



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

November 8, 2021

Dr. Shane Johnston, Director of Schools
Jefferson County Schools
1221 Gay Street
Dandridge, TN 37725

Re: Waiver for Average Class Size at Mt. Horeb Elementary Schools

Dear Director Johnston

I am in receipt of your November 8, 2021 waiver request of the class size average found in T.C.A. § 49-1-104 for Mt. Horeb Elementary for the remainder of the 2021-22 school year.

The commissioner's waiver authority under T.C.A. §49-1-201(d) is limited by T.C.A. § 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 Mt. Horeb Elementary will exceed 25, the maximum number of students per class specified in the above referenced law, your request for a waiver of the class size average is hereby granted for the remainder of 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;
- (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:

Jefferson County Schools

School Information (if applicable):

School Name: Mt. Horeb Elementary

Street: 500 East Dumplin Valley Rd

City: Dandridge Zip Code: 37725

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

TCA 49-1-104

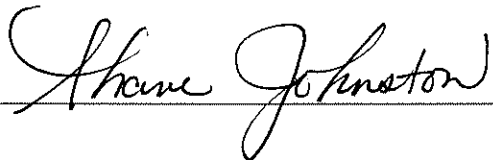
Explanation of how the statute(s) and/or state board rule(s) inhibits or hinders the local education agency's ability to meet its goals or comply with its mission:

see attached letter/additional page

Expected duration of the condition necessitating this waiver request:

Balance of 2021-2022 academic year, if needed.

Director of Schools (Signature)



Print Name SHANG JOHNSTON

Date Nov 8, 2021



JEFFERSON COUNTY SCHOOLS

"Success and Productivity for Every Student"

November 8, 2021

Re: Waiver for Average Class Size at Mt. Horeb Elementary School

Commissioner Schwinn:

Consider this letter my request for an average class size waiver (TCA 49-1-104) for Mt. Horeb Elementary School in Jefferson County. Currently, the kindergarten through third grade average class size is 20.79. Below is a breakdown of the average class size per each grade level.

Grade	Number of Teachers	Number of Students	Average Class
Kindergarten	5	99	19.8
1 st Grade	5	106	21.2
2 nd Grade	4	92	23
3 rd Grade	5	98	19.6

As you can see on the chart, no one class has over 23 students. It is also important to note that there are four students who spend the majority of their day in a special education setting factored into this count. Those students only join their peers for special areas and other appropriate inclusion activities.

While I know that small classes are preferable to all stakeholders, adding a teacher position to this school at this time of the year would be extremely challenging.

1. Students have been with their teachers for over 10 weeks. Creating a new class after 10 weeks would disrupt students and families.
2. Creating a space for the classroom would be a hardship mid-year without displacing other services and learning spaces. (Examples: SPED, ART, etc.)
3. Finding a quality educator would also be a challenge.
 - a. We currently are hiring 14 certified teachers for 'TN ALL Corps' and can't find enough applicants.

Please consider the commissioner's waiver authority under TCA 49-1-201(d) with the understanding that none of the K-3 classes at Mt. Horeb Elementary will exceed 25 students.

Respectfully Submitted,

Shane Johnston
Director of Jefferson County Schools

P. O. Box 190
1221 Gay Street
Dandridge, TN 37725`

(865) 397-3194
Fax: (865) 397-3301
<http://jc-schools.net>