



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

July 17, 2023

Dr. John Combs, Director of Schools
Tipton County Schools
1580 Highway 51 South
Covington, TN 38019

Re: Waiver Requests for the 2023-24 School Year Resulting from the March 31, 2023 Tornado

Dear Director Combs:

I am in receipt of your June 28, 2023 LEA Waiver Request Form requesting a waiver of the following for Tipton County Schools as a result of a tornado that occurred in the county on March 31, 2023:

- Average class size limits, found in Tenn. Code Ann. § 49-1-104 and State Board of Education Rule 0520-01-02-.31(4)(a) and (b);
- Physical activity and physical education requirements, found in Tenn. Code Ann. § 49-6-1021;
- Remote instruction option allowing up to 2 days each semester of the 180 days of required instruction, found in Tenn. Code Ann. § 49-6-3004(i);
- Duty free lunch and planning time, found in State Board of Education Rule 0520-01-02-.31(6).

The following waiver requests are approved for Crestview Elementary School and Crestview Middle School for the 2023-24 school year:

- Average class size limits, found in Tenn. Code Ann. § 49-1-104 and State Board of Education Rule 0520-01-02-.31(4)(a) and (b);
- Physical activity and physical education requirements, found in Tenn. Code Ann. § 49-6-1021; and
- Duty free lunch and planning time, found in Tenn. Code Ann. § 49-1-302, Tenn. Code Ann. § 49-3-359 and State Board of Education Rule 0520-01-02-.31(6), unless an individual teacher requests to be accommodated.

The department will review waivers of the laws related to the school term requirement and remote instruction on a case-by-case basis once Tipton County Schools has exhausted all stockpile days.

I encourage you to contact General Counsel Christy Ballard if you have questions and to notify me if you need additional waivers.

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 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 civilrights;
- (B) Federal, state and local health and safety;
- (C) Federal and state publicrecords;
- (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:

Tipton County Schools

School Information (if applicable):

School Name:

NA- Districtwide

Street:

1580 Highway 51 South

City: Covington

Zip Code: 38019

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

See attached.

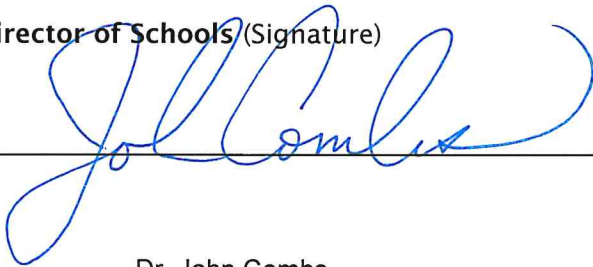
Explanation of how the statute(s) and/or state board rule(s) inhibits or hinders the local education agency's ability to meet its goals or comply with its mission:

See attached.

Expected duration of the condition necessitating this waiver request:

2023-2024 school year

Director of Schools (Signature)



Print Name Dr. John Combs

Date 6/28/23

Tipton County Schools Waiver Requests

Statutes and State Board Rules for which waiver is being requested:

- T.C.A. § 49-1-104 and State Board Rule 0520-01-02-.31(4): Class Size Limits
- T.C.A. § 49-6-1021: Physical Activity Requirements
- T.C.A. § 49-6-3004(a)(1): 180 Days for Classroom Instruction
- T.C.A. § 49-6-3004(i): Remote Instruction
- State Board Rule 0520-01-02-.31(6): Duty Free Lunch and Planning Time

Explanation of How the Statutes and State Board Rules Inhibit or Hinder the LEA's Ability to meet its Goals or Comply with its Mission:

On March 31, 2023, a catastrophic tornado occurred impacting Tipton County. The tornado destroyed areas of the county including two schools, Crestview Elementary and Crestview Middle. These two schools will be relocated to interim structures for the next two school years while the remaining materials from the original schools are removed and construction of the new buildings is completed.

T.C.A. § 49-1-104 and State Board Rule 0520-01-02-.31(4): Class Size Limits

T.C.A. § 49-1-104(f) allows the commissioner of education to grant a waiver for the enrollment of displaced students in the event of a natural disaster. Tipton County Schools requests a waiver of the class size limits found in T.C.A. § 49-1-104(a) and State Board Rule 0520-01-02-.31(4) for the 2023-2024 school year. Because the interim structures are not as large as the original school buildings, it may become necessary to combine classes for all or portions of the school day. Every effort will be made to maintain class size as outlined in TN law and SBE rules and regulations.

T.C.A. § 49-6-1021: Physical Activity Requirements

To the extent possible, Tipton County Schools will create schedules to meet the minimum physical activity and physical education requirements in T.C.A. § 49-6-1021. With students transferring to interim structures without adequate indoor exercise spaces, meeting these requirements for the 2023-2024 school year may not be possible. While the use of the city swimming pool and possibly sharing gym space with an adjacent facility is being explored, we are requesting a waiver of the minimum physical activity and physical education requirements in T.C.A. § 49-6-1021 for the 2023-24 school year.

T.C.A. § 49-6-3004(a)(1): 180 Days for Classroom Instruction and T.C.A. § 49-6-3004(i): Remote Instruction

In the event of a natural disaster, the commissioner of education may waive the 180 days for classroom instruction required by T.C.A. § 49-6-3004(a)(1). Additionally, pursuant to T.C.A. § 49-6-3004(i), districts can provide up to two days each semester of the required 180 days of instruction via remote instruction. If we utilize all of our available stockpile days due to inclement weather or construction delays of the interim structures, TCS requests a waiver of the 180 instructional days and asks that TDOE allow the affected students to utilize additional days for remote instruction as needed. As we did during the 2022-23 school year, students in other buildings may require transitioning to remote instruction for more than two days/semester in order to provide face-to-face instruction for CES and CMS students if alternating use of another school building becomes a necessity.

State Board Rule 0520-01-02-.31(6): Duty Free Lunch and Planning Time

Relocating students from the affected facilities to interim structures, which do not have adequate cafeteria space, will require students to eat lunch in classrooms. Due to supervision needs, this may create a situation where teachers are unable to have a daily duty-free lunch or other required planning time. While

we will make every effort to ensure teachers receive duty free lunch and the required planning time, TCS requests a waiver of these requirements in State Board Rule 0520-01-02-.31(6) for the 2023-24 school year.