



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

March 3, 2025

Billy Hall, Director of Schools
Scott County Schools
P.O. Box 37
Huntsville, TN 37756
bill.hall@scottcounty.net

Dear Director Hall:

I have received your waiver request of Tenn. Code Ann. § 49-6-3004 as it pertains to the required 180 days of classroom instruction. Scott County Schools were closed January 10, 2025, January 13, 2025, and January 21-22, 2025, due to the Level 3-State of Emergency and February 19, 2025, due to inclement weather. You are requesting a waiver for these days.

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 school districts 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. A waiver 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. Here is more information about the TEMP: [Current Status \(tn.gov\)](#).

Under Tenn. Code Ann. § 49-6-3004(a)(6), the commissioner has the authority to waive the 180 days for classroom instruction requirement in the event of a natural disaster or serious outbreaks of illness affecting or endangering students or staff. Pursuant to this authority and given Scott County Schools have exhausted all stockpile days and that a Level 3-State of Emergency was declared, the waiver request for January 10, 2025, January 13, 2025, and January 21-22, 2025, is hereby granted.

While I understand that inclement weather is a challenge, the situation on February 19, 2025, does not meet the statutory requirement to authorize a waiver of instruction time. Please keep in mind that Tenn. Code Ann. § 49-6-3004(i) allows school districts to provide up to two (2) days each semester of the required one hundred eighty (180) days of classroom instruction via remote instruction in the event of dangerous or extreme weather conditions or of serious outbreak of illness affecting or endangering students or staff. It is common for districts to request a waiver to provide

additional remote instruction days if more than two (2) days are needed. It is also common to request a waiver of Tenn. Code Ann. § 49-6-3004(i)(7) which requires school districts to make meals available to students in accordance with the school nutrition program requirements on days that remote instruction is provided when it is unsafe to do so.

Your district will have to review the current calendar to see what revisions must be made to ensure it includes 180 days of instruction. Here is the language from the Attendance Manual that provides guidance on how to do this if you have exhausted all stockpile and remote instruction days:

IV-J. Make-Up Days

1. A make-up day is an instructional day that is used to make up instructional time missed. The following methods may be used to make up a missed instructional day:
 - a. Extend the length of school day by a minimum of 30 minutes for a period adequate to accumulate the equivalent of the days lost.
 - b. Schedule classes on Saturday or Sunday.
 - c. Schedule classes on a day previously designated as a holiday.
 - d. Reduce time scheduled for spring break.
 - e. Extend the school year.
2. A district may not use study hall in order to make up instructional time.

Please don't hesitate to contact me if you have further questions.

Sincerely,

Lizzette Reynolds
Commissioner

Scott County Board of Education

P. O. Box 37
208 Court Street
Huntsville, TN 37756

Bill M. Hall
Director of Schools

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Dear Commissioner Reynolds,

I am requesting forgiveness for the following school closure dates due to severe winter weather conditions:

- January 10, 2025
- January 13, 2025
- January 21, 2025
- January 22, 2025
- February 19, 2025

These closures were the result of heavy snow, ice, and hazardous road conditions that made it impossible for our buses to safely run their routes. Additionally, many employees were unable to drive on the ice-covered roads, further necessitating the closures.

We have exhausted all our stockpile days, used our two virtual days and kindly request the above dates be forgiven.

Thank you for your time and attention to this matter. I look forward to receiving your response.

Sincerely,



Billy M. Hall

Director Of Schools

Scott County Schools