



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

May 13, 2024

Vickie Beard, Director of Schools
Giles County Schools
270 Richland Drive
Pulaski, TN 38478

Dear Director Beard:

I am in receipt of your waiver request of Tenn. Code Ann. § 49-6-3004(a)(6) as it pertains to the required 180 days of instruction. Specifically, you have requested to waive May 9, 2024 as an instructional day due to storm damage your school district sustained from severe weather occurring on May 8, 2024. Tenn. Code Ann. § 49-6-3004(a)(6) only authorizes waivers of the instructional day requirement to be granted in the event of a natural disaster or a serious outbreak of illness affecting or endangering students or staff during a school year.

This provision was added to the law after the catastrophic flooding that occurred across Tennessee in May of 2010. The flooding created a situation where at the very end of the school year local education agencies (LEAs) were unable to address the lost instructional time due to the flooding through the use of stockpile days or by adhering to the Tennessee Department of Education's [Attendance Manual](#) on making up instructional days missed.

The waiver authority granted to the commissioner of education in the law is narrow. Merriam-Webster defines "natural disaster" as a sudden and terrible event in nature (such as a hurricane, tornado, or flood) that usually results in serious damage and many deaths. The waiver authority is only available for events of nature that cause substantial damage or disruption to property or critical infrastructure impacting the community and school operations that are beyond regular inclement weather.

Your request includes information confirming your community suffered substantial damage or disruption to property or critical infrastructure that impacted the community and school operations beyond regular inclement weather. Pursuant to the commissioner's authority under Tenn. Code Ann. § 49-6-3004(a)(6)(A) to waive instructional days in the event a district experiences a natural disaster, your request is hereby granted.

Sincerely,

Lizzette Reynolds
Commissioner



Tennessee Department of Education -

Office of The Commissioner th

710 James Robertson Parkway - Andrew Johnson Tower, 9 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 (LEA) for one 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.Education@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.

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: Giles County School System

School Information (if applicable):

School Name: Giles County School System

Street: 270 Richland Drive

City: Zip Code: Pulaski, TN 38478

**Please list the statute(s) and/or state board rule(s) for which waiver is being requested:
TCA 49-6-3004(a) and TCA 49-6-3004(e)(1)**

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: Giles County School System used our all of our stockpiled days during the winter storm in January and then had the catastrophic water issue throughout our county. (See waiver requested and approved 2/7/24). After severe storms and tornadoes throughout Giles County on the evening of May 8, 2024, all schools were without power for the majority of the day on May 9, 2024, and there was storm debris that prohibited travel on many of our county roads.

Expected duration of the condition necessitating this waiver request: Students will return to school on Monday, May 13, 2024.

Director of Schools (Signature)



Print Name Vickie M. Beard

Date May 9, 2024

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