



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

August 23, 2023

Dr. James Sullivan, Director of Schools
Rutherford County Schools
2240 Southpark Boulevard
Murfreesboro, TN 37128

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

Dear Director Sullivan

I am in receipt of your August 14, 2023 waiver request of State Board of Education Rule 0520-01-19 requiring English as a Second Language (ESL) students to receive a minimum of one (1) hour each day from a teacher who holds an ESL endorsement.

According to your request, Rutherford County High School provides extended block class periods that meet every other day. Due to the way scheduling is structured, ESL students are unable to receive at least forty-five (45) minutes of ESL instruction each day. You have, therefore, requested that ESL students receive ninety (90) minutes of ESL instruction every other day to accommodate the school's block scheduling.

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 no ESL student at Rutherford County High School receive fewer than ninety (90) minutes of ESL instruction, your request is hereby granted for the 2023-24 school year.

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

Sincerely,

Lizzette Reynolds
Commissioner



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:

Rutherford County Schools

School Information (if applicable):

School Name: n/a

Street: _____

City: _____ Zip Code: _____

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

attached

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:

attached

Expected duration of the condition necessitating this waiver request:

attached

Director of Schools (Signature)

 _____

Print Name James Sullivan

Date 8-14-13

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

RULES OF THE STATE BOARD OF EDUCATION CHAPTER 0520-01-19 ENGLISH AS A SECOND LANGUAGE PROGRAMS; RULE 0520-01-19-03-7-b

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:

The RCS high school schedule provides extended block class periods that meet every other day. Due to this, ESL students will not receive "full class periods of at least 45 minutes in duration **per school day.**" This schedule inhibits students from receiving services every school day even though they are scheduled to receive ESL services for one full class period.

The ESL service period will now be 90 minutes every other day instead of 45 minutes daily. 45 minutes of service over 10 school days is 450 minutes. A 90 minute block period meeting every other day over two weeks is also 450 minutes. Over a two-week period, the ESL students will receive the same amount service time that they would meeting daily.

Expected duration of the condition necessitating this waiver request:

2023-2024 school year