

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

LIZZETTE REYNOLDS COMMISSIONER

Via Electronic Mail

March 14, 2024

Dr. Russell Dyer, Director of Schools Cleveland City Schools 4300 Mouse Creek NW Road Cleveland, TN 37312

Re: Waiver for English as a Second Language (ESL) Programs

Dear Director Dyer:

I am in receipt of your February 27, 2024 waiver request of State Board of Education Rule 0520-01-19 as it relates to staffing ratios for English as a Second Language (ESL) programs. You have requested to use an alternative staffing ratio at schools within Cleveland City Schools. According to your request, the alternate staffing ratio will allow the district to continue operating its ESL program without disruption and provide supports to the current English Learner (EL) student population.

Tenn. Code Ann. § 49-1-201(d) grants the commissioner the authority to "waive any state board rule or statute that inhibits or hinders the LEA's ability to meet its goals or comply with its mission." On the condition that the school district comply with the provisions of State Board of Education Rule 0520-01-19 by implementing the monitoring steps outlined in your waiver request, your request is hereby granted for the remainder of the 2023-24 school year.

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

Sincerely,

Lizzette Reynolds Commissioner



Tennessee Department of Education – Office of The Commissioner

710 James Robertson Parkway - Andrew Johnson Tower, 9th Floor - Nashville, TN 37243

Local Education Agency Waiver Request

Pursuant to Tennessee Code Annotated § 49-1-201(d), upon application by the local education agency (LEA) for one 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 <u>Commissioner,Education@tn.gov</u>. Following review by the commissioner, the LEA 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:

Cleveland City Schools

School Information (if applicable):

School Name:

Street:	4300	Mouse	Creek	Rd.	NW		
City:	CI	eveland		Zi	p Code:	37311	

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

TN State Board Rule 0520-01-19-.05 Alternate Staffing Ratio 35:1 (must meet compliance throughout year)

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:

Cleveland City Schools would like the opportunity to post positions for the 24-25 school year to bring the ratio back into compliance. This would allow us to draw from a better applicant pool. Adjusting schedules Expected duration of the condition necessitating this waiver request: at this firme of year Remainder of 24 school year. Additional Staff will be added for 24-25.

Director of Schools (Signature)
Print Name RUSSELL DYER

Date	2.27.2024	
Dutt		



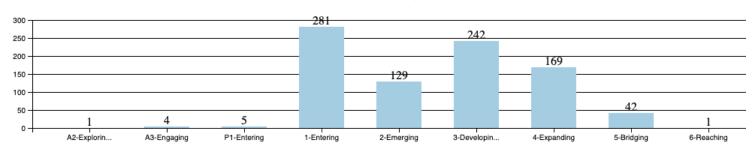
Application Date: February 21, 2024

Number of EL Students Served as of 2-21-24: 1012 (EL, T1, T2, and W)

Number of ESL Teachers as of 2-21-24: 28

Ratio as of 2-21-24: 36.1:1

Proficiency Level of ELs:



Composite Level

Growth Standard Analysis for WIDA ACCESS Spring 2023:

41.6% Students District Wide Met the Growth Standard

		SPRING 2023			
	# Met GS	# Tested	% Met GS		
Arnold	23	38	60.5	Elementary Overall %	60.1
Blythe-Bower	51	96	53.1		
Candy's Creek	28	34	82.4		
D.P. Yates	16	22	72.7		
E. L. Ross	14	24	58.3		
George R. Stuart	20	38	52.6		
Mayfield	16	39	41		
CMS	13	104	12.5	Secondary Overall %	20.8
снѕ	39	134	29.1		
DISTRICT	220	529	41.6		

Academic Growth for ELs (TVAAS Inform TN Data from 2023):

ELs in Cleveland City Schools maintained positive growth in all Grade Bands on TVAAS. In many cases, EL growth exceeds the growth of other subgroups within Cleveland City Schools.

	Student Group: All Students Q
Where do you see challenges in TVAAS Level Grades 4-5 Overall across Stude	ent Groups?
Student Groups : 4.66 All Students 1.591 \$ 4.66	0 0.10
Black/Hispanic/Native American Students 756	-1.84
Economically Disadvantaged Students	-2.82
English Language Learners	
Students in the Super Subgroup	-2.74
Students with Disabilities	-0.38

Student Group		0				0.86
All Student 2,320	S					0.86
Black/Hispanic/Native American Student ۱٫۱۱۵ ا	s -0.14			-		
Economically Disadvantaged Student 732	s -0.20					
English Language Learner 368	S				0.46	
Students in the Super Subgrou 1,472					0.45	
Students with Disabilitie 260			0.08			

				Student Group: English Langu
re do you see challenges in TVAAS Level Grades 9-12 Overall a	icross Student Gro	oups?		
Student Groups 0.00 All Students				5.92
1,940 🚨				5.92
Black/Hispanic/Native American Students			4.11	
Economically Disadvantaged Students	. 1.8	7		
English Language Learners	1.35			
Students in the Super Subgroup			4.50	
Students with Disabilities	1.03			

ATSI Schools and Subgroups in CCS

Cleveland Middle School exited ATSI based on their scores from Spring 2023. Therefore, no school in Cleveland City Schools is currently an ATSI school.

ystem	system_name	school	school_name	designation
61	Cleveland	10	Arnold Memorial Elementary	Targeted Support and Improvement
61	Cleveland	12	Blythe-Bower Elementary	Targeted Support and Improvement
61	Cleveland	18	Cleveland Middle	Additional Targeted Support and Improvement Exit
61	Cleveland	20	Cleveland High	
61	Cleveland	22	E.L. Ross Elementary	
61	Cleveland	25	G.R. Stuart Elementary	
61	Cleveland	30	Mayfield Elementary	
61	Cleveland	45	Candy's Creek Cherokee Elementary School	

Achievement Analysis for EL Subgroup:

Α	В	С	D	E	F	G	н	I	J	К	L
year	system	system_name	test	subject	grade	student_group	pct_below	pct_approach	pct_met	pct_exce	pct_met_exceeded
2023	61	Cleveland	TNReady	ELA	All Grades	All Students	29	39.1	25.1	6.8	31.8
2023	61	Cleveland	TNReady	ELA	All Grades	English Learner Transitional 1-4	17.9	53.6	26.5	2	28.5
2023	61	Cleveland	TNReady	ELA	All Grades	English Learners	**	**	**	**	3.9
2023	61	Cleveland	TNReady	ELA	All Grades	English Learners with Transitional 1-4	**	**	**	**	12.9
year	system	system_name	test	subject	grade	student_group	pct_below	pct_approach	pct_met	pct_exce	pct_met_exceeded
2023	61	Cleveland	TNReady	Math	All Grades	All Students	36.6	32.9	23.4	7.1	30.4
2023	61	Cleveland	TNReady	Math	All Grades	English Learner Transitional 1-4	25.7	40.5	27.7	6.1	33.8
2023	61	Cleveland	TNReady	Math	All Grades	English Learners	**	**	**	**	3.9
2023	61	Cleveland	TNReady	Math	All Grades	English Learners with Transitional 1-4	52.8	32.3	12.2	2.7	14.9
year	system	system_name	test	subject	grade	student_group	pct_below	pct_approach	pct_met	pct_exce	pct_met_exceeded
2023	61	Cleveland	TNReady	Science	All Grades	All Students	26	41.8	28.3	3.9	32.2
2023	61	Cleveland	TNReady	Science	All Grades	English Learner Transitional 1-4	19.2	53.6	25.2	2	27.2
2023	61	Cleveland	TNReady	Science	All Grades	English Learners	**	**	**	**	4.6
2023	61	Cleveland	TNReady	Science	All Grades	English Learners with Transitional 1-4	42.3	44.8	11.7	1.2	12.9

Proposed Staffing Ratio instead of 35:1:

Cleveland City Schools would propose that a staffing ratio of 36.5:1 be accepted for the remainder of the 23-24 school year.

This will allow the district to engage in the budget planning process for the 24-25 school year and post sufficient positions for the upcoming school year to comply with a 35:1 ratio according to future growth projections.

Justification for the Alternate Staffing Ratio

Cleveland City Schools added 6 full-time ESL positions for the 23-24 school year in anticipation of expected growth in order to ensure that the district could comply with the 35:1 ratio. A 10 year growth trendline projected that our October 1, 2023 count would be 905 students. The actual October 1, 2023 count was 8.6% higher than anticipated and was 983 students.

The number of ELs in Cleveland City Schools has increased at an average rate of 9.7% per year for the past 10 years. However, from October 2022 to October 2023, Cleveland City Schools experienced a 19.2% increase in the number of ELs, which was clearly unanticipated and unprecedented.

Currently, overall district growth scores on WIDA ACCESS are solid and in a comparable range to the state average. CCS is the 15th largest district in the number of ELs within the state. Among these districts with the highest number of ELs, the CCS growth standard % is the 7th highest.

Cleveland High School has the 2nd highest growth standard among all high schools in TN with 100 or more ELs, and Candy's Creek Cherokee Elementary school had one of the top 10 highest growth standard percentages among all elementary schools in Tennessee.

Academic growth among our EL subgroup is strong in a number of areas, and the achievement of our transition student subgroup meets or exceeds the achievement levels of all students in many of our grade bands and subject areas.

Although we are slightly above the 35:1 ratio, we are able to support our current EL population with the required service hours across all grade bands at the current staffing ratio and have been able to ensure that all ELs and Transition 1 and 2 students have an up to date Individual Learning Plan.

Our district has had a strong and intentional response to the rapid growth in the number of ELs. Allowing the alternate ratio of 36.5:1 will allow us to continue to operate intentionally with our program and develop a methodical plan to increase the number of ESL staff for the 24-25 school year without having to make a rush hiring decision that could potentially be disruptive to current programming at a time when the staffing pool for high quality EL teachers is limited.