



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

May 21, 2024

Jesse Messimer, Director of Schools
Rhea County Schools
1385 Broadway Street
Dayton, TN 37321

Dear Director Messimer:

I am in receipt of your waiver request of Tenn. Code Ann. § 49-6-3004(a)(6) as it pertains to the required 180 days of instruction. Specifically, you have requested to waive August 8, 2023, May 8, 2024, and May 9, 2024 as instructional days due to the impact of storm damage your school district sustained from severe weather occurring in August 2023 and on May 8, 2024. Tenn. Code Ann. § 49-6-3004(a)(6) only authorizes waivers of the instructional day requirement to be granted in the event of a natural disaster or a serious outbreak of illness affecting or endangering students or staff during a school year.

This provision was added to the law after the catastrophic flooding that occurred across Tennessee in May of 2010. The flooding created a situation where at the very end of the school year local education agencies (LEAs) were unable to address the lost instructional time due to the flooding through the use of stockpile days or by adhering to the Tennessee Department of Education's [Attendance Manual](#) on making up instructional days missed.

The waiver authority granted to the commissioner of education in the law is narrow. Merriam-Webster defines "natural disaster" as a sudden and terrible event in nature (such as a hurricane, tornado, or flood) that usually results in serious damage and many deaths. The waiver authority is only available for events of nature that cause substantial damage or disruption to property or critical infrastructure impacting the community and school operations that are beyond regular inclement weather.

Your request includes information confirming your community suffered substantial damage or disruption to property or critical infrastructure that impacted the community and school operations beyond regular inclement weather. Pursuant to the commissioner's authority under Tenn. Code Ann. § 49-6-3004(a)(6)(A) to waive instructional days in the event a district experiences a natural disaster, your request is hereby granted.

Sincerely,

Lizzette Reynolds
Commissioner

Rhea County Department of Education



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Jesse Messimer, Director
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May 21, 2024

Commissioner,

Rhea County is requesting a waiver of three instructional days as provided by TN Code Ann. 5 49-6-3004(a)(6). Due to the severe storms that we experienced in August and May this school year, Rhea County exceeded our stockpile days by four days. One of which we were able to make up. On January 31, we converted a regularly scheduled professional development day into an instructional day for students. However, we are still three instructional days short of our 180-day requirement. Would you please consider waiving the three remaining days for Rhea County? The last three days that Rhea County had to close to ensure student safety were August 8, May 8, and May 9. All of these days resulted in trees down and damage to our facilities resulting in hazardous conditions for our staff and students.

Thank you so much for your consideration,

Jesse Messimer
Director, Rhea County Schools