



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

January 28, 2022

Dr. Catherine Stephens, Director of Schools
Tullahoma City Schools
510 S. Jackson Street
Tullahoma, TN 37388

Re: Waiver for Average Class Size at Bel-Aire Elementary School

Dear Dr. Stephens:

I am in receipt of your January 28, 2022 waiver request of the class size average found in Tenn. Code Ann. § 49-1-104 for Bel-Aire Elementary for the remainder of the 2021-22 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 Bel-Aire Elementary School 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 2021-22 school year.

Please do not hesitate to contact 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:

Tullahoma City Schools

School Information (if applicable):

School Name: **Bel-Aire Elementary School**

Street: **504 Stone Boulevard**

City: **Tullahoma** Zip Code: **37388**

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

SBE Rule: 0520-01-02 (4) Local boards of education shall have policies providing for class sizes in grade Kindergarten (k) through twelve (12) in accordance with the following:

<u>Grade Level</u>	<u>Average Class Size</u>	<u>Maximum Class Size</u>
K-3	20	25
4-6	25	30
7-12	30	35
CTE	20	25

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:

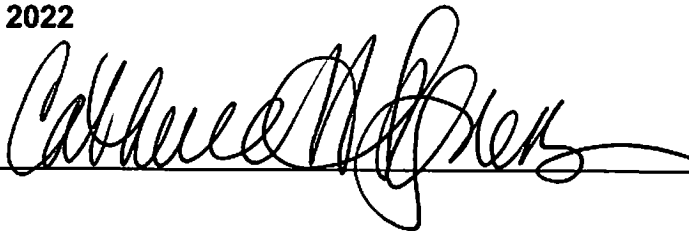
In the K-3 grade band, the ratio at Bel-Aire Elementary is currently at 20. To add a teacher to lower this ratio, several disruptions to students would have to occur. We would need to take students from three different existing classes with known teachers and move them into another classroom. These students would have to "start over" with getting to know the teacher, rules, procedures, etc. and would experience a potential dip in teaching and learning as the classroom environment would have to be established as different students get to know one another and the teacher, as opposed to continuing forward in the expected progression (academically, personally, socially, behaviorally) with their current teacher.

The classroom needed to accommodate a new class currently serves students with disabilities. All of those students and staff would have to be moved to another space in another part of the building. Parents of all impacted students would have significant concerns about leaving current teachers so close to the end of the school year. Additionally, it will be very difficult to find a highly effective primary-level teacher at this point in the year. We still have some teacher postings unfilled as it stands now for other openings. Keeping grounded on what is right and best for our earliest learners, it is essential for our K-3 students to remain with their current teachers who have established positive relationships with them, know their needs (academic and non-academic) well and are poised to ensure readiness for the next grade level.

Expected duration of the condition necessitating this waiver request:

January 28, 2022 – May 20, 2022

Director of Schools (Signature)



Print Name Catherine Stephens

Date: January 28, 2022