



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

September 10, 2021

Donald C. Durley, Director of Schools
Grundy County Schools
P.O. Box 97 Street
Altamont, TN 37301-0097

Re: Class Size Waiver at North Elementary for the 2021-22 School Year

Dear Director Durley:

I am in receipt of your August 13, 2021 request for a waiver of the class size average for K-3 classes found in Tenn. Code Ann. § 49-1-104 for North Elementary School in Grundy County Schools.

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-3 classes at North Elementary will exceed 25, 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 2021-22 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;
- U) 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:
Grundy County School System

School Information (if applicable):

School Name:
North Elementary

Street:
309 Main Street

City: Altamont

Zip Code: 37366

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

TCA 49-1-104 states that class average of K-3 shall not exceed 20. As of August 13, 2021, the class average of K-3 at North Elementary is 20.6. K-3 classes at North do not exceed 25 students which is the maximum.

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:

We completed summer registration, but in late July and early August, our enrollment increased due to students returning from home and private schools. Also, a recent elementary school closure increased enrollment at this school. Due to a lack of teacher candidates, we feel it is better to be over the average, and students be placed with a highly qualified teacher.

Expected duration of the condition necessitating this waiver request:

The expected duration of the class average waiver request is for the 2021/2022 school year.

Director of Schools (Signature)



Print Name

Donald C. Durley

Date

9/13/21