



**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**

February 12, 2024

Michael Adkins, Director of Schools  
Lawrence County Schools  
1620 Springer Road  
Lawrenceburg, TN 38464

Dear Director Adkins:

Tenn. Code Ann. § 49-6-3004(a)(6) authorizes the Commissioner of Education to grant a waiver of the instructional day requirement only in the event of a natural disaster or a serious outbreak of illness affecting or endangering students or staff during a school year.

This waiver 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 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.

The Tennessee Emergency Management Plan (TEMP) includes activation levels 1-5. Level 5 is for normal operations when no state declaration of emergency exists. Level 4 is identified as "elevated" and is when there is a potential or likelihood of an emergency developing or worsening, and TEMA may augment staffing for the 24-hour watch staff in the Operations Center to perform more frequent monitoring of a situation. Only levels 1-3 indicate some level of disaster has occurred. Tennessee was at a level 4 during this recent winter 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 on January 22-24, 2024, due to lack of water. 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 waiver request for January 22-24, 2024, is hereby granted.

Sincerely,

Lizzette Reynolds  
Commissioner

## Kristen B. McKeever

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**To:** Christy Ballard  
**Subject:** RE: [EXTERNAL] Request for waived days/water issues at LCSS

*We will set all students on a path to success.*

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**From:** Christy Ballard <Christy.Ballard@tn.gov>  
**Sent:** Monday, February 12, 2024 3:14 PM  
**To:** Kristen B. McKeever <Kristen.B.McKeever@tn.gov>  
**Subject:** FW: [EXTERNAL] Request for waived days/water issues at LCSS

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**From:** Sarah Cope <[sarah.cope@lcss.us](mailto:sarah.cope@lcss.us)>  
**Sent:** Monday, February 12, 2024 3:10 PM  
**To:** Commissioner of Education <[Commissioner.Education@tn.gov](mailto:Commissioner.Education@tn.gov)>; Christy Ballard <[Christy.Ballard@tn.gov](mailto:Christy.Ballard@tn.gov)>  
**Subject:** [EXTERNAL] Request for waived days/water issues at LCSS

Good Afternoon,

As you know, Tennessee experienced a terrible snow storm in January. As a result, the Lawrence County School System had to close for multiple days for snow and water issues. The snow storm caused significant damage to our water availability in Lawrence County. In most parts of the county, families had little to no water pressure, no water, and some were on a water boil advisory. Obviously, our schools were affected by this issue as well. I understand that 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, so I'm respectfully requesting that you waive the days we were closed due to water issues. The days were January 22, 23, and 24.

Thank you for your consideration.

Sarah Cope

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Sarah Cope  
Director of Student Services  
Lawrence County Board of Education  
931-762-3581

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