



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 28, 2021

Jonathan Criswell, Director of Schools
Milan Special School District
1165 South Main Street
Milan, TN 38358

Re: Waiver for Average Class Size at Milan Elementary

Dear Director Criswell:

I am in receipt of your September 27, 2021 waiver request of the class size average found in Tenn. Code Ann. § 49-1-104 for Milan Elementary for the remainder of the 2020-21 school year.

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 Milan 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 2020-21 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:

Milan Special School District

School Information (if applicable):

School Name: Milan Elementary School

Street: 1100 Middle Road

City: Milan Zip Code: 38358

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

TCA Title 49-1-104

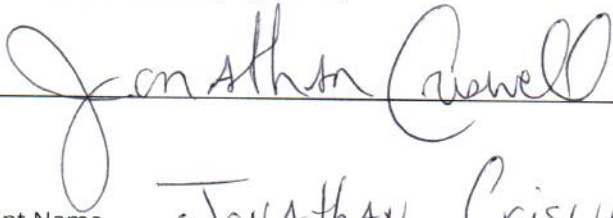
Explanation of how the statute(s) and/or state board rule(s) inhibits or hinders the local education agency's ability to meet its goals or comply with its mission:

Milan Elementary is currently at a K-3 average of 20.2. We are asking to waive the K-3 average class size so we do not have to separate students into new classes this late in the school year.

Expected duration of the condition necessitating this waiver request:

We expect the exemption for the remainder of the 2021-2022 school year.

Director of Schools (Signature)



Print Name

JONATHAN CRISWELL

Date

9-27-21