



BILL LEE
GOVERNOR

STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
NINTH FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

PENNY SCHWINN
COMMISSIONER

Via Electronic Mail

August 8, 2022

Dr. Danny L. Weeks, Director of Schools
Dickson County Schools
817 N Charlotte Street
Dickson, TN 37055

Re: Waiver for Class Size at Stuart-Burns Elementary School

Dear Director Weeks:

I am in receipt of your August 4, 2022 request for a waiver of the class size average found in Tenn. Code Ann. § 49-1-104 for Stuart-Burns Elementary School in Dickson County Schools. You requested this waiver due to an inability to find a teacher with an elementary education certification.

The commissioner's waiver authority under Tenn. Code Ann. § 49-1-201(d) is limited by Tenn. Code Ann. § 49-1-104(a), which states that "neither the commissioner nor the state board of education shall grant waivers from the maximum class sizes established in this section."

With the understanding that none of the classes at Stuart-Burns Elementary School will exceed the maximum number of students per class specified in the above referenced statute, your request for a waiver of the class size average is granted for the 2022-23 school year.

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

Sincerely,

Dr. Penny Schwinn
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 for one (1) 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.Schwinn@tn.gov. Following review by the commissioner, the district 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: DICKSON COUNTY SCHOOLS (220)

School Information (if applicable):

School Name: Stuart-Burns Elementary School

Street: 3201 Highway 96

City: Burns

Zip Code: 37029

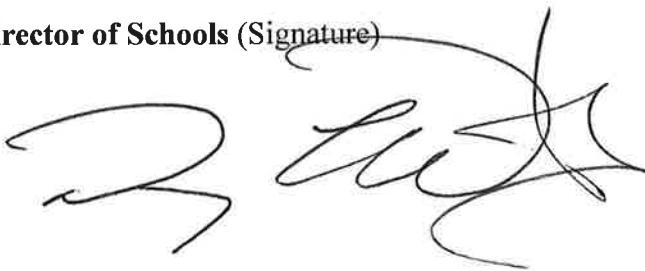
Please list the statute(s) and/or state board rule(s) for which waiver is being requested:

T.C.A.49-1-104(a)

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: Due to growth in the area, we have had extra students enroll at the school. We have no applicants with elementary education certification.

Expected duration of the condition necessitating this waiver request: The position remains posted through HR. We will correct the issue when staff become available. We would anticipate this to last throughout the first semester.

Director of Schools (Signature)

A handwritten signature in black ink, appearing to read 'D. Weeks', written over a horizontal line.

Print Name Danny L. Weeks

Date: August 04, 2022