



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 15, 2021

Richard T. Rye, Director of Schools
Humphreys County Schools
2443 Hwy 70 E
Waverly, TN 37185

Re: Portfolio Model Waiver Request

Dear Director Rye:

I am in receipt of your October 14, 2021 LEA Waiver Request Form requesting a waiver of State Board Rule 0520-02-01 as it relates to the required portfolio assessment for grades Pre-K-2 teachers. You requested this waiver because of lost documentation due to recent flooding that has impacted your district.

A waiver of the Pre-K-2 teacher evaluation requirements in State Board Rule 0520-02-01 and Tenn. Code Ann. § 49-6-105 is approved for the 2021-22 school year to the extent necessary to authorize Humphreys County Schools to determine which grades Pre-K-2 teachers are evaluated using a growth portfolio model and which are evaluated as non-tested teachers.

Please do not hesitate to contact 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:

Humphreys County School System

School Information (if applicable):

School Name: Waverly Elementary School

Street: 612 East Main Street

City: Waverly Zip Code: 37185

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

State Board rule 0520-02-01

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:

Teachers lost their "point A" documentation during the flood that destroyed their building. Hard copy documentation and that saved on computers and tablets is non-recoverable. Recreating "point A" documentation after four to six weeks of lost instruction and the ability to make appropriate gains at the level of expectation will be a significant challenge.

Humphreys County School System requests that the PK-1 teachers previously housed at Waverly Elementary have the choice of opting out of the required Portfolio assessment of their students. The teachers choosing to opt out would be treated, for evaluation purposes, as a non-graded teacher.

Expected duration of the condition necessitating this waiver request:

This waiver is requested for the 2021-2022 school year.

Director of Schools (Signature)



Print Name Richard Rye

Date October 14, 2021