



January 21, 2022

Dear Director Diggs,

Thank you for your waiver submission on January 20, 2022.

The commissioner of education may consider waivers related to of the provisions of Tenn. Comp. R. & Regs. Chapters 0520-01-03 and 0520-01-13 related to remote instruction to the extent necessary to allow students affected at the classroom or school level by COVID-19 isolation or quarantine to participate in remote instruction. As stated, your district still has the authority to quarantine students and staff on an individual case-by-case basis (not in the aggregate). Waivers will only be considered when a LEA can document and demonstrate a significant impact of COVID-19 quarantine or isolation on school operations, impacting students, teachers, and/or staff. Please note, if a waiver request is granted to a school, all extracurricular activities for that school must also be cancelled for the duration of the waiver period.

The waiver submitted by **Knox County** for Emerald Academy is **approved** at this time.

If not already in place, the department also continues to encourage all districts to implement as many mitigation strategies as possible to contain the spread of COVID-19, limit quarantines, and remain in-person, such as utilizing:

- The same or enhanced mitigation strategies used last school year such as temperature checks, physical distancing, frequent handwashing, etc.
- Seating charts in all settings, including classrooms, cafeteria/meals, bus routes, etc.
- Proactively stocking non-perishable items for breakfasts/lunches to account for meal staff absences
- Cohorting students to limit close contacts
- The consideration of masking

I continue to be incredibly grateful for the work of your district, educators, students and families as we collectively address and respond to COVID-19.

Sincerely,

A handwritten signature in black ink that reads "Penny Schwinn". The signature is fluid and cursive.

Penny Schwinn, PhD, MAT  
Commissioner, Tennessee Department of Education

### Local Education Agency Waiver Request Application: COVID-19 Relief

Upon application by the local education agency (LEA) for one (1) or more of its classrooms or schools, pursuant to Tenn. Code Ann. § 49-1-201 (d), the commissioner of education will consider waivers of the provisions of Tenn. Comp. R. & Regs. Chapters 0520-01-03 and 0520-01-13 related to remote instruction for up to five (5) calendar days (in alignment with C.D.C. and Tennessee Department to allow students affected at the classroom or school level by COVID-19 isolation or quarantine to participate in remote instruction. This waiver process is not required for individual students on quarantine.

Waivers will only be considered when a LEA can document and demonstrate a significant impact of COVID-19 quarantine or isolation on school operations, impacting students, teachers, and/or staff. Please note, if a waiver request is granted to a school, all extracurricular activities for that school must also be cancelled.

Please submit completed applications to [Commissioner.Schwinn@tn.gov](mailto:Commissioner.Schwinn@tn.gov). Following review by the commissioner or designee, the local education agency will be notified in writing if the waiver request application is approved or denied. If approved, the waiver will only be valid for five (5) calendar days. If conditions warranting a waiver persist, then the LEA may submit additional waivers.

## Emerald Charter Schools

Local Education Agency

1014 Heiskell Avenue

Knoxville

37921

Street

City

Zip



1/20/22

Director of Schools (Signature)

Date

1. Number of **classrooms** for which you are requesting a waiver: N/A

Grade of Classroom	Name of School	In Quarantine or Isolation					
		# of Teachers	% of Teachers	# of Staff	% of Staff	# of Students	% of Students

Please explain why this waiver is necessary and in-person instruction is not feasible at this time:

See attached letter.

2. Number of **schools** for which you are requesting a waiver: 1

Name of School	In Quarantine or Isolation					
	# of Teachers	% of Teachers	# of Staff	% of Staff	# of Students	% of Students
Emerald Academy	12	32%	9	20%	115	26%

Please explain why this waiver is necessary and in-person instruction is not feasible at this time:

See attached letter.



## URGENT TIME SENSITIVE REQUEST

January 20, 2022

Commissioner Penny Schwinn  
Tennessee Department of Education  
Via Email

Dear Commissioner Schwinn,

I am writing on behalf of Emerald Academy, Knoxville's only public charter school serving kindergarten through eighth grade students, to request a waiver to allow for mandatory virtual instruction beginning Monday, January 24, 2022 and running until Friday, January 28, 2022 at the latest. If it is possible to return to in-person instruction sooner, we will shift back to this at the earliest possible date. To prepare, we would close school tomorrow, Friday, January 21, 2022.

As of today, 32% of teachers, 20% of staff, and 26% of scholars are absent due to isolation or quarantine. While we have been able to maintain in-person instruction throughout the school year without interruption, we are now at a place where we are concerned about our ability to maintain appropriate safe ratios and rigorous academic instruction in the current environment. In-person instruction is not feasible due to staff and student absences and the likelihood that continued in-person contact will only proliferate the staff and student illnesses for weeks to come during the current spike in COVID-positive cases throughout our community. Virtual instruction would allow our staff to continue to deliver safe and appropriate educational opportunities to our students while preventing further spread of illness in our school.

In spite of significant challenges, we are committed to ensuring that young people continue to learn every day possible. We appreciate your thoughtful consideration of this request.

Sincerely,

Steve Diggs  
President  
Emerald Charter Schools