



BILL LEE
GOVERNOR

STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
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NASHVILLE, TN 37243-0375

PENNY SCHWINN
COMMISSIONER

Via Electronic Mail

February 22, 2023

Margie Quin, Commissioner
Dr. Tim Cooper, Executive Director of Child Mental Health & Education
Tennessee Department of Children's Services
315 Deaderick Street
Nashville, TN 37238

Re: Waiver Request – Department of Children's Services (DCS) Educational Settings

Dear Commissioner Quin:

We are in receipt of the memo dated May 18, 2022 whereby former commissioner Jennifer Nichols requested certain waivers be granted by the Tennessee Department of Education (TDOE), pursuant to Tenn. Code Ann. § 37-5-119 (c)(2), for the operation of DCS Youth Development Centers and residential treatment centers. In the memo, the following waivers were requested:

- That TDOE grant a teacher holding a valid Tennessee teaching license the ability to grant credit in all academic subjects and certain career technical education courses (previously selected by TDOE) to students without disabilities due to the limited number of available teachers in DCS Youth Development Centers and Residential Treatment Centers.
- That TDOE grant a teacher holding a valid Tennessee teaching license with a special education endorsement the ability to grant credit in all academic subjects and certain career technical education courses (previously selected by TDOE) to both students with disabilities and students without disabilities due to the limited number of available teachers in DCS Youth Development Centers and Residential Treatment Centers.
- That TDOE waive the requirement for DCS Youth Development Center and residential non-public school educators who teach classes with End-of-Course (EOC) tests be certified in the content area of the EOC due to the limited number of employed teachers.
- That TDOE allow teachers with a valid Tennessee teaching license to teach English Learners (ELs) in English as a Second Language (ESL) classes or provide ELs with other services regardless of whether they are endorsed in ESL.

- That TDOE allow teachers with a valid Tennessee teaching license to administer the annual English Language Proficiency assessment specified by TDOE regardless of whether they are endorsed in ESL.
- That TDOE allow the work-based learning opportunities in the Tennessee High School Policy take place within DCS Youth Development Centers and Residential Treatment Centers (in addition to the community) due to security concerns, the nature of the student population, and the geographic isolation of a large portion of DCS facilities.
- That TDOE allow students in DCS Youth Development Centers and Residential Treatment Centers to participate in credit recovery programs and mastery-based learning courses in addition to traditional course work using online software, such as Edmentum, that contains courses and assessments aligned with Tennessee state standards.

Pursuant to my authority under Tenn. Code Ann. § 37-5-119 (c)(2), the above referenced requests are hereby granted.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Dr. Penny Schwinn
Commissioner

TO: Dr. Penny Schwinn, Commissioner
Tennessee Department of Education

FROM: Jennifer Nichols, Commissioner 
Tennessee Department of Children's Services

Dr. Tim Cooper, Executive Director of Child Mental Health & Education 
Tennessee Department of Children's Services

DATE: May 18, 2022

SUBJECT: Department of Children's Services (DCS) Educational Settings

As you are aware, educating students in Youth Development Centers (YDC) and in residential treatment settings is a unique and challenging task that differs greatly from ordinary public education. In the past, the Tennessee State Department of Education (DOE) has granted some flexibility in terms of the rules and regulations to schools in these facilities. This has been done in keeping with T.C.A. 37-5-119(c)(2), which grants the Commissioner of Education the authority to "grant waivers for such provisions of the laws and regulations with which (DCS) schools cannot comply because of the function of youth development centers and any other facilities deemed appropriate by the (DCS) Commissioner on an annual basis and in response to the Commissioner's of Children's Services written request and justification." With this in mind, we are asking that DCS be granted the following special considerations:

For DCS Youth Development Centers and for the non-public schools (Category I, Special Purpose) that operate in Residential Treatment Centers with whom DCS Contracts

- We request that DOE allow a teacher holding a valid Tennessee teaching license to grant credit in all academic subjects and certain career technical education courses (selected by DOE as in the past) **to students without disabilities** in these settings. Many of our residential, non-public schools have only one or a very few teachers due to the limited number of students enrolled. Our YDC numbers fluctuate significantly, but there are only a set number of teachers in the state budget for these schools. The flexibility in endorsement standards will enable us to more easily serve our student population.
- We request that DOE allow a teacher holding a valid Tennessee teacher license with a special education endorsement to grant credit in all academic subjects and certain career technical education courses (selected by DOE, as in the past) **to both students with disabilities and students without disabilities**. Again, this will help serve our population with the limited number of teachers employed and will allow us to serve students who have special needs as well. It is our mandate that every school have at least one teacher who is certified in special education.

April 22, 2022

Dr. Penny Schwinn

RE: DCS Educational Settings

Page 2

- In our requests above for flexible endorsement standards and given our limited number of teachers, we respectfully ask that DOE include waivers for the following special circumstances:
 - A. That teachers with a valid Tennessee teaching license be allowed to teach any class that has an End-of-Course test regardless of whether they are endorsed in the content area of the course;
 - B. That teachers with a valid Tennessee teaching license be allowed to teach English Learners (ELs) in English as a Second Language (ESL) classes or provide ELs with other services regardless of whether they are endorsed in ESL;
 - C. That teachers with a valid Tennessee teaching license be allowed to administer the annual English Language Proficiency assessment specified by DOE regardless of whether they are endorsed in ESL.
- We request that DOE allow the work-based learning opportunities called for in the Tennessee High School Policy to take place not only in the community, but also within the DCS Youth Development Centers and Residential Treatment Centers due to security concerns, the nature of our student population, and the relative geographical isolation of our facility.
- Since many of our students are older, have failed a number of classes, and have a few credits toward graduation, we request that DOE allow our students to participate in credit recovery programs and mastery-based learning courses in addition to traditional course work. Our curriculum may include the use of online software (such as Edmentum) that contains complete courses and assessments that are aligned with Tennessee state standards. We will adhere to any guidelines set forth by the State Department of Education.

We appreciate your willingness to help us provide appropriate education services to students in the custody of the Department of Children's Services. If you have any questions, or if you have any modifications to make to the information in this memorandum, please contact Jay Stetzel in our DCS Education Division at (615) 360-4339 or at jay.stetzel@tn.gov.

JSN/sc