

January 20, 2022

Dear Director Robertson,

Thank you for your waiver submission on January 19, 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 **Hamilton County Schools for eleven schools** (Chattanooga High Center for Creative Arts, Chattanooga School for the Arts and Sciences- Lower, Chattanooga School for the Arts and Sciences- Upper, Harrison Elementary School, Hixson Elementary School, Nolan Elementary School, Ooltewah Elementary School, Rivermont Elementary School, Spring Creek Elementary School, and STEM School Chattanooga 9th and 10th grade) is **approved** at this time.

The rationale for this approval is:

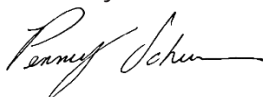
- The positivity rate among students has caused a significant disruption to continuity of learning for many of the schools listed in the waiver.
- The district has taken necessary steps to staff where able; however, staffing substitutes is still a challenge for all eleven schools.

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, appearing to read 'Penny Schu'.

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. 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.

Hamilton County Department of Education

Local Education Agency
3074 Hickory Valley Road

Chattanooga

37421

Street City Zip

1/19/2022

Director of Schools (Signature)

Date

1. Number of **classrooms** for which you are requesting a waiver: _____

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:

2. Number of **schools** for which you are requesting a waiver: 10

Name of School	In Quarantine or Isolation					
	# of Teachers	% of Teachers	# of Staff	% of Staff	# of Students	% of Students
See Attached						

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

January 19, 2022 - Requested Remote Learning Waivers

School Name	# Staff Affected	% Staff Affected	# Students Affected	% Students Affected	Additional Info
Chattanooga High Center for Creative Arts	7	11.3%	189	30.4%	
Chattanooga School for the Arts and Sciences - Lower	5	11.6%	11	30.6%	
Chattanooga School for the Arts and Sciences - Upper	4	6.2%	262	39.5%	
Harrison Elementary School	13	12.7%	145	17.4%	
Hixson Elementary School	11	15.9%	21	4.9%	
Nolan Elementary School	10	10.8%	281	38.2%	
Ooltewah Elementary School	10	8.4%	100	12.8%	Thursday and Friday only
Rivermont Elementary School	8	15.7%	64	20.2%	
Spring Creek Elementary School	10	10.8%	11	1.8%	
STEM School Chattanooga	4	15.4%	28	10%	Thursday and Friday only - 9th and 10th Grade

**Chattanooga School for the Arts and Sciences - Lower and Upper
TDOE Local Education Agency Waiver Request Application: COVID-19 Relief**

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

- *Continuity of Learning* - We are continuously monitoring the impact on students in terms of active cases and close contacts. As you know, we do not have resources for dedicated teachers to provide synchronous instruction for students observing the recommended CDC guidance above and beyond the teachers we staff for in person schooling. Therefore, based upon our experience implementing synchronous virtual instruction last year, when a school approaches a high number of students at home due to COVID-19, **we are not able to ensure continuity of learning for a sizable portion of the student body of CSAS with more than 30% of enrolled students currently in quarantine or isolation.** Teachers cannot effectively manage in person and remote students, and the quality of pedagogy erodes for both groups. Therefore, we believe that the most optimal learning model available is for teachers to support all students through virtual learning for a limited number of days.
- *Risk of School-based COVID Spread* - We are also monitoring trends for linked cases and number of cases within our schools. Our data tracking is very sophisticated as we have been managing our own contact tracing since last school year. As such, we are able to track individual cases and document close contacts that report positive cases as epidemically linked cases. **Currently there are 47 total active cases (student and staff). The school has seen 27 new cases over the last 5 days.**
 - In our experience of keeping schools open 90% of the 2020-2021 school year, shifting schools to remote instruction for a limited number of days is an effective strategy for slowing or stopping the spread of COVID-19 in our facilities.
- *Staffing Shortages* - We are fortunate in Hamilton County that nearly 75% of our teaching staff has been vaccinated. So, we have typically seen as many situations where our teaching staff is having to quarantine or testing positive for COVID-19 in the past. With this current surge, we are seeing a larger number of breakthrough infections for staff than previously encountered. Our board has also established COVID-19 leave for employees that allows them to use a limited number of leave days for themselves or minor children who are positive or experiencing symptoms. **Currently 8.3% (n=9) of the school's staff are out of the building for COVID-related reasons and the substitute fill rate at this school is 50%.**

Like all districts, we are not able to find enough substitutes to cover classes when we have significant numbers of teachers on leave. Our first option is to try to cover classes with other school-based staff or district-wide staff. When this is not possible, the need to pivot to remote instruction may be necessary - as teachers can then facilitate classes remotely while following recommended CDC guidance.

Hixson Elementary School
TDOE Local Education Agency Waiver Request Application: COVID-19 Relief

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

- *Risk of School-based COVID Spread* - We are monitoring trends for linked cases and number of cases within our schools. Our data tracking is very sophisticated as we have been managing our own contact tracing since last school year. As such, we are able to track individual cases and document close contacts that report positive cases as epidemically linked cases. **Currently there are 15 total active cases (student and staff). The school has seen 8 new cases over the last 5 days.**
 - In our experience of keeping schools open 90% of the 2020-2021 school year, shifting schools to remote instruction for a limited number of days is an effective strategy for slowing or stopping the spread of COVID-19 in our facilities.
- *Staffing Shortages* - We are fortunate in Hamilton County that nearly 75% of our teaching staff has been vaccinated. So, we have typically seen as many situations where our teaching staff is having to quarantine or testing positive for COVID-19 in the past. With this current surge, we are seeing a larger number of breakthrough infections for staff than previously encountered. Our board has also established COVID-19 leave for employees that allows them to use a limited number of leave days for themselves or minor children who are positive or experiencing symptoms. **Currently 15.9% (n=6) of the school's staff are out of the building for COVID-related reasons and the substitute fill rate at this school is 18%.**

Like all districts, we are not able to find enough substitutes to cover classes when we have significant numbers of teachers on leave. Our first option is to try to cover classes with other school-based staff or district-wide staff. When this is not possible, the need to pivot to remote instruction may be necessary - as teachers can then facilitate classes remotely while following recommended CDC guidance.

Ooltewah Elementary School
TDOE Local Education Agency Waiver Request Application: COVID-19 Relief

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

- *Risk of School-based COVID Spread* - We are also monitoring trends for linked cases and number of cases within our schools. Our data tracking is very sophisticated as we have been managing our own contact tracing since last school year. As such, we are able to track individual cases and document close contacts that report positive cases as epidemically linked cases. **Currently there are 25 total active cases (student and staff). The school has seen 11 new cases over the last 5 days.**
 - In our experience of keeping schools open 90% of the 2020-2021 school year, shifting schools to remote instruction for a limited number of days is an effective strategy for slowing or stopping the spread of COVID-19 in our facilities.
- *Staffing Shortages* - We are fortunate in Hamilton County that nearly 75% of our teaching staff has been vaccinated. So, we have typically seen as many situations where our teaching staff is having to quarantine or testing positive for COVID-19 in the past. With this current surge, we are seeing a larger number of breakthrough infections for staff than previously encountered. Our board has also established COVID-19 leave for employees that allows them to use a limited number of leave days for themselves or minor children who are positive or experiencing symptoms. **Currently 10.5% (n=11) of the school's staff are out of the building for COVID-related reasons and the substitute fill rate at this school is 33%.**

Like all districts, we are not able to find enough substitutes to cover classes when we have significant numbers of teachers on leave. Our first option is to try to cover classes with other school-based staff or district-wide staff. When this is not possible, the need to pivot to remote instruction may be necessary - as teachers can then facilitate classes remotely while following recommended CDC guidance.

Spring Creek Elementary School
TDOE Local Education Agency Waiver Request Application: COVID-19 Relief

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

- *Staffing Shortages* - We are fortunate in Hamilton County that nearly 75% of our teaching staff has been vaccinated. So, we have typically seen as many situations where our teaching staff is having to quarantine or testing positive for COVID-19 in the past. With this current surge, we are seeing a larger number of breakthrough infections for staff than previously encountered. Our board has also established COVID-19 leave for employees that allows them to use a limited number of leave days for themselves or minor children who are positive or experiencing symptoms. **Currently 10.8% (n=6) of the school's staff are out of the building for COVID-related reasons and the substitute fill rate at this school is 14%.**

Like all districts, we are not able to find enough substitutes to cover classes when we have significant numbers of teachers on leave. Our first option is to try to cover classes with other school-based staff or district-wide staff. When this is not possible, the need to pivot to remote instruction may be necessary - as teachers can then facilitate classes remotely while following recommended CDC guidance.

School Name	Active Student Cases	Active Employee Cases	Total Active Cases	Total Active Close Contacts	Total Students Affected	Total Employees Affected	% Students Affected	# of new cases over past 5 days	% Employees Affected	% Employees with Active Cases
Allen Elementary School	4	4	8	76	78	7	19.6%	2	13.2%	7.5%
Alpine Crest Elementary School	4	0	4	16	19	1	6.4%	0	2.4%	0.0%
Apison Elementary School	16	7	23	125	141	8	23.3%	5	14.5%	12.7%
Barger Academy	3	5	8	56	57	8	15.9%	3	14.0%	8.8%
Battle Academy for Teach/Learning	7	6	13	36	43	6	9.4%	6	10.5%	10.5%
Bess T. Shepherd Elementary School	2	3	5	13	15	3	2.9%	0	4.5%	4.5%
Big Ridge Elementary School	14	3	17	60	73	4	15.2%	6	7.5%	5.7%
Brainerd High School	2	7	9	18	19	11	2.7%	0	13.1%	8.3%
Brown Middle School	8	2	10	28	35	4	9.4%	7	7.8%	3.9%
Calvin Donaldson Environmental Science Academy	0	0	0	0	0	1	0.0%	0	1.5%	0.0%
Central High School	4	7	11	19	23	8	2.9%	1	9.0%	7.9%
Chattanooga High Center for Creative Arts	45	5	50	160	203	7	32.7%	29	11.3%	8.1%
Chattanooga School for Liberal Arts	53	4	57	61	113	6	16.6%	39	9.1%	6.1%
Chattanooga School For The Arts and Sciences Lower	15	4	19	102	116	5	32.0%	13	11.6%	9.3%
Chattanooga School For The Arts and Sciences Upper	32	3	35	245	277	4	41.7%	21	6.2%	4.6%
Clifton Hills Elementary School	4	3	7	13	17	4	3.0%	3	5.2%	3.9%
Daisy Elementary School	10	2	12	44	54	4	15.9%	6	7.7%	3.8%
Dalewood Middle School	1	0	1	18	18	1	6.3%	0	2.0%	0.0%
DuPont Elementary School	4	2	6	10	12	4	5.2%	3	9.1%	4.5%
East Brainerd Elementary School	22	8	30	189	210	9	19.1%	10	8.0%	7.1%
East Hamilton High School	25	3	28	27	52	4	4.3%	20	4.1%	3.1%
East Hamilton Middle School	20	3	23	195	213	9	22.7%	13	12.3%	4.1%
East Lake Academy of Fine Arts	6	7	13	41	47	10	9.3%	5	12.2%	8.5%
East Lake Elementary School	4	9	13	5	8	12	1.4%	3	15.4%	11.5%
East Ridge Elementary School	15	6	21	102	114	8	13.3%	10	6.8%	5.1%
East Ridge High School	4	5	9	3	7	7	0.7%	1	8.0%	5.7%
East Ridge Middle School	7	5	12	23	29	6	4.2%	4	7.9%	6.6%
East Side Elementary School	8	5	13	60	66	8	11.3%	6	9.9%	6.2%
Hamilton County Collegiate High at Chatt State	0	0	0	0	0	0	0.0%	0	0.0%	0.0%
Hamilton County Virtual School	1	2	3	5	6	2	1.2%	0	14.3%	14.3%
Hardy Elementary School	1	5	6	3	2	9	0.5%	0	12.9%	7.1%
Harrison Elementary School	16	10	26	131	146	14	17.5%	13	13.7%	9.8%
Hixson Elementary School	9	6	15	15	22	11	5.2%	8	15.9%	8.7%
Hixson High School	4	1	5	7	11	3	1.2%	1	2.9%	1.0%
Hixson Middle School	27	2	29	254	281	2	45.2%	21	2.5%	2.5%
Howard Connect Academy	2	1	3	2	4	4	1.2%	2	10.5%	2.6%
Hunter Middle School	19	4	23	101	119	7	16.0%	13	9.5%	5.4%
Loftis Middle School	24	5	29	140	164	6	27.7%	15	9.0%	7.5%
Lookout Mountain Elementary School	2	1	3	12	14	1	7.1%	1	3.3%	3.3%
Lookout Valley Elementary School	3	3	6	37	40	3	14.2%	2	7.3%	7.3%
Lookout Valley Middle/High School	16	4	20	100	116	5	32.9%	12	10.2%	8.2%
McConnell Elementary School	25	4	29	51	76	4	16.1%	20	7.3%	7.3%
Middle Valley Elementary School	2	7	9	9	8	10	1.0%	9	11.0%	7.7%
Nolan Elementary School	48	7	55	234	280	10	38.0%	41	15.4%	10.8%
Normal Park Museum Magnet	25	7	32	145	169	10	20.4%	20	9.5%	6.7%
North Hamilton County Elementary School	11	5	16	19	29	8	7.6%	5	15.7%	9.8%
Ooltewah Elementary School	19	8	27	84	102	10	13.1%	13	10.5%	8.4%
Ooltewah High School	38	6	44	39	77	9	6.2%	33	6.7%	4.4%
Ooltewah Middle School	12	3	15	153	164	5	31.5%	7	7.4%	4.4%
Orchard Knob Elementary School	0	2	2	11	11	3	3.0%	0	4.2%	2.8%
Orchard Knob Middle School	5	6	11	9	14	7	4.0%	2	11.7%	10.0%
Red Bank Elementary School	9	6	15	81	90	7	17.3%	7	9.3%	8.0%
Red Bank High School	0	2	2	4	3	6	0.4%	5	7.1%	2.4%
Red Bank Middle School	0	2	2	8	8	4	1.3%	0	6.2%	3.1%
Rivermont Elementary School	11	5	16	55	65	8	20.5%	3	15.7%	9.8%
Sale Creek Middle/ High School	17	2	19	31	48	2	8.3%	12	2.8%	2.8%
Sequoyah High School	16	2	18	34	50	5	22.3%	13	12.5%	5.0%
Signal Mountain Middle/High School	32	3	35	362	394	6	29.3%	19	4.8%	2.4%
Snow Hill Elementary School	2	7	9	15	16	12	2.7%	2	16.9%	9.9%
Soddy Daisy High School	19	5	24	52	70	6	6.4%	12	5.6%	4.6%
Soddy Daisy Middle School	8	3	11	116	122	6	24.3%	6	11.1%	5.6%
Soddy Elementary School	15	6	21	34	49	6	10.5%	13	9.4%	9.4%
Spring Creek Elementary School	1	6	7	10	11	10	1.8%	0	10.8%	6.5%
STEM School Chattanooga	8	3	11	14	22	4	7.9%	8	15.4%	11.5%
The Howard School	0	2	2	4	3	5	0.2%	0	3.5%	1.4%
Thrasher Elementary School	16	3	19	43	59	3	10.5%	15	5.8%	5.8%
Tommie F. Brown International Academy	12	4	16	6	18	5	5.6%	5	10.6%	8.5%
Tyner Academy	7	4	11	7	14	5	2.7%	5	7.6%	6.1%
Tyner Middle Academy	6	2	8	5	11	3	2.6%	4	5.5%	3.6%
Wallace A. Smith Elementary School	11	2	13	48	58	3	9.3%	7	4.7%	3.1%
Westview Elementary School	1	3	4	1	2	5	0.3%	0	7.4%	4.4%
Wolftever Creek Elementary School	24	5	29	243	262	10	46.8%	17	13.9%	6.9%