



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

January 2, 2025

Patrick Cripps, Director of Schools
DeKalb County Schools
110 South Public Square
Smithville, TN 37166-1728

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

Dear Director Cripps:

I am in receipt of your 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 DeKalb County Schools due to a teacher shortage.

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 outlined in your waiver request to address the teacher shortage, your request is hereby granted for the remainder of the 2024-25 school year. Please be aware that if you wish to request a waiver for the 2025-26 school year, you will need to submit a new waiver request next school year.

Please do not hesitate to contact me if you have further questions.

Sincerely,

Lizzette Reynolds
Commissioner

Local Education Agency Waiver Request

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

LEAs applying for waivers must email this completed form 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 one-year terms.

DeKalb County

Local Education Agency



Director of Schools Signature & Date

Patrick Cripps

Director of Schools Printed Name

List the statute or SBE rule for which a waiver is being requested.

ESL staffing ratio 0520-01-19-05

Explanation of how the statute or SBE rule inhibits or hinders the LEA's ability to meet its goals or comply with its mission.

DeKalb County is unable to fulfill the 35:1 ratio as required by law. Our district is currently at a 39:1 ratio with 8 headcount and 6.4 FTE. Eventhough the district is out of compliance with the ratio, all students are being served and supported daily. In addition to the certified teacher full time equivalent of 6.4, the program also has a degreed educational assistant to help support students. This educational assistant works under two endorsed ESL teachers.

The school district has attended numerous job fairs and posted the job opportunity on line at the following website - <https://dekalbcounty.schoolinsites.com/employmentopportunities>. We have had a job posting since July 3, 2024

The number of EL students served 207 active students

The proficiency levels of EL students Composite average on WIDA DCHS 2.8, DMS 3.0, DWS 2.7, SES 3, NES 3.5

The academic growth of EL students Growth standard 41.3%

Evidence that no school in the LEA is an Additional Targeted Support and Intervention (ATSI) school based on the EL student accountability subgroup No schools in DeKalb County were identified as ATSI schools for the school year 2024

The most recent analysis for the EL student subgroup for achievement assessments in?reading/language arts, mathematics, and science Proficiency: 3-5 Reading/ELA - 52.4% 3-5 Math - 38% 3-5 Science - 33% 6-8 Reading/ELA - 35% 6-8 Math - 0% 6-8 Science - 42.5% Algebra I - 18.8% Biology - 31.3% English I - 25% English II - 54.5% Geometry 42%

The proposed staffing ratio that will be used in place of the recommended 35:1 ratio 39:1

Expected duration of the condition necessitating this request.

We are requesting a wavier for the remainder of this school year and next because we are developing a new schedule based on teachers adding ESL endorsements and the continuation of recruting ESL teachers.