



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

September 28, 2023

Dr. Jeanne Barker, Director of Schools
Lenoir City Schools
200 East Broadway
Lenoir City, TN 37771

Re: Waiver for English as a Second Language (ESL) Programs

Dear Director Barker:

I am in receipt of your September 25, 2023 waiver request of State Board of Education Rule 0520-01-19-.03 requiring students identified for ESL services via a Tennessee Department of Education-approved English Language Proficiency screener to receive a minimum of one (1) hour each day of direct ESL services.

According to your request, you are seeking a waiver of this rule to better accommodate students at Lenoir City Elementary School and Lenoir City Intermediate Middle School who receive direct ESL services. You have indicated that a waiver of this rule will allow for greater flexibility to meet these students' individualized needs.

Tenn. Code Ann. § 49-1-201(d) grants the commissioner the authority to "waive any state board rule or statute that inhibits or hinders the LEA's ability to meet its goals or comply with its mission." On the condition that Lenoir City Schools continue to provide monitoring as required under the State Board of Education Rule pertaining to English as a Second Language programs to ensure these ESL students' language needs are being met, your request is hereby granted for the remainder of the 2023-24 school year.

Please do not hesitate to contact me if you have further questions.

Sincerely,

Lizzette
Reynolds_CLB

Digitally signed by
Lizzette Reynolds_CLB
Date: 2023.09.29
08:33:26 -05'00'

Lizzette Reynolds
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 (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:

Lenoir City Schools

School Information (if applicable):

School Name: Lenoir City Elementary School

Street: 203 Kelly Lane

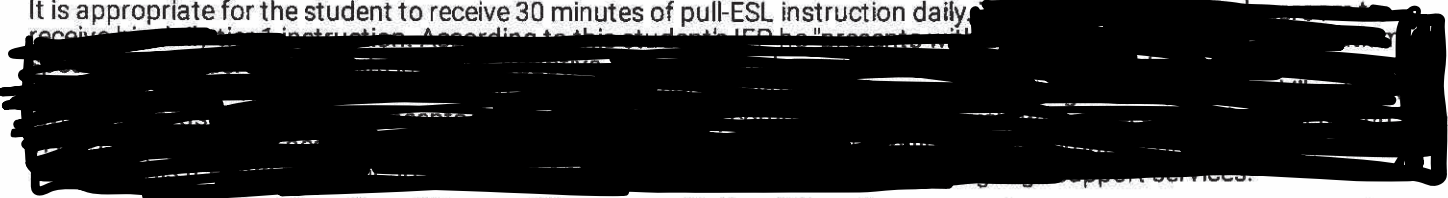
City: Lenoir City Zip Code: 37771

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

State Board Rule Chapter 0520-01-19 English as a Second Language Programs section 7a.
This section provisions that students who do not qualify for tailored services require a minimum of 1 hour Direct ESL services.

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:

It is appropriate for the student to receive 30 minutes of pull-ESL instruction daily.
receive pull-out instruction. According to this student's IEP he "presently will



Expected duration of the condition necessitating this waiver request:

This waiver is request until May 17, 2024, the end of the current school year.

Director of Schools (Signature)

Dr. Jeanne K. Barker

Print Name Dr. Jeanne K. Barker

Date 9/25/23



Tennessee Department of Education – Office of The Commissioner

710 James Robertson Parkway - Andrew Johnson Tower, 9th Floor - Nashville, TN 37243

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- (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:

Lenoir City Schools

School Information (if applicable):

School Name: Lenoir City Intermediate Middle School

Street: 2141 Harrison Avenue

City: Lenoir City Zip Code: 37771

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

State Board Rule Chapter 0520-01-19 English as a Second Language Programs section 7a.
This section provisions that students who do not qualify for tailored services require a minimum of 1 hour Direct ESL services.

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:

The student has been identified as having a learning disability. The student's current IEP includes a request for a waiver to provide this student with 30 minutes of English Language Development support virtually two times a week. Because of the student's learning disability, the student is unable to learn the English language with the facility we know.

Expected duration of the condition necessitating this waiver request:

The expected duration of the condition is until the student returns to school, which is currently scheduled to resume the following year. Because we do not know this exact time we would like to have the waiver to apply until the last day of school, May 17, 2024.

Director of Schools (Signature)

Dr. Jeanne K. Barker

Print Name Dr. Jeanne K. Barker

Date 9/25/23