



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

May 16, 2025

Manny Moore, Director of Schools
Cocke County Schools
305 Hedrick Drive
Newport, TN 37821-9998
moorem@mail.cocke.k12.tn.us

Dear Director Moore:

I am in receipt of your Hurricane Helene Relief Waiver Request Application requesting waivers of certain state laws and State Board of Education (SBE) rules and policies for Cocke County Schools that are needed due to the impact of Hurricane Helene. The following waivers are approved for the 2024-25 school year:

- **Teacher Evaluation Timelines/Pacing Waiver: SBE 0520-02-01-.02(3)**
This will waive the evaluation timeline requirements and allow Cocke County Schools to work with the educator effectiveness team to document the flexibility being implemented. Teachers employed by Cocke County Schools will be marked as partial year exemptions (PYE) by the department. As a result:
 - Level of overall effectiveness (LOE) scores will not be generated for educators in Cocke County Schools.
 - Observation requirements will be removed.
 - Measure selection requirements will be removed.
 - Student growth portfolio/universal reading screener growth score generation requirements will be removed.
 - Evaluation pacing for the 2025-26 school year will be based on each educator's previous year's LOE.
- **Tenure: T.C.A. § 49-5-503(4)**
This waiver allows a teacher in the last one (1) or two (2) years of the teacher's probationary period who has met all other requirements for tenure eligibility but has not acquired an official evaluation score during the last one (1) or two (2) years of the probationary period due to the direct impact of Hurricane Helene to utilize the most recent two (2) years of available evaluation scores achieved during the probationary period to document eligibility for tenure.
- **Student Assessments Factored into Student Grades Waiver: T.C.A. § 49-1-617(a), SBE Policy 2.102, SBE Policy 2.103, and SBE Rule 0520-01-03-.03(11)(d)**
This will waive the student grade requirements to allow Cocke County Schools to only count assessments as a percentage of a student's grade if doing so would help the student achieve a higher grade.

Sincerely,

Lizzette Reynolds
Commissioner

Hurricane Helene Relief

Local Education Agency Waiver Request Application

Pursuant to Tennessee Code Annotated (T.C.A.) § 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 of Education (SBE) rule or statute that inhibits or hinders the LEA's ability to meet its goals or comply with its mission.

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.

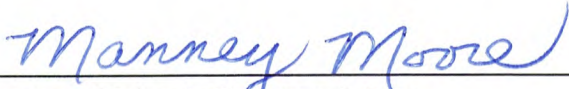
Instructions

This specialized waiver application was created to lessen the burden on LEAs impacted by Hurricane Helene by including waivers that are most often needed during a natural disaster on a form for easy selection. Please check the box next to all waivers requested. LEAs may include other waivers not specifically listed in the "Other Waivers" section at the bottom of the application. Because the need for a waiver of instructional days will be unique to each LEA, waivers of instructional days must be requested under the "Other Waivers" section with the appropriate details included.

LEAs applying for waivers based on the impact of Hurricane Helene, must email a completed application to LEA.Waivers@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 the remainder of the 2024-25 school year.

Cocke County Schools

Local Education Agency



Director of Schools Signature & Date

Manney Moore

Director of Schools Printed Name

Please provide a brief description of the impact Hurricane Helene had on your community and LEA that necessitates the waivers requested below (e.g., utilities, roadways, and facilities impacted).

Hurricane Helene had a significant impact on Cocke County, TN, particularly in areas of infrastructure and student access to education. Widespread power outages and downed communication lines disrupted both in-person and remote instruction. Additionally, the county was without potable water for a significant period of time due to the loss of intake pumps. Flooding, debris, washed out roadways, and bridges made several roadways impassable, preventing school buses from safely transporting students. Some school buildings were used as temporary shelter for the community and each needed safety inspections before allowing students to return to school. The cumulative effect was a disruption of regular school operations, resulting in a measurable loss of instructional time and learning continuity for students. These conditions have necessitated the requested waivers to support recovery efforts and mitigate the long-term academic impact on our student population.

☐ **Average Class Size Limit Waiver: T.C.A. § 49-1-104(a) and SBE Rule 0520-01-02-.31(4)**

This will waive the average class size limits to accommodate for the enrollment of displaced students due to the natural disaster. This waiver does not authorize the LEA to exceed the maximum class size requirements.

☐ **Physical Activity Requirement Waiver: T.C.A. § 49-6-1021**

This will waive the minimum physical activity and physical education requirements to address the hardship of students transferred to multiple new locations and possibly to facilities without adequate indoor exercise spaces.

☐ **Maximum Time in Transit Waiver: T.C.A. § 49-6-2105**

This will waive the 1.5-hour maximum time in transit requirement to address the hardship of students assigned to temporary locations and the difficulty in some instances to comply with the 1.5-hour maximum time in transit. The LEA receiving this waiver will ensure that no student is in transit for longer than 110 minutes.

☐ **Teacher Evaluation Portfolio/Universal Screener Waiver: T.C.A. § 49-1-302(d)(2), T.C.A. § 49-6-105, and SBE Rule 0520-02-01**

This will waive the teacher evaluator requirements for teachers who have had a loss of student growth portfolio artifacts required for the completion of a student growth portfolio. These teachers will be evaluated as non-tested teachers.

☐ **Teacher Evaluation Timelines/Pacing Waiver: SBE 0520-02-01-.02(3)**

This will waive the evaluation timeline requirements and allow the LEA to work with the educator effectiveness team to document the flexibility being implemented. For approved LEA waivers that include evaluation component requirements, teachers employed by the LEA will be marked as partial year exemptions (PYE) by the department. As a result:

- Level of overall effectiveness (LOE) scores will not be generated for educators in the LEA.
- Observation requirements will be removed.
- Measure selection requirements will be removed.
- Student growth portfolio/universal reading screener growth score generation requirements will be removed.
- Evaluation pacing for the 2025-26 school year will be based on each educator's previous year's LOE.

Additionally, the LEA should request a waiver for tenure requirements for teachers in their fourth or fifth years of experience to ensure they remain eligible for tenure in the absence of the 2024-25 LOE score.

☐ **Tenure: T.C.A. § 49-5-503(4)**

This waiver allows a teacher in the last one (1) or two (2) years of the teacher's probationary period who has met all other requirements for tenure eligibility but has not acquired an official evaluation score during the last one (1) or two (2) years of the probationary period due to the direct impact of Hurricane Helene may utilize the most recent two (2) years of available evaluation scores achieved during the probationary period to document eligibility for tenure.

☐ **Remote Instruction Waiver: T.C.A. § 49-6-3004(i)(1) and T.C.A. § 49-6-3004(i)(7)**

This will waive the limit of two (2) days of remote instruction per semester that may only be used during assessment or inclement weather to allow the use of up to five (5) additional days of remote instruction per semester for a total of seven (7) remote instruction days, without the requirement of serving lunch.

☐ **Duty Free Lunch and Planning Time Waiver: T.C.A. § 49-1-302(e) and SBE Rule 0520-01-02-.31(6)**

This will waive the duty-free planning and lunch requirements to allow flexibility when an LEA must relocate students from facilities affected to other buildings or when students may need to eat in classrooms and need to be supervised. When implementing this waiver, the LEA must accommodate individual teacher requests.

☒ **Student Assessments Factored into Student Grades Waiver: T.C.A. § 49-1-617(a), SBE Policy 2.102, SBE Policy 2.103, and SBE Rule 0520-01-03-.03(11)(d)**

This will waive the student grade requirements to allow the LEA to only count assessments as a percentage of a student's grade if doing so would help the student achieve a higher grade.

Other Waivers

Please include the information requested below for each additional waiver requested. Additional pages may be attached to this application if necessary.

☒ Other Waiver Requested

Tennessee Statute and/or SBE Rule Requested to be Waived: SBE 0520-02-01-.02(3), ,

Explanation of how the statute and/or SBE rule inhibits or hinders the LEA's ability to meet its goals or comply with its mission due solely to the impact of Hurricane Helene during the 2024-25 school year.

Due to the impact of Hurricane Helene, Cocke County Schools experienced major disruptions to infrastructure, utilities, and instruction, creating inequities in teaching and learning. These conditions hinder fair and accurate educator evaluations. As a result, we request flexibility in applying Chapter 991 of the Public Acts of 2022, allowing LOEs from 2024 – 25 to be used only if they benefit educators. If growth or achievement data lowers an educator's LOE compared to 2023 – 24, the district seeks authority to nullify the score, ensuring fairness under disaster-related circumstances.

Action to be taken in lieu of compliance with the statute and/or rule, if applicable.

In alignment with this request, we also seek flexibility in working directly with the Office of Educator Effectiveness to document all adaptations to the evaluation process. This includes reverting to prior-year observation and pacing requirements for those educators whose LOEs are nullified.

☒ Other Waiver Requested

Tennessee Statute and/or SBE Rule Requested to be Waived: Tenure: T.C.A. § 49-5-503(4)

Explanation of how the statute and/or SBE rule inhibits or hinders the LEA's ability to meet its goals or comply with its mission due solely to the impact of Hurricane Helene during the 2024-25 school year.

We request an adjustment to the application of T.C.A. § 49-5-503(4) as it relates to tenure eligibility.

This waiver allows a teacher in the last one (1) or two (2) years of the teacher's probationary period who has met all other requirements for tenure eligibility but has not acquired an official evaluation score during the last one (1) year of the probationary period due to the direct impact of Hurricane Helene may utilize the most recent two (2) years of available evaluation scores achieved during the probationary period to document eligibility for tenure.

Action to be taken in lieu of compliance with the statute and/or rule, if applicable.

Educators affected by the nullification of their 2024 – 25 LOE due to disaster-related data gaps should be permitted to use the most recent two years of available evaluations from their probationary period to satisfy tenure requirements. This exception ensures that qualified teachers are not penalized due to circumstances beyond their control.