



**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**

February 7, 2024

Vickie Beard, Director of Schools  
Giles County Schools  
270 Richland Drive  
Pulaski, TN 38478

Dear Director Beard:

Tenn. Code Ann. § 49-6-3004(a)(6) authorizes the Commissioner of Education to grant a waiver of the instructional day requirement only in the event of a natural disaster or a serious outbreak of illness affecting or endangering students or staff during a school year.

This waiver provision was added to the law after the catastrophic flooding that occurred across Tennessee in May of 2010. The flooding created a situation where at the very end of the school year local education agencies (LEAs) were unable to address the lost instructional time due to the flooding through the use of stockpile days or by adhering to the Tennessee Department of Education's [Attendance Manual](#) on making up instructional days missed.

The waiver authority granted to the commissioner in the law is narrow. Merriam-Webster defines "natural disaster" as a sudden and terrible event in nature (such as a hurricane, tornado, or flood) that usually results in serious damage and many deaths. The waiver authority is only available for events of nature that cause substantial damage or disruption to property or critical infrastructure impacting the community and school operations that are beyond regular inclement weather.

The Tennessee Emergency Management Plan (TEMP) includes activation levels 1-5. Level 5 is for normal operations when no state declaration of emergency exists. Level 4 is identified as "elevated" and is when there is a potential or likelihood of an emergency developing or worsening, and TEMA may augment staffing for the 24-hour watch staff in the Operations Center to perform more frequent monitoring of a situation. Only levels 1-3 indicate some level of disaster has occurred. Tennessee was at a level 4 during this recent winter weather.

Your request includes information confirming your community suffered substantial damage or disruption to property or critical infrastructure that impacted the community and school operations beyond regular inclement weather on January 25-26, 2024, due to lack of water. Pursuant to the commissioner's authority under Tenn. Code Ann. § 49-6-3004(a)(6)(A) to waive instructional days in the event a district experiences a natural disaster, your waiver request for January 25-26, 2024, is hereby granted.

Sincerely,

Lizzette Reynolds  
Commissioner



## Tennessee Department of Education – Office of The Commissioner

710 James Robertson Parkway - Andrew Johnson Tower, 9<sup>th</sup> 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 [Commissioner.Education@tn.gov](mailto:Commissioner.Education@tn.gov). 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:

Giles County School System

### School Information (if applicable):

School Name:

Entire district

Street:

270 Richland Drive

City: Pulaski

Zip Code: 38478

**TCA 49-6-3004(a) and TCA 49-6-3004(e)(1)**

**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:** Giles County School System has used our stockpiled days: December 8, 2023, due to district-wide sickness; January 12, 2024, due to expected inclement weather; January 16-24, 2024, due to the winter storm that dropped seven+ inches of snow over the county and below average temperatures. We began with nine stock-pile days, and these have now been utilized. We were closed on January 25, and January 26, 2024, due to a county-wide water issue. We had four of eight schools with little to no water. We would like to ask for a waiver of these two days due to the environmental conditions of no potable water in our schools.

**Expected duration of the condition necessitating this waiver request:** Water issues have been resolved at this time. Students were able to return to schools on January 29, 2024.

Director of Schools (Signature)



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Print Name Vickie M. Beard

Date February 7, 2024

