



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

March 17, 2020

Assistant Secretary Frank Brogan
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

RE: Charter School Program Waiver Request
Section 5204 of the Elementary and Secondary Education Act

Assistant Secretary Brogan:

The Tennessee Department of Education (TDOE) is seeking a waiver pursuant to Secretarial authority under Section 8401 of the Elementary and Secondary Education Act (20 U.S.C §7861) as the state continues to address both the COVID-19 outbreak and the state of emergency resulting from recent tornadoes across Tennessee. TDOE is seeking this waiver and additional accommodations to allow for the deployment of Charter School Program grant funds to assist charter schools in ensuring continued provision of academic and support services to students during and after the period of extended school closure and community recovery.

Time Period for Using CSP Grant Funds

Specifically, TDOE is requesting a waiver to extend the total period of availability for all remaining CSP grant funds to September 30, 2022. With extended school closures, this waiver would allow schools time and flexibility to reset and reevaluate how best to support students following the current crises.

Tennessee counties experienced seven EF3 and EF4 tornadoes on March 2 and 3 which destroyed numerous homes, schools, and lives—the second deadliest tornado outbreak in Tennessee history. We are continuing to support our district and school leaders in recovering from this natural disaster, and the impact on communities is significant. On March 3, Governor Bill Lee declared a state of emergency for this natural disaster.

While in this state of emergency, Tennessee continues to have a growing number of districts that have suspended classes over the past week with the number of confirmed cases of COVID-19 continuing to increase daily. Last week alone, schools serving over 50% of the state's 973,659 students have suspended classes. Yesterday, Governor Bill Lee announced that all public schools in Tennessee would close through the end of March—a decision that would be reevaluated and possibly extended later in the month. Districts and charter entities are working to develop and implement continuity of instruction plans; however, many of our largest urban and suburban districts, serving over 500,000 of Tennessee's students, also serve most of the state's highest poverty schools. Many of their students do not have appropriate access to technology in

their homes, making instructional continuity more challenging. Further, all Tennessee charter schools are located within one of the state's four largest urban districts.

As noted above, the dual challenges of COVID-19 and tornadoes have significantly impacted the ability of the state's 115 charter schools to serve their nearly 40,000 students. Though nominally functioning under the supervisory auspices of a local LEA, these schools operate largely as independent entities with limited access to shared resources. The majority of the state's charter schools do not belong to a larger CMO, and even the largest CMO in the state solely consists of seven campuses. In this uniquely challenging context, it will be critical for charter schools to share resources and systems across geographic boundaries that will allow for continued provision of academic and support services to students and families.

Expansion of Definition of "Allowable Activities"

In light of the foregoing, Tennessee is requesting an expansion of the definition of "Allowable Activities" as specified in §5204(f)(3) to allow TDOE to employ grant funds specifically to ensure that Tennessee charter school students retain continued access to academic instruction throughout this period. Potential examples of permissible expenses under these revised criteria could include technology to be deployed directly to students, supplemental consumable curricular resources, software platforms that would allow for distance learning, supplies associated with preparation of instructional materials, and associated expenses.

In addition, Tennessee is seeking expansion of the definition of "Activities" as specified in §5204(f)(6)(b) to allow TDOE to employ grant funds specifically for the development of collaborative structures that will allow students across multiple affected schools continued access to academic instruction throughout this period. Potential examples of permissible expenses under these revised criteria could include virtual learning platforms serving students across multiple charter schools, shared curricular resources, or cross-utilized staff across schools.

Due to the evolving nature and scope of the current crises Tennessee is facing, we did not provide public notice prior to submission of this waiver request. We will actively communicate this request and provide appropriate follow-up communication with stakeholders.

Thank you for consideration of these requests. The waiver and expanded definitions will ensure that the TDOE is equipped to serve our charter schools in recovering from these crises. Please feel free to contact Judy Spencer, by telephone at (615) 253-5493 or at Judy.Spencer@tn.gov if there are questions regarding this request or if additional information is needed.

Best,



Dr. Penny Schwinn, Ph.D.
Commissioner

CC: Eve Carney, Chief Districts and Schools Office
Drew Harpool, Chief Financial Officer
Robert Lundin, Assistant Commissioner of School Models & Programs