

Natural Disaster Waiver Request Application

This specialized waiver application can be used by local education agencies (LEAs) and public charter schools impacted by a natural disaster. The application includes waivers that are most often needed. Please check the box next to all waivers requested. Additional waivers may be requested in the “Other Waivers” section at the bottom of the application. Because the need for a waiver of instructional days will be unique to each LEA or public charter school, waivers of instructional days must be requested under the “Other Waivers” section with the appropriate details included.

Email the completed application to Education.Waivers@tn.gov. Following review by the commissioner, the requestor 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 the remainder of the school year in which the natural disaster occurred.

If this is a waiver request for a public charter school, please attach documentation that confirms the public charter school first submitted the request to its LEA authorizer and the LEA authorized denied the request.

Local Education Agency/Public Charter School

School Name, if applicable

School Address, if applicable

Direct of Schools/Head of School Email Address

Director of Schools/Head of School Printed Name

Director of Schools/Head of School Signature & Date

Please provide a brief description of the natural disaster and the impact it had on your community and LEA or public charter school that necessitates the waivers requested below (e.g., utilities, roadways, facilities impacted).

☐ **Average Class Size Limit Waiver: T.C.A. § 49-1-104(a) and State Board of Education (SBE) Rule 0520-01-02-.31(4)**

This will waive the average class size limits to accommodate for the enrollment of displaced students due to the natural disaster. This waiver does not authorize the LEA or public charter school to exceed the maximum class size requirements.

☐ **Physical Activity Requirement Waiver: T.C.A. § 49-6-1021**

This will waive the minimum physical activity and physical education requirements to address the hardship of students transferred to multiple new locations and possibly to facilities without adequate indoor exercise spaces.

☐ **Maximum Time in Transit Waiver: T.C.A. § 49-6-2105**

This will waive the 1.5-hour maximum time in transit requirement to address the hardship of students assigned to temporary locations and the difficulty in some instances to comply with the 1.5-hour maximum time in transit. The LEA or public charter school receiving this waiver will ensure that no student is in transit for longer than 110 minutes.

☐ **Teacher Evaluation Portfolio/Universal Screener Waiver: T.C.A. § 49-1-302(d)(2), T.C.A. § 49-6-105, and SBE Rule 0520-02-01**

This will waive the teacher evaluator requirements for teachers who have had a loss of student growth portfolio artifacts required for the completion of a student growth portfolio. These teachers will be evaluated as non-tested teachers.

☐ **Teacher Evaluation Timelines/Pacing Waiver: SBE 0520-02-01-.02(3)**

This will waive the evaluation timeline requirements and allow the LEA or public charter school to work with the educator effectiveness team to document the flexibility being implemented. For approved waivers that include evaluation component requirements, teachers employed by the LEA or public charter school will be marked as partial year exemptions (PYE) by the department. As a result:

- Level of overall effectiveness (LOE) scores will not be generated for educators in the LEA or public charter school.
- Observation requirements will be removed.
- Measure selection requirements will be removed.
- Student growth portfolio/universal reading screener growth score generation requirements will be removed.
- Evaluation pacing for the school year in which the natural disaster occurred will be based on each educator's previous year's LOE.

Additionally, the LEA or public charter school should request a waiver for tenure requirements for teachers in their fourth or fifth years of experience to ensure they remain eligible for tenure in the absence of the current school year's LOE score.

☐ **Tenure: T.C.A. § 49-5-503(4)**

This waiver allows a teacher in the last one (1) or two (2) years of the teacher's probationary period who has met all other requirements for tenure eligibility but has not acquired an official evaluation score during the last one (1) or two (2) years of the probationary period due to the direct impact of the natural disaster may utilize the most recent two (2) years of available evaluation scores achieved during the probationary period to document eligibility for tenure.

☐ **Remote Instruction Waiver: T.C.A. § 49-6-3004(i)(1) and T.C.A. § 49-6-3004(i)(7)**

This will waive the limit of five (5) days of remote instruction per semester that may only be used during assessment or inclement weather to allow the use of up to five (5) additional days of remote instruction per semester for a total of ten (10) remote instruction days.

☐ **Duty Free Lunch and Planning Time Waiver: T.C.A. § 49-1-302(e) and SBE Rule 0520-01-02-.31(6)**

This will waive the duty-free planning and lunch requirements to allow flexibility when an LEA or public charter school must relocate students from facilities affected to other buildings or when students may need to eat in classrooms and need to be supervised. When implementing this waiver, the LEA or public charter school must accommodate individual teacher requests.

☐ **Student Assessments Factored into Student Grades Waiver: T.C.A. § 49-1-617(a), SBE Policy 2.102, SBE Policy 2.103, and SBE Rule 0520-01-03-.03(11)(d)**

This will waive the student grade requirements to allow the LEA or public charter school to only count assessments as a percentage of a student's grade if doing so would help the student achieve a higher grade.

Other Waivers

Please include the information requested below for each additional waiver requested. Additional pages may be attached to this application if necessary.

☐ Other Waiver Requested

Tennessee Statute and/or SBE Rule Requested to be Waived: _____

Explanation of how the statute and/or SBE rule inhibits or hinders the LEA's or public charter school's ability to meet its goals or comply with its mission due solely to the impact of the natural disaster.

Action to be taken in lieu of compliance with the statute and/or rule, if applicable.

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