



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

May 13, 2024

Barry H. Smith, Director of Schools
Smith County Schools
126 SCMS Lane
Carthage, TN 37030

Dear Director Smith:

I am in receipt of your waiver request of Tenn. Code Ann. § 49-6-3004(a)(6) as it pertains to the required 180 days of instruction. Specifically, you have requested to waive May 9, 2024 as an instructional day due to storm damage your school district sustained from severe weather occurring on May 8, 2024. Tenn. Code Ann. § 49-6-3004(a)(6) only authorizes waivers of the instructional day requirement to be granted in the event of a natural disaster or a serious outbreak of illness affecting or endangering students or staff during a school year.

This provision was added to the law after the catastrophic flooding that occurred across Tennessee in May of 2010. The flooding created a situation where at the very end of the school year local education agencies (LEAs) were unable to address the lost instructional time due to the flooding through the use of stockpile days or by adhering to the Tennessee Department of Education's [Attendance Manual](#) on making up instructional days missed.

The waiver authority granted to the commissioner of education in the law is narrow. Merriam-Webster defines "natural disaster" as a sudden and terrible event in nature (such as a hurricane, tornado, or flood) that usually results in serious damage and many deaths. The waiver authority is only available for events of nature that cause substantial damage or disruption to property or critical infrastructure impacting the community and school operations that are beyond regular inclement weather.

Your request includes information confirming your community suffered substantial damage or disruption to property or critical infrastructure that impacted the community and school operations beyond regular inclement weather. Pursuant to the commissioner's authority under Tenn. Code Ann. § 49-6-3004(a)(6)(A) to waive instructional days in the event a district experiences a natural disaster, your request is hereby granted.

Sincerely,

Lizzette Reynolds
Commissioner

Request for Waiver of Required Instructional Days

Pursuant to T.C.A. § 49-6-3004(a)(6), in the event of a natural disaster or serious outbreaks of illness affecting or endangering students or staff, the commissioner of education may waive the requirement for school district calendars to include one hundred eighty (180) days of classroom instruction for the current school year.

1. **Date of Waiver Request:** 05/09/2024
2. **Local Education Agency (LEA):** Smith County Schools
3. **Name of Director of Schools (print):** Barry H. Smith
4. **Number of Remaining Stockpile days (as of date of submission):** 0 Days

5. Specify the nature of the natural disaster or serious outbreaks of illness affecting or endangering your LEA's students or staff:

NOTE: 2020 Responses to March Tornadoes or COVID-19: If LEA is requesting waiver of instructional days due to either the March tornadoes or COVID-19 closures, please simply put these as the reasons in the description section below.

The severe storms that occurred on the evening of May 8, 2024, into the morning hours of May 9, 2024, caused significant flooding, road closures, and power outages across the county. One school was without power, multiple roads were impassable or closed, and minor flooding occurred in several schools. Schools could not have been in session safely.

6. Attach your LEA's continuity of instruction plan (CIP) or specify below why your LEA is unable to make up the lost instructional days or implement a CIP.

There are not enough days remaining in the school calendar to make up the day by adding 30 minutes to each of the remaining instructional days. Making up the day on Saturday, May 11, 2024, would not allow enough notification for parents and students. Graduation ceremonies are being held on Saturday, May 18, 2024, which removes the option of using that day for a make up day. Our last instructional day is currently scheduled for Friday, May 24, 2024, which falls at Memorial Day weekend when many families are traveling, which would significantly impact both students and school staff.

BA Smith

Director of School's Signature

5/10/2024

Date