



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 28, 2024

Dr. Robert Langford, Director of Schools
Sumner County Schools
695 East Main Street
Gallatin, TN 37066-2472

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

Dear Director Langford:

I am in receipt of your March 25, 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 Sumner County Schools due to a teacher shortage and an increase in the English Learner student population impacting your district.

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 required under the Rule as well as implementing the additional action steps to address the shortage 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:

Sumner County Schools

School Information (if applicable):

School Name:

Street:

City: _____ Zip Code: _____

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

SBE Rule 0520-19-01-.05(2)

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:

SCS is currently seeking a waiver for the EL Staffing Ratio. We have had a 23% increase in the EL population in Sumner County from last year. As Sumner County saw this increase in EL students, 4 EL teacher positions were added through the local general purpose budget in October to accommodate this increase in the EL students population. Despite our best efforts in recruiting, we were unable to fill all available EL teaching positions with quality candidates.

Expected duration of the condition necessitating this waiver request:

This waiver is being requested for the 23-24 school year. The district is seeking to add additional EL teachers next year to further lower the ratio and accommodate continuing growth in the EL student population. We are working with our local Human Resource Department and area Educator Preparation Programs to recruit quality candidates for the upcoming school year.

Director of Schools (Signature)



Print Name Robert Langford

Date 3-25-2024

Sumner County Schools
Local Education Waiver Request - March 25, 2024
EL Teacher Ratio Waiver Supporting Documentation

Requirements: TN SBE 0520-01-19 lists the requirements for applying for an alternate staffing ratio. These requirements include the number of ELs students served, the proficiency levels of EL students, the academic growth of EL students, evidence that no school in the LEA is an ATSI school based on the EL subgroup, the most recent analysis for the EL student subgroup for achievement assessments in core subjects, the proposed staffing ratio, and the justification for the alternate staffing ratio.

Data:

EL Students Served:

3/27/24 - 1781

L- 1482

T1- 157

T2- 121

W- 21

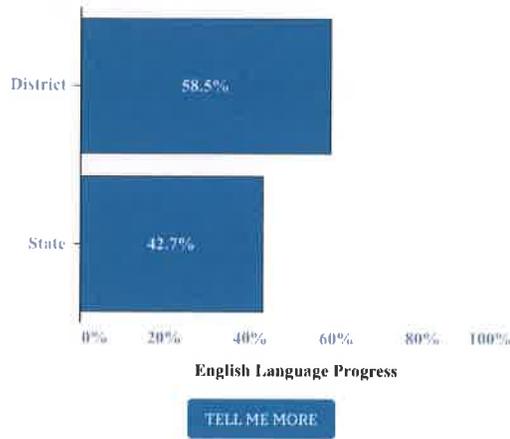
Proficiency Levels of EL students:

Please see the attached chart of EL proficiency levels on WIDA in 2022-2023.

Academic Growth of EL students in 2022-2023:

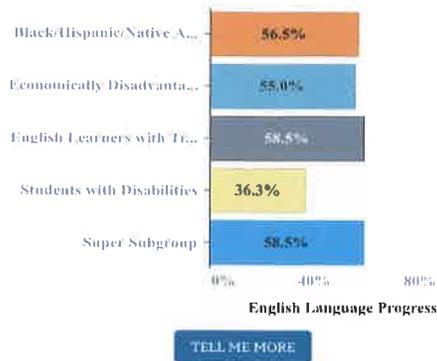
22-23 OVERALL DISTRICT TRENDS:

58.5% of EL students in SCS made adequate growth on WIDA vs. state growth of 42.7%



K-12 English Language Proficiency
Assessment
by Entity

SCS EL Students (58.5%) outperformed other subgroups including B/H/N (56.5), Economically Disadvantaged (55%), and Students w/ Disabilities (36.3%) on K–12 English Language Proficiency.



K-12 English Language Proficiency
Assessment
Rate by Student Group

22-23 ACHIEVEMENT BASED ON GRADE/SUBJECT GROUPS:

- 3-5: 26.1% of EL students in SCS were on track or mastered ELA on TCAP vs. state 21.2%
- 3-5: 33.5% of EL students in SCS were on track or mastered Math on TCAP vs. state 27.5%
- 3-5: 57% of EL students in SCS were on track or mastered Science on TCAP vs. state 26.1%

- 6-8: 14.1% of EL students in SCS were on track or mastered ELA on TCAP vs. state 11.6%
- 6-8: 26.7% of EL students in SCS were on track or mastered Math on TCAP vs. state 16.2%
- 6-8: 26.6% of EL students in SCS were on track or mastered Science on TCAP vs. state 18.9%
- 6-8: 33.4% of EL students in SCS were on track or mastered S.S on TCAP vs. state 22.9%

- 9-12: 8.4% of EL students in SCS were on track or mastered ELA on TCAP vs. state 10.2%
- 9-12: 4.7% of EL students in SCS were on track or mastered Math on TCAP vs. state 6.5%
- 9-12: 10.3% of EL students in SCS were on track or mastered Science on TCAP vs. state 11.7%
- 9-12: 7.5% of EL students in SCS were on track or mastered S.S. on TCAP vs. state 8.4%

Evidence that no school in the LEA is an ATSI school based on EL subgroup:

Rucker Stewart Middle School is currently in Gallatin, TN and was identified as an ATSI school based on the EL Subgroup in SY 22-23. The district has budgeted additional local funds to add an additional EL Teacher to lower the teacher/student ratio for the 24-25 school year. With this budgeted position, we project that the ratio for next school year will be 1:26 for next school year as compared to the district projected ratio of 1:33. Additionally, the district is working on a comprehensive plan of support for RSMS and the other federally-designated ATSI schools to ensure students in those respective subgroups improve academically.

Additionally, for the remainder of the school year, our district-level EL Coordinator will transition to provide supplemental support to RSMS as an EL Teacher for the remainder of the year. With additional support, the EL Coordinator and the two full time teachers would bring total FTEs at RSMS to 2.2 and bring the ratio down to 1:34 which is under the district average and state requirement.

Most recent analysis for the EL student subgroup for achievement assessments in core subjects:

Analysis of SCS English Language Proficiency of EL Students

In SY 2022-2023, SCS EL students outperformed the state of Tennessee in WIDA growth scores. 58.5% of SCS EL students grew as compared with 42.7% of TN's EL students. Further, our SCS EL students in the 2022-2023 school year are outperforming peers in other historically disadvantaged subgroups in English Language Proficiency.

Analysis of SCS English Language Achievement in Core Subjects of EL Students

- SCS EL students are also outperforming when compared to EL students in TN consistently in Grades 3-5 in ELA, Math, and Science.
- SCS EL students are also outperforming when compared to EL students in TN consistently in Grades 6-8 in ELA, Math, Science, and Social Studies.
- SCS EL students are underperforming when compared to EL students in TN in Grades 9-12 in ELA, Math, and Science. EL students are outperforming TN students in Grades 9-12 in Social Studies.

SCS EL Students are significantly outperforming similar peers in Tennessee in Grades 3-5. While EL students are outperforming TN EL students in 6-8, we plan to use the additional positions added in SCS's 24-25 district budget to improve ratios in both middle and high schools to offer more individualized support to our EL students and improve achievement results in those grade bands and subject areas.

Proposed staffing ratio:

As of November 1, 2023 we had 45 staffed EL teachers. The district added 4 additional positions to a total of 49 positions. Unfortunately, 3 remain unfilled due to difficulty in staffing. Therefore, with enrollment 3/27/24, our ratio is **1781:46.2** with a proposal for the 23-24 waiver of approximately **1:38** staff to student ratio.

Justification of alternative staffing ratio:

Sumner County Schools has seen an unexpected growth rate of 23% in our EL student subgroup for the 2023-2024 school year. The increase in enrollment surpassed our anticipated enrollment projections of this student population. Sumner County Schools moved quickly in October 2023 to allocate additional local funding toward staffing to provide support for students at a lower teacher to student ratio and added 4 additional teaching positions to the budget. Despite best efforts of recruiting teachers and collaboration with area Educator Preparatory Programs, the district was only able to fill two of those four positions.

Sumner County Schools is currently engaged in the budgeting process at the local level, and plans to designate additional funding for EL staffing in order to further reduce the ratio further. We are currently actively recruiting certified EL teachers to work in SCS for the 2024-2025 school year, and we currently have three additional growth positions allocated in the budget. With these additional positions filled, our ratio would be under the required 1:35 ratio for the 24-25 school year.

22-23 Gradelevel	# of testers	Listening Average	Reading Average	Speaking Average	Writing Average	Literacy Average	Composite / Overall Average	# of Exits	% of Exits	Enrolled less than 1 year	Enrolled 4-6 years	Enrolled over 7 years	EL 7+ year %	EL 4-7 years %
K	174	3.34	1.69	2.71	1.74	1.65	1.89	2	1.15%	n/a	n/a	n/a		
1	171	4.81	3.31	3.11	2.4	2.62	2.95	4	2.34%	11	3	n/a		
2	149	4.42	3.97	3.25	3.14	3.34	3.44	22	14.77%	9	16	n/a		
3	159	4.03	3.63	3.29	3.28	3.36	3.43	26	16.35%	12	131	n/a		
4	140	5.34	3.99	3.75	3.6	3.7	4.02	52	37.14%	13	109	n/a		
5	95	4.97	3.36	3.44	3.46	3.4	3.67	22	23.16%	5	45	6	6.32%	
6	79	4.69	3.15	3.29	3.19	3.11	3.34	3	3.80%	6	43	4	5.06%	
7	61	4.31	3.04	3.1	3.14	3.02	3.19	4	6.56%	21	10	23	37.70%	
8	80	4.01	2.88	2.76	2.96	2.87	2.97	8	10.00%	12	13	37	46.25%	
9	64	4.07	3.45	2.7	3.27	3.27	3.23	11	17.19%	7	10	25	39.06%	
10	54	3.42	3.11	2.44	3.27	3.16	3.01	4	7.41%	9	8	19	35.19%	
11	53	3.66	3.26	2.57	3.07	3.07	3.02	2	3.77%	4	13	17	32.08%	
12	32	3.87	3.71	2.79	3.06	3.16	3.17	2	6.25%	3	49	11	34.38%	
Totals	1311	4.23	3.27	3.02	3.04	3.06	3.18	162	12.36%	112	450	142	10.83%	45.16%

Elem.	888	67.73%
Middle	220	16.78%
HS	203	15.48%

Elem.	304	23		36.82%
Middle	66	64		29.09%
HS	80	72		59.09%
				35.47%
				74.88%