



**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**

September 6, 2023

Dr. Donnie Holman, Director of Schools  
Overton County Schools  
302 Zachary Street  
Livingston, TN 38570

Re: Waiver for Average Class Size in CTE Courses at Overton County Middle Schools

Dear Director Holman:

I am in receipt of your August 31, 2023 waiver request of the class size average found in Tenn. Code Ann. § 49-1-104 for CTE courses at middle schools in Overton County 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 CTE classes at middle schools in Overton 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 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



## 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:**

Overton County Schools

**School Information (if applicable):**

School Name: All Middle Schools

Street: \_\_\_\_\_

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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

Chapter 0520-01-02  
District and School Operations  
0520-01-02-31 (4)

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:

Overton County Schools has five middle schools and are beginning Career Exploration CTE classes in 6<sup>th</sup> through 8<sup>th</sup> grade. Our classrooms currently have up to 30 students. Our schools would benefit from allowing up to 30 in CTE courses.

Expected duration of the condition necessitating this waiver request:

Overton County Schools sees this as an ongoing issue, and will continue to work with the state board to resolve this issue.

Director of Schools (Signature)

Donnie Holman

Print Name Donnie Holman

Date 8-31-23