



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

January 7, 2022

Steve Diggs, President
Emerald Charter Schools
1014 Heiskell Avenue
Knoxville, TN 37921

Re: Waiver for Average Class Size at Emerald Academy

Dear Mr. Diggs:

I am in receipt of your January 7, 2022 waiver request of the class size average found in Tenn. Code Ann. § 49-1-104 for Emerald Academy for the remainder of the 2021-22 school year.

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 K-8 classes at Emerald Academy will exceed the maximum number of students per class specified in the above referenced law, your request for a waiver of the class size average is hereby granted for the remainder of the 2021-22 school year.

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

Sincerely,

Dr. Penny Schwinn
Commissioner



January 7, 2022

Tennessee Department of Education
Commissioner Penny Schwinn
Via Email

Dear Commissioner Schwinn:

On behalf of Emerald Academy in Knoxville, I am writing to formally request an extension of all class size average mandates in grades K–8 for the remainder of the 2021-2022 school year. This is Emerald Academy's first request for a class-size waiver.

As you may know, Emerald Academy, Knox County's first public charter school, was approved to operate by the Knox County Board of Education on June 4, 2014. Emerald Academy opened its doors to its first scholars on July 27, 2015. Since its inaugural year, Emerald Academy has continued to see high demand from the communities the school serves. Currently, enrollment is at 445 scholars, and we expect demand to continue to be strong going forward.

Of course, Tennessee Code Annotated Section 49-1-201(d) allows LEAs to submit applications for waiver for any State Board of Education Rule or statute that inhibits or hinders the LEAs ability to meet its goals (with exception to certain federal and state regulatory and statutory requirements). While the Commissioner possesses this authority, it is limited by Tennessee Code Annotated Section 49-1-104(a). Specifically, neither the Commissioner nor the State Board of Education may grant a waiver from the maximum class size mandates, only the class size *average* directives within that statute.

To that end, the goal of Emerald Academy is to provide our scholars with a quality education and meet the needs of the industry, while making the best of our resources. In accordance with our school's mission, we strive to prepare urban scholars for the colleges of their choice and for future community leadership. Our vision is to dramatically increase the number of Knoxville scholars who graduate eighth grade well-prepared for high school. We strive to have our scholars leave Emerald Academy on track to complete or pursue postsecondary education or training, obtain gainful employment, and lead community involvement. In implementing this vision, we created a model kindergarten through eighth grade school that closes the achievement gap and alters the trajectory of our urban youth. Just this year, the school was named Charter School of the Year by the Tennessee Charter School Center and achieved historic growth garnering a Level 5 in every tested grade in every tested subject area.

Our teachers, of course, are crucial in executing and reaching our goals. Waiving the class size average enables Emerald Academy to assign our highest performing teachers with additional scholars or more challenging groups of scholars. Waiving the class size average will also allow us to reach more scholars

and to focus on creating more opportunities for scholars to gain vital high school and college preparedness skills. Additionally, the waiver would prevent us from separating scholars, who have already made attachments to their fellow scholars and teachers, this late in the school year.

Emerald Academy is in compliance with class size maximums for all grades.

Based on the foregoing reasons, Emerald Academy respectfully requests that the class size average mandates in grades K-8 be waived for the remainder of the 2021-2022 school year.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Diggs". The signature is fluid and cursive, with the first name "Steve" written in a larger, more prominent script than the last name "Diggs".

Steve Diggs
President