



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

April 20, 2023

Richard T. Rye, Director of Schools
Humphreys County Schools
2443 Hwy 70 E
Waverly, TN 37185

Re: Waiver Requests for the 2022-23 School Year in Response to Flood Damage

Dear Director Rye:

I am in receipt of your April 4, 2023 LEA Waiver Request Form requesting a waiver of the following for Humphreys County Schools as a result of the flooding that occurred in the district on August 21, 2021:

- A modification of the waiver of Tenn. Code Ann. § 49-6-3004 granted on August 23, 2022, allowing for five (5) days of remote instruction to provide time for students to transition to alternative buildings. Specifically, you have requested a modification of this waiver to accommodate the district's testing schedule to allow some students to receive remote instruction while other students are testing. You have requested to adhere to the following schedule for remote instruction during the testing window:
 - Lakeview School – Pre-K, Kindergarten, and 1st grade: April 20-26, 2023;
 - Waverly Elementary School – Pre-K, Kindergarten, and 1st grade: April 17-21, 2023
 - McEwen Elementary School – Pre-K, Kindergarten, and 1st grade: April 17-21, 2023; and
 - Waverly Central High School – Grades 9-12: April 19-26, 2023.
- In addition, you have requested the use of two stockpile days at the end of the school year for the purpose of moving staff, materials, and furnishings to new facilities and to repair existing facilities.

Tenn. Code Ann. § 49-6-3004(e) allows a local board of education or private or church-related school that exceeds the full six and one-half (6 1/2) hours of legally mandated instructional time per day by one-half (1/2) hour daily for the full academic year to be credited with the additional instructional time. The excess instructional time shall be accumulated in amounts up to, but not exceeding thirteen (13) instructional days each year. These days are referred to as stockpile days. Upon approval from the commissioner,

stockpile days may be applied toward meeting instructional time missed due to natural disaster, dangerous structural or environmental conditions rendering a school unsafe for use. As such, your request for the use of two stockpile days at the end of the 2022-23 school year for the aforementioned purpose is hereby granted.

In addition, your request for a modification of your original August 23, 2023 waiver of Tenn. Code Ann. § 49-6-3004 concerning remote instruction is also hereby granted.

Please do not hesitate to contact me if you have further 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:

Humphreys Co. Board of Education

School Information (if applicable):

School Name: N/A

Street: 2443 HWY 70 E.

City: Waverly, TN Zip Code: 37185

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:

2022-23 Spring Testing Window

Director of Schools (Signature)



Print Name

Richard T. Rye

Date

4/4/2023

Humphreys County Schools Waiver Requests

April 4, 2023

Rational for requesting waivers

On August 21, 2021 a catastrophic flood event occurred impacting Humphreys County. While the most of the county was affected in some way, the majority of the damage and loss of life occurred in Waverly. Three of the district's schools are located in Waverly: Waverly Elementary School serving grades PreK-3, Waverly Junior High School serving grades 4 – 8, and Waverly Central High School serving grades 9-12. Waverly Elementary School and Waverly Junior High School are located yards from the creek which was the cause of the flooding and sustained major damage. These buildings have been condemned and will not be returned to service. Not returning to these facilities has displaced approximately 1,100 students and staff. Waverly Central High School, located downstream on the western edge of town on higher ground, did not suffer significant damage and was returned to service in a relatively short amount of time. Relocating the students and staff of the two schools within the district, while possible, has placed a significant burden on personnel and infrastructure.

With much assistance from the Tennessee Department of Education and other state agencies, a structure has been acquired by the Humphreys County Board of Education to temporarily house the displaced students and staff from Waverly Elementary and Waverly Junior High Schools until land can be obtained and permanent facilities can be designed and constructed. The goal was to have the temporary school facility finished by the start date of the new school term on August 3, 2022. The temporary structure is extremely well built but, due to its age, had to be stripped back to a shell, with all mechanicals to be replaced. Because of supply chain lead times for such components as electrical switching equipment, steel and brick, we were not meet our August 3rd goal nor the goal occupying the building in December. Labor shortages and high demand for such trades as plumbing contractors have also caused delays to the renovation project. As of this date, the renovations are almost complete and we believe with much certainty the facility will be opened for the beginning of the 2023-24 school year.

On August 23, 2022, the Commissioner approved the following waiver:

TCA 49-6-3004

The General Assembly, at the last session, amended 49-6-3004 by adding a new subsection which includes a provision for an LEA to provide up to 2 days each semester of the required 180 days of instruction via remote instruction. The Humphreys County Board of Education requests permission to provide 5 days of remote instruction at the end of the first semester to provide time to transition students and staff from the various buildings throughout the district to the temporary location where they will be housed for the next few years.

The district did not use these days in December because the facility was not ready to be occupied. Having schools doubled up in buildings will make the scheduling of testing very

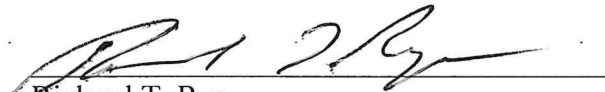
complicated. The district is requesting that the currently approved waiver for TCA 49-6-3004 be modified to accommodate the district testing schedule with groups of students at some schools receiving remote instruction while other groups test. The specific schools and groups are listed below.

Remote instruction

- Lakeview School – PreK, Kindergarten and 1st grade, April 20 – 26.
- Waverly Central High School – April 19 – 26.
- Waverly Elementary School – PreK, Kindergarten and 1st grade April 17 – 21.
- McEwen Elementary School – PreK, Kindergarten and 1st grade April 17 – 21.

The district testing schedule is attached.

We would also like to ask permission to use two unused stockpile days at the end of the current school year for the purpose of moving staff, materials and furnishings to new facilities and to put existing facilities back in regular order. As of today, the district has 7 remaining stockpile days.


Richard T. Rye
Director of Schools
Humphreys Co. Board of Education

4-4-23
Date

Humphreys County Testing Schedule Spring 2023

Lakeview (April 20-27)

Grades 2-8 will be testing April 20-27.

Pre k, kinder and 1st grades will begin remote learning Thursday, April 20 and will return to in-person learning on Thursday, April 27.

WJHS (April 19-26)

Grades 4-8 at WCHS Wednesday 19th-Wed 26th

Grades 4/5 will return to Lakeview School and normal schedule Thursday 3-27-23

WCHS (April 11-18)

EOCs are April 11-18

April 19-26 WCHS students will be remote and return to classes April 27.

WES(April 17-21)

Grades PK, K, and 1 will be remote April 17-21

Grade 3 will test at the college April 17-21 and grade 2 will test on McEwen Campus April 17-21.

MES (April 17-21)

Grades PK, K, and 1 will be remote April 17-21. Grades 2-5 will test every day April 17-21.

MHS (April 17-May 1)

Grades 6-8 attend every day.

Grades 9-12 EOCs are April 17-28.