



BILL LEE
GOVERNOR

STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
NINTH FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

PENNY SCHWINN
COMMISSIONER

Via Electronic Mail

December 8, 2022

Wesley Kennedy, Director of Schools
Union City Schools
408 S. Depot Street
Union City, TN 38261

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

Dear Director Kennedy:

I am in receipt of your November 8, 2022 request for a waiver of State Board of Education Rule 0520-01-19-.05, requiring schools to implement certain standards for staffing ratios in their ESL programs. You requested this waiver due to Union City Schools receiving an influx of immigrant students from Guatemala during the past school year. According to the information you provided, the new staffing ratio for Union City Schools would be 1:46.

Provided that Union City Schools adheres to the revised staffing ratio above, your waiver request is hereby granted for the remainder of the 2022-23 school year.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Dr. Penny Schwinn
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 for one (1) 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.Schwinn@tn.gov. Following review by the commissioner, the district 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:

UNION CITY SCHOOLS

School Information (if applicable):

School Name:

Street:

City: _____ Zip Code: _____

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

Staffing Ratios 0520-01-19-.05 The LEA-wide ESL program staffing ratio shall be based on the an average of no more that thirty-five (35) identified EL students per full-time equivalent ESL teacher unless an alternate staffing ratio is approved by the Department of Education.

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:

Our District had an influx of immigrants from Guatemala in the past year. In August 2022, we had approximately 30 new ESL students added to our program. We had ample teacher ratios in the past, but due to retirement of teachers and available ESL teachers, we do not meet the ratio at this time. We have teachers now in the process of getting their ESL requirements.

Our numbers for ESL:

ELL	72
T1	6
T2	13
W	1

This is a 33% increase from last year.

Union City Schools has 2 full-time certified ESL teachers. The number of EL students served for one hour daily is 63 for all 3 schools. This teacher-student ratio would be 1 teacher for 31.5 students. Out of the 63 students approximately 30 students are new in our system for the 22-23 school year. The academic growth of all EL students are monitored with AIMS web on a bi-monthly basis.

There are 9 students with proficiency levels of 3.5 or higher on consultation. The ESL teachers consults with their teachers to make sure they are on track in the regular classroom. If they are not progressing, the ESL teacher will provide pull-out services or extra support to the student.

Union City Schools has 20 students that are T1, T2, and W monitored by the ESL teachers to make sure they are progressing with their peers in the regular classroom. If the transitional students need extra support, the ESL teacher will also do pull-out services as needed. For the Waived student, the ESL teacher consults with their classroom teacher on all WIDA standards.

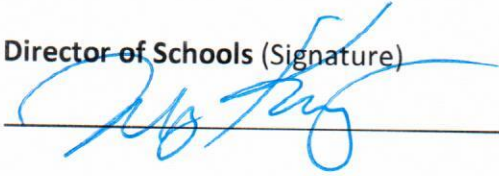
Union City is not targeted for support and intervention for the EL student accountability subgroup.

Most of the ESL students are in K, 1, and 2nd grade or are new students from other countries. Except for 2nd grade, there would be no achievement assessments in ELA, math, and science. The most recent analysis for EL student subgroup shows 40% met or exceeded expectations for the combined assessments in ELA, math, and science for grades 3 – 12.

The proposed staffing ratio that will be used for students that receive one-hour daily services are 1 teacher per 32 students but if you count consultation and transitional students it is 1 teacher per 46.

Expected duration of the condition necessitating this waiver request:

We should be able to meet the requirement before the end of the year.

Director of Schools (Signature)


Print Name _____ Wesley Kennedy _____

Date _____ 11/8/2022 _____