



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

March 14, 2024

Dr. Russell Dyer, Director of Schools
Cleveland City Schools
4300 Mouse Creek NW Road
Cleveland, TN 37312

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

Dear Director Dyer:

I am in receipt of your February 27, 2024 waiver request of State Board of Education Rule 0520-01-19 as it relates to staffing ratios for English as a Second Language (ESL) programs. You have requested to use an alternative staffing ratio at schools within Cleveland City Schools. According to your request, the alternate staffing ratio will allow the district to continue operating its ESL program without disruption and provide supports to the current English Learner (EL) student population.

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 the school district comply with the provisions of State Board of Education Rule 0520-01-19 by implementing the monitoring steps outlined in your waiver request, your request is hereby granted for the remainder of the 2023-24 school year.

Please do not hesitate to contact 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, 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 (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:

Cleveland City Schools

School Information (if applicable):

School Name:

Street:

4300 Mouse Creek Rd. NW

City:

Cleveland

Zip Code:

37311

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

TN State Board Rule 0520-01-19-.05

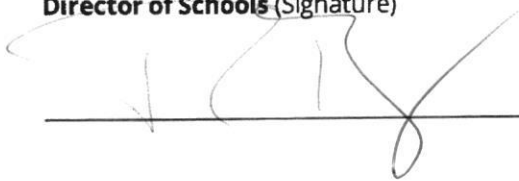
Alternate Staffing Ratio 35:1
(must meet compliance throughout year)

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:

Cleveland City Schools would like the opportunity to post positions for the 24-25 school year to bring the ratio back into compliance. This would allow us to draw from a better applicant pool. Adjusting schedules

Expected duration of the condition necessitating this waiver request: at this time of year is detrimental to the program
Remainder of ²³⁻24 school year.
Additional staff will be added for 24-25.

Director of Schools (Signature)



Print Name RUSSELL DYER

Date 2-27-2024



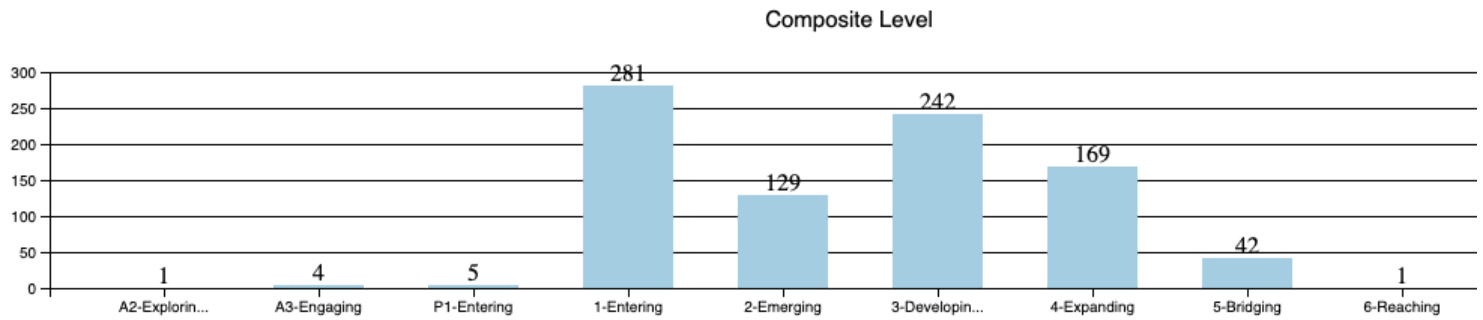
Application Date: February 21, 2024

Number of EL Students Served as of 2-21-24: 1012 (EL, T1, T2, and W)

Number of ESL Teachers as of 2-21-24: 28

Ratio as of 2-21-24: 36.1:1

Proficiency Level of ELs:



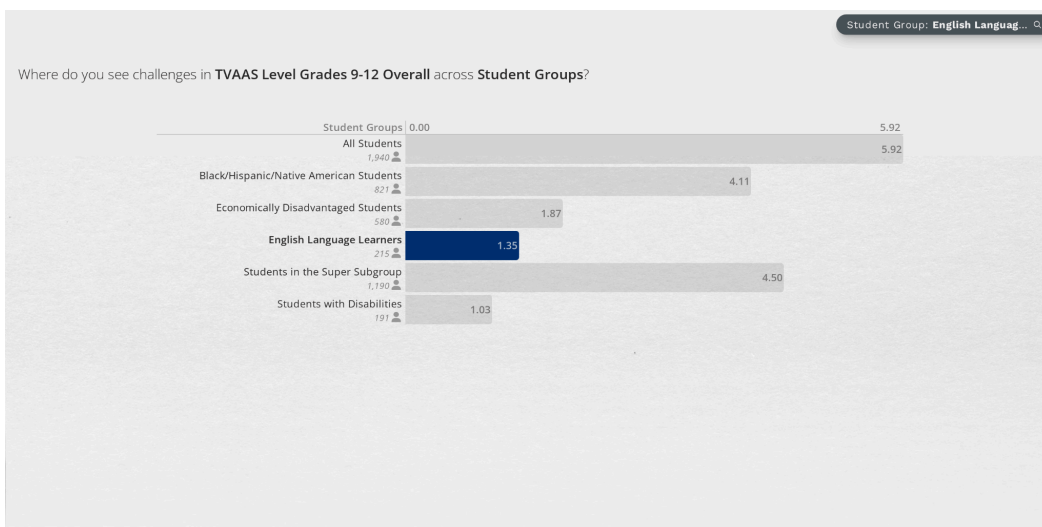
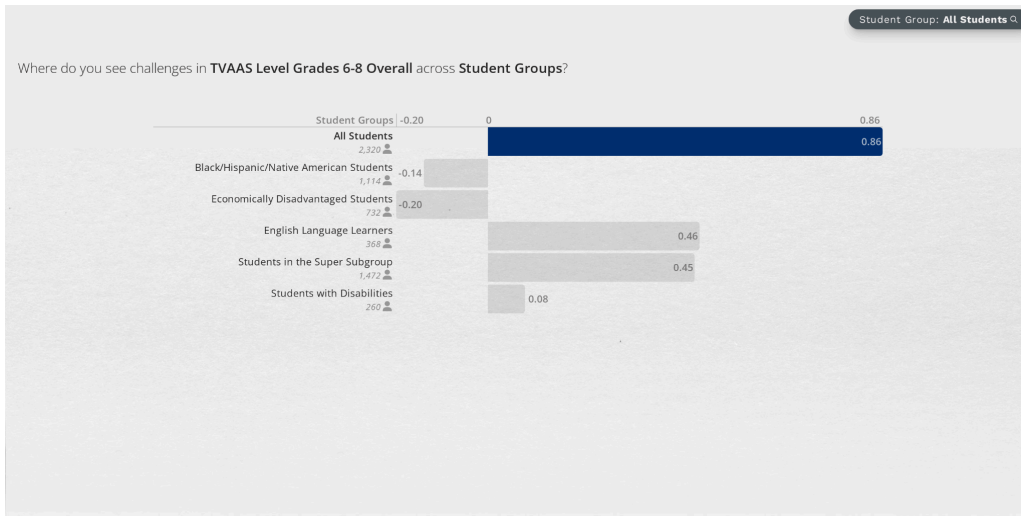
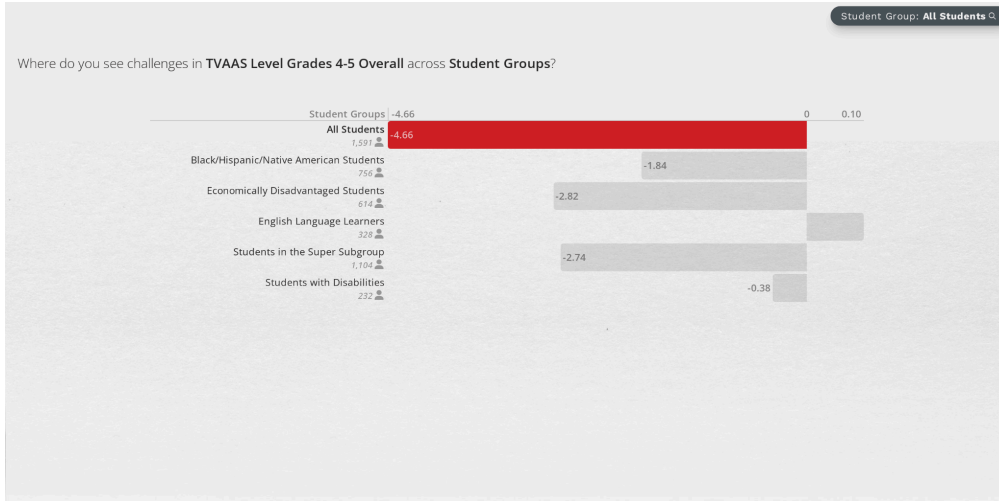
Growth Standard Analysis for WIDA ACCESS Spring 2023:

41.6% Students District Wide Met the Growth Standard

SPRING 2023					
	# Met GS	# Tested	% Met GS		
Arnold	23	38	60.5	Elementary Overall %	60.1
Blythe-Bower	51	96	53.1		
Candy's Creek	28	34	82.4		
D.P. Yates	16	22	72.7		
E. L. Ross	14	24	58.3		
George R. Stuart	20	38	52.6		
Mayfield	16	39	41		
CMS	13	104	12.5	Secondary Overall %	20.8
CHS	39	134	29.1		
DISTRICT	220	529	41.6		

Academic Growth for ELs (TVAAS Inform TN Data from 2023):

ELs in Cleveland City Schools maintained positive growth in all Grade Bands on TVAAS. In many cases, EL growth exceeds the growth of other subgroups within Cleveland City Schools.



The number of ELs in Cleveland City Schools has increased at an average rate of 9.7% per year for the past 10 years. However, from October 2022 to October 2023, Cleveland City Schools experienced a 19.2% increase in the number of ELs, which was clearly unanticipated and unprecedented.

Currently, overall district growth scores on WIDA ACCESS are solid and in a comparable range to the state average. CCS is the 15th largest district in the number of ELs within the state. Among these districts with the highest number of ELs, the CCS growth standard % is the 7th highest.

Cleveland High School has the 2nd highest growth standard among all high schools in TN with 100 or more ELs, and Candy's Creek Cherokee Elementary school had one of the top 10 highest growth standard percentages among all elementary schools in Tennessee.

Academic growth among our EL subgroup is strong in a number of areas, and the achievement of our transition student subgroup meets or exceeds the achievement levels of all students in many of our grade bands and subject areas.

Although we are slightly above the 35:1 ratio, we are able to support our current EL population with the required service hours across all grade bands at the current staffing ratio and have been able to ensure that all ELs and Transition 1 and 2 students have an up to date Individual Learning Plan.

Our district has had a strong and intentional response to the rapid growth in the number of ELs. Allowing the alternate ratio of 36.5:1 will allow us to continue to operate intentionally with our program and develop a methodical plan to increase the number of ESL staff for the 24-25 school year without having to make a rush hiring decision that could potentially be disruptive to current programming at a time when the staffing pool for high quality EL teachers is limited.