



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

January 30, 2024

Dr. Jeanne Barker, Director of Schools
Lenoir City Schools
200 East Broadway
Lenoir City, TN 37771

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

Dear Director Barker:

I am in receipt of your waiver request of State Board of Education Rule 0520-01-19-.03 as it relates to providing services and instruction to students in English as a Second Language Programs.

According to your request, you are seeking a waiver of this rule to better accommodate students in the district who attend the Nightly Alternative Program (NAP). This waiver would allow the school district to provide the required five (5) hours of daily ESL instruction within the four (4) days that students attend NAP.

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 Lenoir City Schools continue to provide monitoring as required under the State Board of Education Rule pertaining to English as a Second Language programs to ensure these ESL students’ language needs are being met, 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 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:

Lenoir City Schools

School Information (if applicable):

School Name: Lenoir City High School - Nightly Alternative Program

Street: 1485 Old Hwy 95

City: Lenoir City Zip Code: 37771

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

CHAPTER 0520-01-19 ENGLISH AS A SECOND LANGUAGE PROGRAMS Section 7: Provision of Direct ESL Services

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:

Lenoir City Schools uses a Nightly Alternative Program to provide an educational setting for students that have been suspended from the standard school environment for disciplinary reasons. This program meets for four hours a day Monday - Thursday. We would like to request a waiver to provide the required ESL service time of 5 hours daily to providing 5 hours within the 4 days that students attend NAP.

Expected duration of the condition necessitating this waiver request:

This waiver will need to be in place for the duration of the school year to provide guidance on meeting the needs of any students that may be placed in the program.

Director of Schools (Signature)

Dr. Jeanne Barker

Print Name Dr. Jeanne Barker

Date 11/15/2023