



**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 9, 2024

Jesse Messimer, Director of Schools  
Rhea County Schools  
1385 Broadway Street  
Dayton, TN 37321

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

Dear Director Messimer:

I am in receipt of your waiver request of State Board of Education Rule 0520-01-19 as it relates to the requirement that students identified for ESL services via a Tennessee Department of Education-approved English Language Proficiency Screener 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 specific students receiving direct ESL services. You indicated that a waiver of this rule would 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 Haywood County 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 2024-25 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: 2024.09.12  
16:03:38 -05'00'

Lizzette Reynolds  
Commissioner



## 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](mailto: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:**

Rhea County Schools

**School Information (if applicable):**

School Name:

Rhea Central Elementary

Street:

1005 Delaware Ave.

City:

Dayton, TN

Zip Code:

37321

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

\* Chapter 0520 01-19 English As A Second Language  
Program Rule \*7, (a) \* State Board Policy, 3 207

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 rule requires a minimum of 1 hour of direct ESL service per school day by an ESL endorsed teacher. This requirement is not appropriate for one of our ESL students

Expected duration of the condition necessitating this waiver request:

We are requesting the student have modified ESL services

Director of Schools (Signature)

Lari D. Derlak

Print Name

Lari D Derlak

Date

8-26-24