



August 30, 2021

Dear Director Boles,

Thank you for your waiver submission on August 30, 2021.

The commissioner of education may consider waivers related to of the provisions of Tenn. Comp. R. & Regs. Chapters 0520-01-03 and 0520-01-13 related to remote instruction to the extent necessary to allow students affected at the classroom or school level by COVID-19 isolation or quarantine to participate in remote instruction. As stated, your district still has the authority to quarantine students and staff on an individual case-by-case basis (not in the aggregate). Waivers will only be considered when a LEA can document and demonstrate a significant impact of COVID-19 quarantine or isolation on school operations, impacting students, teachers, and/or staff. Please note, if a waiver request is granted to a school, all extracurricular activities for that school must also be cancelled for the duration of the waiver period.

The waiver submitted by Macon County Schools for Fairlane Elementary is **partially** approved at this time.

The waiver is **approved** for:

- The Pre-K CDC classroom, due to the legal and caregiving needs of this setting

The waiver is **denied** for:

- There is not enough information as to the broader impact for the other grades, what mitigation strategies (including deploying alternative staff and educators across the district, etc.) have been considered. This includes substitutes or staff from other schools to be utilized for this period.
- There is not a strong remote option in place to warrant approval of a waiver, when 92% of students would otherwise be in person.

The department would also like to continue to encourage you to implement as many mitigation strategies as possible to contain the spread of COVID-19, limit quarantines, and remain in-person, such as utilizing:

- The same or enhanced mitigation strategies used last school year such as temperature checks, physical distancing, frequent handwashing, etc.
- Seating charts in all settings, including classrooms, cafeteria/meals, bus routes, etc.
- Proactively stocking non-perishable items for breakfasts/lunches to account for meal staff absences
- Cohorting students to limit close contacts
- The consideration of masking
- Using ESSER funding to invest in additional technology for stronger remote learning opportunities, should they ever be necessary and approved

I continue to be incredibly grateful for the work of your district, educators, students and families as we collectively address and respond to COVID-19.

Sincerely,

A handwritten signature in black ink, appearing to read 'Penny Schwinn'.

Penny Schwinn, PhD, MAT

Commissioner, Tennessee Department of Education

Please explain why this waiver is necessary and in-person instruction is not feasible at this time:

Fairlane Elementary has grades Pre-K -1st grade. In-person instruction is not feasible because of a substitute shortage to cover faculty/staff absences.

Of the 7 teachers in quarantine or isolation, 2 are the Principal and assistant Principal so we are pulling classroom teachers to cover administrative duties. Substitutes are not available for all teacher/Staff absences so we are using assistants mainly to cover teacher absences. The school has had to suspend administration of the universal screener because of a personnel shortage. We have 3 of 5 cafeteria staff out and are only able to replace one with a substitute. This school has a pre-k CDC classroom and a K-1st CDC classroom and we are short one teacher and 2 assistants and we cannot find substitutes that will work in a CDC setting. I feel that I should tell you that this school is not a one to one school for devices; therefore, paper packets will have to be sent home for instruction.