



**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**

December 21, 2023

Dr. Trey Duke, Director of Schools  
Murfreesboro City Schools  
2552 South Church Street, Suite 100  
Murfreesboro, TN 37127

Re: Waiver for Average Class Size at Black Fox Elementary School

Dear Director Duke:

I am in receipt of your December 20, 2023 waiver request of the class size average found in Tenn. Code Ann. § 49-1-104 for 5<sup>th</sup> grade classes at Black Fox Elementary School in Murfreesboro City Schools.

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 5<sup>th</sup> grade classes at Black Fox Elementary School 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 hereby granted for the remainder of the 2023-24 school year.

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

Sincerely,

Lizzette Reynolds  
Commissioner

December 20, 2023

Commissioner Lizette Reynolds  
Tennessee Department of Education  
710 James Robertson Parkway  
Nashville, TN 37242

Dear Commissioner Reynolds,

I am writing to request a waiver regarding the average class size of Black Fox Elementary School in Murfreesboro City Schools. According to State Board of Education policy, the average class size in 4<sup>th</sup> – 6<sup>th</sup> grades should not exceed the 1 to 25 ratio with a maximum of 30 students per class.

Murfreesboro City Schools is requesting an increase in the class size average from 25 to 30 with no one class exceeding 30 students in 5<sup>th</sup> grade for the remainder of the 2023-2024 school year. A recent increase in students has this grade level currently at capacity. Any new enrollments when the school year resumes in January will put these classes above the maximum allowed.

After speaking with the school principal, district instructional team, and classroom teachers, it is our belief that students would best be served by remaining in their current classrooms for the remainder of the year. By adding another teacher, we will be disrupting the continuity of their 5<sup>th</sup> grade experience by moving them to a new classroom and a new teacher. Additionally, we have hired additional paraprofessional support specifically for this grade level to ensure student needs are met.

Our request is only for the remainder of this school year, and our staffing models for next year will allow us to return to the class size ratios found in State Board of Education policy.

Respectfully submitted,



Dr. Trey Duke  
Director of Schools



## 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:

Murfreesboro City Schools

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### School Information (if applicable):

School Name:  
Black Fox Elementary

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Street:  
1753 South Rutherford Blvd.

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City: Murfreesboro Zip Code: 37130

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

T.C.A. 49-1-104

**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:**

A recent increase in students has the 5th grade classrooms currently at capacity. Any new enrollments when the school year resumes in January will put these classes above the maximum allowed. After speaking with the school principal, district instructional team, and classroom teachers, it is our belief that students would best be served by remaining in their current classrooms for the remainder of the year. By adding another teacher, we will be disrupting the continuity of their 5<sup>th</sup> grade experience by moving them to a new classroom and a new teacher.

**Expected duration of the condition necessitating this waiver request:**

For the remainder of the 2023-2024 school year.

**Director of Schools (Signature)**



Print Name Dr. Bobby (Trey) N. Duke III

Date 12/20/2023