing shortages in the district.

The commissioner's waiver authority under Tenn. Code Ann. § 49-1-201(d) is limited by Tenn. Code Ann. § 49-1-104(a), which states that "neither the commissioner nor the state board of education shall grant waivers from the maximum class sizes established in this section."

With the understanding that none of the classes at Chester County Schools will exceed the maximum number of students per class specified in the above referenced law, your request for a waiver of the class size average is granted for the 2023-24 school year.

Please do not hesitate to call me if you have further questions.

Sincerely,

Dr. Penny Schwinn  
Commissioner



## Local Education Agency Waiver Request

Pursuant to Tennessee Code Annotated § 49-1-201(d), upon application by the local education agency for one (1) or more of its schools, the commissioner of education may waive any state board rule or statute that inhibits or hinders the LEA's ability to meet its goals or comply with its mission. Please submit completed forms to [Commissioner.Schwinn@tn.gov](mailto:Commissioner.Schwinn@tn.gov). Following review by the commissioner, the district will be notified in writing if the waiver request is approved or denied. Unless otherwise stated, all waivers granted by the commissioner shall be granted for one year terms.

Waivers may **not** be granted by the commissioner for regulatory or statutory requirements related to:

- (A) Federal and state civil rights;
- (B) Federal, state and local health and safety;
- (C) Federal and state public records;
- (D) Immunizations;
- (E) Possession of weapons on school grounds;
- (F) Background checks and fingerprinting of personnel;
- (G) Federal and state special education services;
- (H) Student due process;
- (I) Parental rights;
- (J) Federal and state student assessment and accountability;
- (K) Open meetings;
- (L) Educators' due process rights;
- (M) Reductions in teachers' salaries;
- (N) Employee rights, salaries and benefits; and
- (O) Licensure of employees.

**Local Education Agency:**

CHESTER COUNTY SCHOOLS

**School Information (if applicable):**

School Name: \_\_\_\_\_

Street: 970 EAST MAIN STREET

City: HENDERSON Zip Code: 38340

Please list the statute(s) and/or state board rule(s) for which waiver is being requested:

TENNESSEE CODE ANNOTATED 49-1-104(a)

- WAIVER REQUEST FOR CLASS SIZE AVERAGES WITH GRADES K-3, 4-6, 7-12, AND C.T.E. COURSES

Explanation of how the statute(s) and/or state board rule(s) inhibits or hinders the local education agency's ability to meet its goals or comply with its mission:

- DUE TO UNEXPECTED INCREASES IN NEW STUDENT ENROLLMENT WITH ALL GRADES AFTER THE SCHOOL YEAR BEGINS. (STAFFING LIMITATIONS)

- DUE TO SIGNIFICANTLY INCREASED C.T.E. COURSES AT MIDDLE SCHOOL GRADE LEVELS

Expected duration of the condition necessitating this waiver request:

2023-24 SCHOOL YEAR

Director of Schools (Signature)



(731) 608-5772 (cell #)

Print Name

TROY KILZER II

Date

4/27/2023