



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

October 4, 2022

Steve Starnes, Director of Schools
Greeneville City Schools
129 West Depot St.
Greeneville, TN 37743-1420

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

Dear Director Starnes:

I am in receipt of your July 26, 2022 waiver request of State Board of Education Rule 0520-01-19-.03 requiring students identified for ESL services via a Tennessee Department of Education-approved English Language Proficiency screener to receive a minimum of one (1) hour each day from a teacher who holds an ESL endorsement.

According to your request, ESL services will be offered four (4) days per week at ninety (90) minutes per day rather than one (1) hour per day for five (5) days per week to accommodate ELL students attending certain Career and Technical Education courses.

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." Therefore, your request is hereby granted for the 2022-23 school year.

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

Sincerely,

Dr. Penny Schwinn
Commissioner



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:

 Greeneville City Schools

School Information (if applicable):

School Name: _____

Greene Technology Center

Street: _____

1121 Hal Henard Road

City: Greeneville _____ Zip Code: 37743 _____

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

English as a Second Language Programs

0520-01-19-.03 Identification, Screening and Service Delivery.

(6) EL students identified for ESL service via Department of Education-approved English Language Proficiency screener shall receive a minimum of one (1) hour each school day from a teacher who holds an ESL endorsement.

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:

Greenville City Schools and Greene County Schools are in partnership with Greene Technology Center, offering CTE courses for grades 9-12. Students are bused to and from the 90 minute block classes daily. GCS will be offering ESL direct services at Greene Technology Center for the 2022-23 school year so ELL students have the opportunity to be enrolled in CTE courses . Due to CTE LAB one day per week, ESL Direct services will be offered 4 days a week, 90 minutes per day.. We are requesting a waiver to deviate from the required one (1) hour per school day / 5 days per week direct service for ELL students.

Expected duration of the condition necessitating this waiver request:

2022-23 school year

Director of Schools (Signature)



Print Name

Steve Starves

Date

7-26-22