

BILL LEE GOVERNOR

STATE OF TENNESSEE **DEPARTMENT OF EDUCATION**

COMMISSIONER

NINTH FLOOR, ANDREW JOHNSON TOWER 710 JAMES ROBERTSON PARKWAY NASHVILLE, TN 37243-0375

Via Electronic Mail

April 15, 2024

Mr. Jeff Luttrell, Director of Schools Wilson County Schools 415 Harding Drive Lebanon, TN 37087

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

Dear Director Luttrell:

I am in receipt of your waiver request of State Board of Education Rule 0520-01-19 as it relates to staffing ratios for English as a Second Language (ESL) programs. You have requested to use an alternative staffing ratio at schools within Wilson County Schools due to a teacher shortage and an increase in the English Learner student population impacting your district.

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 the school district comply with the provisions of State Board of Education Rule 0520-01-19 by implementing the monitoring steps required under the Rule as well as implementing the additional action steps to address the shortage outlined in your waiver request, 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



Tennessee Department of Education - Office of The Commissioner

710 James Robertson Parkway - Andrew Johnson Tower, 9 th 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 (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 <u>Commissioner, Education@tn.gov.</u> 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:	ocal Education Agency:							
Wilson County Schools	***************************************							
School Information (if applicable):								
School Name:								
Street:								
City:	Zip Code:							

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

Tennessee State Board Rule 0520-01-19-.05: English as a Second Language Staffing Ratio The LEA-wide ESL program staffing ratio shall be based on an average of no more than thirty-five (35) identified EL students per full-time equivalent ESL teacher unless an alternate staffing ratio is approved by the Department of Education.

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 District has seen a significant increase in the number of ESL students. In response, the District has allocated the necessary funds and posted the required ESL teacher positions to comply with the required program staffing ratio. However, the district is struggling to fill all of the vacant positions with certified ESL teachers. Although the District is not currently meeting the required staffing ratio, ESL students are showing adequate academic growth and proficiency. The District is working with collaboratively with school leaders and ESL teachers to ensure that all students are receive the required hours of service.

Expected duration of the condition necessitating this waiver request:

The District is actively working to fill the positions to place the District within the required staffing ratio.

Director of Schools (Signature)	
all Suttrell	
Print NameJeff Luttrell	
Date_ <u>4/9/2024</u>	

Alternative Staffing Ratio Wilson County Schools 2023-2024

An alternative staffing ratio may only be approved when the LEA can show adequate academic growth and proficiency with the EL student population and can prove that EL students are receiving the recommended hours of service. LEAs seeking approval for a waiver for an alternate LEA-wide staffing ratio shall provide the following information upon application and, if approved, annually to the Department of Education:

- (a) The number of EL students served;
- (b) The proficiency levels of EL students;
- (c) The academic growth of EL students;
- (d) Evidence that no school in the LEA is an Additional Targeted Support and Intervention (ATSI) school based on the EL student accountability subgroup;
- (e) The most recent analysis for the EL student subgroup for achievement assessments in reading/language arts, mathematics, and science;
- (f) The proposed staffing ratio that will be used in place of the recommended thirty-five (35) to one (1) ratio; and
- (g) The justification for the alternate staffing ratio.

(a) Number of ESL students served

• Source: EIS Data Reports as of 4/1/2024

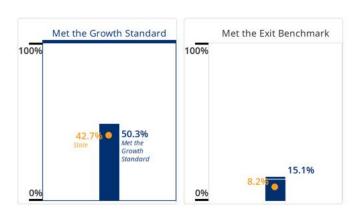
L	W	1	2	Total L,W,1,2
1057	32	154	147	1390

(b) The proficiency levels of EL students

- K-12 English Language Proficiency Assessment ELPA
 - Source: 2023 State Report Card and InformTN

In Wilson County, 50.3% of students who are categorized as English as a Second Language (ESL) Learners met the growth standard for English Language Proficiency on the most recent WIDA Access assessment, compared to the state level of 42.7%. Despite the significant growth of 20.8% since October 2022, Wilson County's performance has remained consistent over the last two years, with 52.2% and 50.3% of students achieving the growth standard on the English Language Proficiency Assessment.





- State Assessment (TCAP/EOC) Academic Achievement
 - Source: TDOE Data Downloads and Accountability Application

year	system_name	test	subject	grade	student_group	participation_rate	valid_tests	pct_met_exceeded	State Avg
2023	Wilson County	TNReady	ELA	3	English Learners	98	85	10.6	13
2023	Wilson County	TNReady	ELA	4	English Learners	99	59	1.7	13.8
2023	Wilson County	TNReady	ELA	5	English Learners	100	43	4.7	3.8
2023	Wilson County	TNReady	ELA	6	English Learners	100	26	11.5	1.7
2023	Wilson County	TNReady	ELA	7	English Learners	98	38	0	1.3
2023	Wilson County	TNReady	ELA	8	English Learners	97	29	3.4	0
2023	Wilson County	TNReady	ELA	All Grades	English Learners	99	280	5.7	7.2
2023	Wilson County	TNReady	Math	3	English Learners	100	85	20	20.7
2023	Wilson County	TNReady	Math	4	English Learners	99	59	25.4	17.1
2023	Wilson County	TNReady	Math	5	English Learners	100	43	9.3	8.7
2023	Wilson County	TNReady	Math	6	English Learners	100	26	23.1	3.4
2023	Wilson County	TNReady	Math	7	English Learners	100	39	7.7	3.6
2023	Wilson County	TNReady	Math	8	English Learners	100	30	10	4.5
2023	Wilson County	TNReady	Math	All Grades	English Learners	100	282	17	11.6
2023	Wilson County	TNReady	Science	3	English Learners	99	85	23.5	23.5
2023	Wilson County	TNReady	Science	4	English Learners	96	57	22.8	15.9
2023	Wilson County	TNReady	Science	5	English Learners	100	43	7	6
2023	Wilson County	TNReady	Science	6	English Learners	100	26	34.6	4.8
2023	Wilson County	TNReady	Science	7	English Learners	100	39	12.8	5.8
2023	Wilson County	TNReady	Science	8	English Learners	100	30	6.7	4.1
2023	Wilson County	TNReady	Science	All Grades	English Learners	99	280	18.6	12
2023	Wilson County	TNReady	Social Studies	6	English Learners	97	25	32	6.7
2023	Wilson County	TNReady	Social Studies	7	English Learners	100	39	30.8	9.6
2023	Wilson County	TNReady	Social Studies	8	English Learners	97	29	6.9	3.7
2023	Wilson County	TNReady	Social Studies	All Grades	English Learners	99	93	23.7	6.8
2023	Wilson County	EOC	Algebra I	All Grades	English Learners	98	63	6.3	1.5
2023	Wilson County	EOC	Algebra II	All Grades	English Learners	98	35	2.9	1.4
2023	Wilson County	EOC	Biology I	All Grades	English Learners	100	52	7.7	2.9
2023	Wilson County	EOC	English I	All Grades	English Learners	100	54	1.9	1.1
2023	Wilson County	EOC	English II	All Grades	English Learners	100	36	0	2.8
2023	Wilson County	EOC	Geometry	All Grades	English Learners	99	57	3.5	1.4

(c) The academic growth of EL students

TVAAS Student Group Reports

• Source: TVAAS District Reports (tvaas.sas.com)

According to the analysis conducted by the Tennessee Value-Added Assessment System (TVAAS), the EL subgroup demonstrated a Level 5 effectiveness level in all content areas, except for English Language Arts. A Level 5 effectiveness level indicates substantial evidence that the students exhibited more growth than expected. In English Language Arts, the EL subgroup exhibited a Level 3 effectiveness level, indicating that the students demonstrated expected growth. The TVAAS growth measurement is the difference between the entering and exiting achievement of the students. Even though the English Language Arts effectiveness level was lower for the EL subgroup when compared to the "All Students" subgroup the EL subgroup outperformed all other students.

Subgroup	Subject	Growth Index	Effectiveness Level
EL	Math	4.49	Level 5
All Students	Math	5.14	Level 5
EL	English Language Arts	0.19	Level 3
All Students	English Language Arts	-0.91	Level 3
EL	Social Studies	8.63	Level 5
All Students	Social Studies	16.19	Level 5
EL	Science	3.3	Level 5
All Students	Science	7.77	Level 5

EL	Overall	7.47	Level 5
All Students	Overall	11.71	Level 5

(♠	Level 5	Significant evidence that the students made more growth than expected.

(d) Evidence that no school in the LEA is an Additional Targeted Support and Intervention (ATSI) school based on the EL student accountability subgroup

No schools in Wilson County were identified with an ATSI designation based on the EL student accountability subgroup.

• Source: https://www.tn.gov/education/districts/lea-operations/accountability/2023-federal-accountability.html

(e) The most recent analysis for the EL student subgroup for achievement assessments in reading/language arts, mathematics, and science

• Source: Mastery View Predictive Assessments via Mastery Connect

Wilson County Schools conducts biannual common district benchmarks to monitor the academic progress of students. These evaluations are analyzed by subgroups and compared to end-of-year assessments from the previous academic year for each grade and subject area. The Mastery View assessments provide insights into how well students will perform on state assessments, along with detailed item analysis reports for each student. Presented below is the final benchmark data for the 2023-24 academic year.

Mastery View District Benchmark Data #2

ESL	Level 1	Level 2	Level 3	Level 4	% On Met or Exceeded	Previous Year
Algebra 1	38.9%	33.3%	22.2%	5.6%	27.8%	
L	42.9%	35.7%	14.3%	7.1%	21.4%	6.3%
1	0.0%	33.3%	66.7%	0.0%	66.7%	
W	100.0%	0.0%	0.0%	0.0%	0.0%	
Algebra 2	55.6%	33.3%	0.0%	11.1%	11.1%	
L	50.0%	50.0%	0.0%	0.0%	0.0%	2.9%
1	50.0%	0.0%	0.0%	50.0%	50.0%	
2	100.0%	0.0%	0.0%	0.0%	0.0%	
Biology	51.4%	43.2%	5.4%	0.0%	5.4%	
L	53.8%	42.3%	3.8%	0.0%	3.8%	7.7%
1	33.3%	50.0%	16.7%	0.0%	16.7%	
2	50.0%	50.0%	0.0%	0.0%	0.0%	
W	66.7%	33.3%	0.0%	0.0%	0.0%	

Level 1 Significant evidence that the students made less growth than expected.

English 1	54.5%	36.4%	9.1%	0.0%	9.1%	
L	66.7%	33.3%	0.0%	0.0%	0.0%	1.9%
1	0.0%	50.0%	50.0%	0.0%	50.0%	
2	33.3%	66.7%	0.0%	0.0%	0.0%	
W	100.0%	0.0%	0.0%	0.0%	0.0%	
English 2	60.0%	33.3%	0.0%	6.7%	6.7%	
L	66.7%	33.3%	0.0%	0.0%	0.0%	0.0%
1	50.0%	25.0%	0.0%	25.0%	25.0%	
2	50.0%	50.0%	0.0%	0.0%	0.0%	
Geometry	40.7%	44.1%	15.3%	0.0%	15.3%	
L	49.0%	40.8%	10.2%	0.0%	10.2%	3.5%
1	0.0%	66.7%	33.3%	0.0%	33.3%	
2	0.0%	57.1%	42.9%	0.0%	42.9%	
Middle School Algebra	0.0%	25.0%	50.0%	25.0%	75.0%	NA
1	0.0%	33.3%	33.3%	33.3%	66.7%	
2	0.0%	0.0%	100.0%	0.0%	100.0%	
Math 3	20.1%	25.0%	34.7%	20.1%	54.9%	
L	27.0%	33.0%	34.0%	6.0%	40.0%	20.0%
1	4.2%	8.3%	45.8%	41.7%	87.5%	
2	0.0%	0.0%	27.8%	72.2%	100.0%	
W	50.0%	50.0%	0.0%	0.0%	0.0%	
Math 4	24.8%	35.8%	31.4%	8.0%	39.4%	
L	36.3%	45.1%	16.5%	2.2%	18.7%	25.4%
1	4.3%	13.0%	60.9%	21.7%	82.6%	
2	0.0%	14.3%	66.7%	19.0%	85.7%	
W	0.0%	100.0%	0.0%	0.0%	0.0%	
Math 5	32.7%	30.9%	28.2%	8.2%	36.4%	
L	52.3%	32.3%	15.4%	0.0%	15.4%	9.3%
1	3.3%	40.0%	46.7%	10.0%	56.7%	
2	0.0%	7.1%	50.0%	42.9%	92.9%	
W	100.0%	0.0%	0.0%	0.0%	0.0%	
Math 6	35.6%	32.2%	28.7%	3.4%	32.2%	
L	51.0%	39.2%	9.8%	0.0%	9.8%	23.1%
1	8.3%	8.3%	75.0%	8.3%	83.3%	
2	16.7%	29.2%	45.8%	8.3%	54.2%	
Math 7	44.6%	31.1%	17.6%	6.8%	24.3%	
L	53.5%	25.6%	18.6%	2.3%	20.9%	7.7%
1	25.0%	25.0%	37.5%	12.5%	50.0%	
2	34.8%	43.5%	8.7%	13.0%	21.7%	
Math 8	35.3%	36.8%	20.6%	7.4%	27.9%	
L	46.0%	36.0%	12.0%	6.0%	18.0%	10.0%
1	0.0%	40.0%	40.0%	20.0%	60.0%	
2	14.3%	42.9%	42.9%	0.0%	42.9%	
W	0.0%	0.0%	100.0%	0.0%	100.0%	
Reading 3	30.1%	33.6%	30.8%	5.6%	36.4%	
L	41.4%	41.4%	15.2%	2.0%	17.2%	10.6%

1	4.2%	20.8%	58.3%	16.7%	75.0%	
2	0.0%	5.6%	83.3%	11.1%	94.4%	
W	50.0%	50.0%	0.0%	0.0%	0.0%	
Reading 4	33.8%	41.2%	22.8%	2.2%	25.0%	
L	50.0%	38.9%	11.1%	0.0%	11.1%	1.7%
1	4.3%	60.9%	30.4%	4.3%	34.8%	
2	0.0%	23.8%	66.7%	9.5%	76.2%	
W	0.0%	100.0%	0.0%	0.0%	0.0%	
Reading 5	36.0%	43.2%	19.8%	0.9%	20.7%	
L	54.5%	40.9%	4.5%	0.0%	4.5%	4.7%
1	10.0%	50.0%	40.0%	0.0%	40.0%	
2	7.1%	35.7%	50.0%	7.1%	57.1%	
W	0.0%	100.0%	0.0%	0.0%	0.0%	
Reading 6	41.2%	41.2%	17.6%	0.0%	17.6%	
L	59.2%	34.7%	6.1%	0.0%	6.1%	11.5%
1	8.3%	66.7%	25.0%	0.0%	25.0%	
2	20.8%	41.7%	37.5%	0.0%	37.5%	
Reading 7	50.0%	33.3%	16.7%	0.0%	16.7%	
L	63.8%	27.7%	8.5%	0.0%	8.5%	0.0%
1	0.0%	62.5%	37.5%	0.0%	37.5%	
2	39.1%	34.8%	26.1%	0.0%	26.1%	
Reading 8	53.5%	29.6%	16.9%	0.0%	16.9%	
L	69.4%	22.4%	8.2%	0.0%	8.2%	3.4%
1	23.1%	38.5%	38.5%	0.0%	38.5%	
2	12.5%	50.0%	37.5%	0.0%	37.5%	
W	0.0%	100.0%	0.0%	0.0%	0.0%	
Science 3	24.3%	36.1%	32.6%	6.9%	39.6%	
L	33.0%	39.0%	27.0%	1.0%	28.0%	23.5%
1	4.2%	37.5%	50.0%	8.3%	58.3%	
2	0.0%	16.7%	44.4%	38.9%	83.3%	
W	50.0%	50.0%	0.0%	0.0%	0.0%	
Science 4	36.1%	27.8%	31.6%	4.5%	36.1%	
L	48.9%	30.7%	19.3%	1.1%	20.5%	22.8%
1	13.6%	18.2%	59.1%	9.1%	68.2%	
2	4.8%	23.8%	57.1%	14.3%	71.4%	
W	50.0%	50.0%	0.0%	0.0%	0.0%	
Science 5	35.8%	49.1%	13.2%	1.9%	15.1%	
L	58.7%	39.7%	1.6%	0.0%	1.6%	7.0%
1	3.6%	64.3%	32.1%	0.0%	32.1%	
2	0.0%	57.1%	28.6%	14.3%	42.9%	
W	0.0%	100.0%	0.0%	0.0%	0.0%	
Science 6	50.6%	22.2%	27.2%	0.0%	27.2%	
L	68.8%	20.8%	10.4%	0.0%	10.4%	34.6%
1	20.0%	30.0%	50.0%	0.0%	50.0%	
2	26.1%	21.7%	52.2%	0.0%	52.2%	
Science 7	37.5%	38.9%	19.4%	4.2%	23.6%	
L	47.5%	37.5%	15.0%	0.0%	15.0%	12.8%

1	12.5%	50.0%	25.0%	12.5%	37.5%	
2	29.2%	37.5%	25.0%	8.3%	33.3%	
Science 8	21.4%	37.1%	38.6%	2.9%	41.4%	
L	27.1%	41.7%	31.3%	0.0%	31.3%	6.7%
1	7.7%	30.8%	46.2%	15.4%	61.5%	
2	12.5%	25.0%	62.5%	0.0%	62.5%	
W	0.0%	0.0%	100.0%	0.0%	100.0%	

(f) The proposed staffing ratio that will be used in place of the recommended 35:1 ratio

• The district is proposing a 44:1 ratio in place of the 35:1 ratio.

The district is currently serving 1,390 English Learners, Waived, Transition Year 1, and Transition Year 2 students with 32 teachers.

(g) The justification for the alternate staffing ratio

Wilson County Schools has seen a significant increase in the enrollment number of ESL students. From October 2023 to April 2024, the district has increased by 110 students. In response, to the increase in ESL students the district allocated funds to hire additional staff and is actively recruiting ESL teachers. At present, there are eight open positions for ESL teachers. Once these eight positions are filled, the staffing ratio would be within compliance range. To ensure ESL student service times are being met, the district is utilizing identified ESL endorsed classroom teachers to deliver ESL supports, providing additional compensation to current ESL educators, and reorganizing current staff to support high enrollment schools.

Wilson County Schools actively supports its recruitment efforts by attending job fairs at universities to promote career opportunities. Additionally, the district hosts two on-site job fairs to recruit potential candidates. The ESL department participates in these job fairs and actively recruits applicants to fill vacant positions. The on-site job fairs offer the opportunity for applicants to be interviewed and receive an employment offer the same day as the job fair. As an additional incentive, Wilson County provides a hard-to-staff stipend to all ESL educators who work with ESL students. Consequently, the district has successfully hired three additional ESL educators for the 2024-25 school year and five more potential applicants have applied for employment in the upcoming year.

In addition to recruitment efforts, Wilson County is working with a local university to offer an ESL certification program. The program would be taught by a Wilson County administrator and classes will be offered at a location in the district. The cost of the program would be offered at a discounted rate for district employees. The district is also exploring scholarship opportunities for interested employees who commit to serving ESL students in a Wilson County school for three years.

Although the district is contending with challenges in filling all vacant positions to comply with the required program staffing ratio, all English as a Second Language (ESL) service times are being met by the present ESL-endorsed educators through various means.

Wilson County has identified all educators who currently hold an ESL endorsement and are not currently serving ESL students to provide services to students during the school day to meet the required service times of students. Moreover, current ESL teachers are being compensated for serving students during a portion of the planning period at schools where student numbers have increased significantly. For schools with large numbers of ESL students, the district has reorganized and split caseloads between schools to ensure all

students are receiving the required service times. The ESL district coordinator is supporting teachers and students with writing and updating ILPs to ensure and monitor service times for all ESL students.

Although the District is not currently meeting the required staffing ratio, ESL students are showing adequate academic growth and proficiency. The district will continue to work collaboratively with school leaders and ESL teachers to ensure that all students receive the required hours of service to maintain the growth of all students.

October 1 Counts (Provided by TDOE)

October 1, 2023 Count (Provided by TDOE)

950 Wilson County

English Learner (EL) Oct. 1 2023 Count: Final Count

L	W	1	2	LW12
955	26	152	147	1,280

Source: Data downloaded from EIS Discoverer by Data Reporting, Office of the Commissioner, Tennessee Department of Education (TDOE), Nov. 16, 2023.

Description: Unduplicated count by LEA of students with English language backgrounds L, W, 1, and 2 who are enrolled in grades K-12 and are 3-21 years old on Oct. 1, 2023 (as of the pull date).

English Language Background Definitions:

L: English Learner (EL) - first language is not English and qualifies for direct ESL services

W: Waived ESL Services - An EL who declined direct ESL services in order to receive ESL services in a regular classroom

- 1: Transition Year 1 first transition year from ESL.
- 2: Transition Year 2 second transition year from ESL.

October 1, 2022 Count (Provided by TDOE)

EL Oct. 1 2022: Final Count								
LEAID	LEA	L	W	1	2	LW12		
950	Wilson County	871	19	153	108	1,151		

Source: Data downloaded from EIS Data Reports / Statewide Reports on Nov. 8, 2022 by Programs & Operations, Office of Districts and Schools, Tennessee Department of Education.