



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 and US Mail

August 29, 2019

Eddie Pruett, Director of Schools
Gibson County Special School District
130 Trenton Highway
PO Box 60
Dyer, TN 38330
epruett@gcssd.org

Re: Waiver for Class Size Average at Dyer Elementary School

Dear Director Pruett:

I am in receipt of your request for a waiver of the class size average found in T.C.A. § 49-1-104 for K-3 classes at Dyer Elementary School.

The commissioner's waiver authority under T.C.A. §49-1-201(d) is limited by T.C.A. §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 in at Dyer 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 granted for the 2019-2020 school year.

Please do not hesitate to call me if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to be "Penny Schwinn", written over a white background.

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.Mcqueen@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:

Gibson County Special School District

School Information (if applicable):

School Name: Dyer Elementary

Street: 322 East College Street

City: Dyer Zip Code: 38330

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

State Board 0520-01-03-.03
K-3 class size average is 20 but Dyer school has an average of 21.0. None of the classes are above the maximum size of 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:

We have online registration and used those numbers to properly staff our schools. After school began, we had a larger # of students than expected. We believe it is better to be a little over the average # per classroom than split classes and hire a new teacher. This will allow our highly qualified/effective teachers to work with our students.

Expected duration of the condition necessitating this waiver request:

The expected duration for this waiver request/condition is for the 2019/2020 school year.

Director of Schools (Signature)

Eddie Pruett

Print Name

Eddie Pruett

Date

8/22/19