



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 18, 2023

Dr. 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 September 1, 2023 waiver request of State Board of Education Rule 0520-01-19 as it relates to providing English as a Second Language (ESL) students a minimum of one (1) hour of direct ESL services per day.

You have requested a waiver of this rule due to the limited time in the school day for students who are dually served through special education and ESL programs to meet the required amount of instructional time for both programs. You have requested that Rhea County Schools be allowed to tailor services provided to dually served students to provide less than one (1) hour of direct ESL instruction per school day in order to meet the greatest needs of these individual students. Specifically, you have requested to modify daily ESL services from one (1) hour to thirty (30) minutes for these students.

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 Rhea County Schools continues to monitor these dually served students as required by the State Board of Education Rule and increase ESL instructional time as needed, 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
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. 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

School Information (if applicable):

School Name: Rhea Central Elementary

Street: 1005 Delaware Ave.

City: Dayton 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 Programs

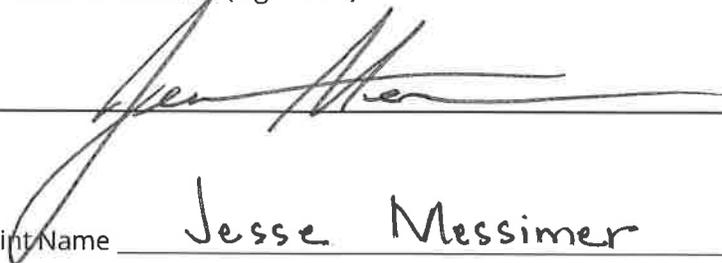
Explanation of how the statute(s) and/or state board rule(s) inhibits or hinders the local education agency's ability to meet its goals or comply with its mission: State board rule

Chapter 0520-01-19 inhibits the LEA's ability to meet its goal and mission of providing students, especially students who are severely disabled with appropriate ESL service times that meets the individual needs of currently enrolled students with special education options 7 and 8. The special education team and the ESL team agree that modifying daily ESL services from one hour to thirty minutes is necessary and appropriate in meeting the ESL needs of these specific students, and realize this decision is made on a case by case basis

Expected duration of the condition necessitating this waiver request:

August 2023 — May 2024

Director of Schools (Signature)



Print Name Jesse Messimer

Date 9-1-23