



**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 29, 2023

Dr. John Combs, Director of Schools  
Tipton County Schools  
1580 Highway 51 South  
Covington, TN 38019

Re: Waiver for TCAP Assessment and Accountability Requirements

Dear Director Combs:

I am in receipt of your August 28, 2023, letter requesting a waiver of the district and school accountability requirements as a result of tornado damage sustained on March 31, 2023 at Crestview Elementary and Crestview Middle School within Tipton County Schools.

According to your letter, you are requesting a waiver from allowing the test scores from Crestview Elementary School and Crestview Middle School to be factored in to both the school's and district's accountability results.

While the department sympathizes with your district and the affected students as you navigate the impact the storm damage has caused and recovery efforts, the commissioner does not have the legal authority to grant this request. Tenn. Code Ann. § 49-1-201(d)(1) grants the commissioner the authority to "waive any state board rule or statute that inhibits or hinders an LEA's ability to meet its goals or comply with its mission." However, the commissioner's waiver authority under this statute is limited by Tenn. Code Ann. § 49-2-201(d)(1)(J), which states the commissioner may not waive regulatory or statutory requirements related to federal and state student assessment and accountability.

I know how difficult the situation has been on Tipton County and I commend the work you and your team have done to continue to take care of families and provide educational services to students during such trying times. While I cannot waive the requirements in law, I am open to working with you to assist in how the accountability results could be presented in a way that provides some context that will ease the frustration your community feels about this matter.

Sincerely,

Lizzette Reynolds  
Commissioner

## **Tipton County Board of Education**

1580 Highway 51 South, Covington, TN 38019

Phone: (901) 476-7148; Fax: (901) 476-4870

**Dr. Rebekah Byrd**  
Director of Instruction

**Dr. John Combs**  
Superintendent

**Mr. James Fields**  
Director of Operations

August 28, 2023

Commissioner Lizzette Reynolds  
710 James Robertson Parkway  
Nashville, TN 37243

Commissioner Reynolds:

It was a pleasure meeting you last week and having you in our district.

As you are aware, our county suffered a devastating tornado on March 31, 2023, that damaged over 500 structures and caused an estimated \$37 million in destruction across our district. Included in that devastation were two of our schools - Crestview Elementary and Crestview Middle School, which will have to be completely rebuilt over the next couple of years. In addition to the loss of their schools, many students' homes at CES and CMS as well as throughout the district were destroyed or heavily damaged.

While we were preparing two interim structures to house our students for the remainder of the 22-23 school year, CES and CMS students were unable to attend in-person instruction for a three-week period. We spoke to former Commissioner Schwinn and her team about TCAP administration and were told that she did not have the authority to waive testing and subsequent accountability, so we reached out to the Governor but were not granted a waiver. As a result, we began making plans to administer state tests to the affected students.

Beginning Tuesday, April 25th, CES and CMS students in grades 3-8 returned to classes at two of our other campus locations (displacing some of the student population there) and began taking TCAP tests the following day. As resilient as students are, they faced multiples challenges while testing, and as a result, the scores and growth were greatly affected:

- They were in a new school environment, testing at other schools in the district.
- They had missed three weeks of instruction and review.
- Many were facing loss/damage of personal effects and housing.

While Commissioner Schwinn was able to waive the requirement that the scores be used for student grading and teacher effectiveness purposes, the test scores from CES and CMS are being factored in to both the school's and our district's accountability results. We would like to appeal this decision to you. We feel that our district's work during the 22-23 school year would be represented more accurately by omitting the Crestview Elementary and Crestview Middle School

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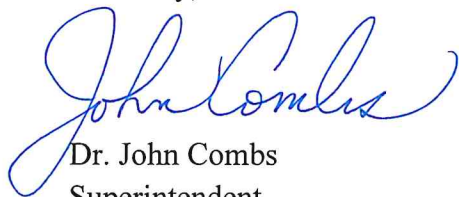
**Dr. John Combs**  
Superintendent

**Mr. James Fields**  
Director of Operations

data. If it's not appropriate to include the data for teachers and students, then we feel the same logic would apply to school and district accountability.

We appreciate your consideration of our request and look forward to working with you.

Sincerely,



Dr. John Combs  
Superintendent



Dr. Rebekah Byrd  
Director of Instruction