



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

July 29, 2026

Jason Manuel, Director of Schools
Germantown Municipal School District
3350 S. Forest Hill Irene Road
Germantown, TN 38138

Dear Director Manuel:

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 service time model at schools within Germantown Municipal School District due to students with significant cognitive or behavioral impairments who are placed in self-contained settings that the ILP team and IEP team determine are unable to meaningfully participate in full 60 minutes of continuous instruction.

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 to address the due to students with significant cognitive or behavioral impairments who are placed in self-contained settings that the ILP team and IEP team determine are unable to meaningfully participate in full 60 minutes of continuous instruction outlined in your waiver request, your request is hereby granted for the remainder of the 2026-27 school year.

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

Sincerely,

Lizzette Reynolds
Commissioner

General Waiver Request

Local education agencies (LEAs) and public charter schools should review the Local Education Agency and Public Charter School Waiver Guidance posted on the [department's website](#) before submitting this request. The guidance outlines what can and cannot be waived, as well as the information required for commonly requested waivers.

To apply for a waiver, email the completed form to Education.Waivers@tn.gov. Following review by the commissioner, the requestor 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.

If this is a waiver request for a public charter school, please attach documentation that confirms the public charter school first submitted this waiver to its LEA authorizer and the LEA authorized denied the request.

Germantown Municipal School District - 796

Local Education Agency/Public Charter School

School Name, if applicable

School Address, if applicable

Jason Manuel@gmsdk12.org

Director of Schools/Head of School Email Address

Jason Manuel

Director of Schools/Head of School Printed Name



7-27-25

Director of Schools/Head of School Signature & Date

1. Statute(s) or State Board of Education (SBE) rule(s) for which a waiver is being requested.
State Board Rule 0520-01-19 English as a Second Language Programs
2. Expected duration of the condition necessitating this request. Please note that the department will not grant waivers beyond one year.
This waiver request is for August 05, 2026 to June 30, 2026.
3. Explanation of how the statute(s) or SBE rule(s) inhibits or hinders the LEA's/public charter school's ability to meet its goals or comply with its mission (attach additional pages if more space is needed).
This waiver is submitted to request flexibility in providing ESL service time for students with significant cognitive or behavioral impairments who are placed in a self-contained setting. If the ILP team and IEP team determine that a student is unable to meaningfully participate in the full 60 minutes of continuous instruction, we seek approval to adjust service delivery in a manner that aligns with the student's Individualized Education Program and supports their unique learning needs.

Complete numbers 4-10 if requesting a waiver of the 180 instructional day requirement in Tenn. Code Ann. § 49-6-3004.

4. Dates of the day(s) requesting to be waived.
5. Reason for the request.
 - ☐ Natural disaster
 - ☐ Serious outbreak of illness affecting or endangering students or staff during a school year
6. Number of stockpile days scheduled for PD for the current school year.
7. Number of PD stockpile days that have been utilized at the time the waiver is requested.
8. Confirmation that all stockpile days have been exhausted.
 - ☐ **Yes**, all stockpile days **have** been exhausted.
 - ☐ **No**, all stockpile days **have not** been exhausted.
9. Number of instructional days that have already been waived by the commissioner during the current school year.
10. Explanation of the impact of the event necessitating this request (attach additional pages if more space is needed).

This waiver is submitted to request flexibility in providing ESL service time for students with significant cognitive or behavioral impairments who are placed in a self-contained setting. If the ILP team and IEP team determine that a student is unable to meaningfully participate in the full 60 minutes of continuous instruction, we seek approval to adjust service delivery in a manner that aligns with the student's Individualized Education Program and supports their unique learning needs.



3350 S. Forest Hill Irene Road / Germantown, TN 38138 / www.gmsdk12.org / (901) 752-7879 / Fax (901) 757-6479

Dear Commissioner,

My name is Theodore Fuller, and I am the Federal Program Supervisor for the Germantown Municipal School District (796).

The ESL Service Delivery Model being requested is tailored ESL service time for students with significant cognitive disabilities who are placed in a self-contained (CDC) classroom setting according to their IEP. Direct ESL instruction by a certified ESL teacher in the self-contained classroom.

Number of Schools: 6

Grade Levels: K-12 and limited to students with significant cognitive or behavioral needs. The number of students affected by the waiver is currently 3, which is a little over 1% of our ESL population.

Proposed implementation date: 08/05/2026- 6/30/2027

Monitoring Plan: The students will be monitored quarterly using IEP and ILP goals. If it is determined that the student can tolerate additional time, or can join their grade level peers in the ESL classroom, those changes will be made within the ILP.

Description of Model: The ESL teacher will deliver services within the self-contained classroom using developmentally appropriate, content-based instructional materials. The ESL teacher will collaborate closely with the SPED teacher and the IEP team to ensure that the duration and structure of ESL instruction are aligned with each student's individual needs. This request is being made because these students are unable to meaningfully participate in a full 60 minutes of continuous instruction and require services to be provided within the self-contained setting to best support their learning and behavioral needs.

This document has been reviewed and approved by:

Theodore E. Fuller, ESL Supervisor

ESL Supervisor Signature: _____

Date: _____

7/24/2026

Research References:

<https://ies.ed.gov/ncee/wwc/Docs/PracticeGuide/20074011.pdf>

[Contention Between English as a Second Language and Special Education Services for Emergent Bilinguals with Disabilities](#)