



January 26, 2022

Dear Director Robertson,

Thank you for your waiver submission on January 25, 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 East Hamilton Middle and Ooltewah Middle is **approved** at this time. Hamilton County Schools also provided additional information for East Ridge High School which cannot be shared to protect the privacy of the students and staff. Based on this, the waiver for East Ridge High School is also **approved**.

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 written in a cursive, flowing style.

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



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

pon application by the local education agency LEA for one 1 or more of its classrooms or schools, pursuant to Tenn. Code Ann. 9-1-201 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.

## Hamilton County Department of Education

Local Education Agency

3074 Hickory Valley Road

Chattanooga

37421

Street

City

Zip

1/25/22

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: 3

Name of School	In Quarantine or Isolation					
	# of Teachers	% of Teachers	# of Staff	% of Staff	# of Students	% of Students
Please see below						

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

## January 25, 2022 - Requested Remote Learning Waivers

School Name	# Staff Affected	% Staff Affected	# Students Affected	% Students Affected	Additional Info
East Hamilton Middle School	15	20.5%	153	16.3%	
East Ridge High School	7	8.0%	66	0.6%	Student Absences: As high as 28% over the past 3 days
Ooltewah Middle School	6	8.8%	65	12.5%	

### Hamilton County Schools Wavier Review and Decision Process:

The Hamilton County Schools leadership team meets three times a day, during a COVID-19 related surge, to assess the needs of each individual school. The leadership team follows set operating principles which include an acknowledgment that moving a school to remote learning should only be a necessary option in crisis. To determine if a waiver is a necessary option for a school, we consider the following data points collectively:

- % of total school staff current out of school due to COVID-19.
- Sub fill rate of each school
- % of students currently out of school due to COVID-19
- Student attendance rates at the school
- Number of staff projected to return from COVID-19 related absences within the next day.
- Number of district staff available to cover unfilled absences at the school.

A waiver is only submitted to the Commissioner of Education when it is determined that the support structures we have available to us in the district are not able to sustain meaningful in-person learning experiences and student learning would be better supported through a short period of virtual learning to allow for operational staff to return.

**East Hamilton Middle 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.

- *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 with more than 16.3% 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 33 total active cases (student and staff). The school has seen 13 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 20.5% (n=15) of the school staff are out of the building for COVID-related reasons and the substitute fill rate at this school is 25%.** 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.

**East Ridge High 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.

- *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 with as high as 28% of students absent over the last three instructional days.** 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.
- **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 8.0% (n=7) of the school staff are out of the building for COVID related reasons and an additional 5 staff members are out due to illness. The school has 10 unfilled certified absences and the substitute fill rate at this school is 28%.** 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 Middle 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.

- *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 with more than 12.5% 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 16 total active cases (student and staff). The school has seen half of those cases as 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 8.8% (n=6) of the school's staff are out of the building for COVID-related reasons and 3 additional absences due to illness. The sub fill rate for this school was only 36%.** 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	21	4	25	72	92	6	23.2%	13	11.3%	7.5%
Alpine Crest Elementary School	3	1	4	7	10	1	3.4%	0	2.4%	2.4%
Apison Elementary School	19	4	23	33	52	4	8.6%	9	7.3%	7.3%
Barger Academy	7	2	9	20	27	2	7.5%	4	3.5%	3.5%
Battle Academy for Teach/Learning	9	5	14	8	16	8	3.5%	8	14.0%	8.8%
Bess T. Shepherd Elementary School	4	3	7	4	8	4	1.6%	2	6.1%	4.5%
Big Ridge Elementary School	20	2	22	60	80	3	16.7%	9	5.7%	3.8%
Brainerd High School	1	3	4	16	16	5	2.3%	0	6.0%	3.6%
Brown Middle School	6	0	6	8	14	0	3.8%	4	0.0%	0.0%
Calvin Donaldson Environmental Science Academy	0	5	5	32	31	7	8.8%	0	10.4%	7.5%
Central High School	17	4	21	14	31	6	3.9%	8	6.7%	4.5%
Chattanooga High Center for Creative Arts	27	3	30	33	60	4	9.7%	14	6.5%	4.8%
Chattanooga School for Liberal Arts	14	4	18	28	41	6	6.0%	5	9.1%	6.1%
Chattanooga School For The Arts and Sciences Lower	12	0	12	10	22	1	6.1%	4	2.3%	0.0%
Chattanooga School For The Arts and Sciences Upper	16	2	18	20	36	2	5.4%	7	3.1%	3.1%
Clifton Hills Elementary School	0	5	5	8	8	5	1.4%	0	6.5%	6.5%
Daisy Elementary School	14	1	15	57	71	1	20.9%	9	1.9%	1.9%
Dalewood Middle School	1	3	4	2	3	4	1.0%	0	8.2%	6.1%
DuPont Elementary School	6	2	8	16	21	4	9.1%	3	9.1%	4.5%
East Brainerd Elementary School	6	4	10	64	70	4	6.4%	3	3.5%	3.5%
East Hamilton High School	34	5	39	15	49	5	4.1%	22	5.1%	5.1%
East Hamilton Middle School	25	8	33	131	153	15	16.3%	13	20.5%	11.0%
East Lake Academy of Fine Arts	3	3	6	1	4	3	0.8%	1	3.7%	3.7%
East Lake Elementary School	1	3	4	3	4	3	0.7%	1	3.8%	3.8%
East Ridge Elementary School	6	7	13	25	31	8	3.6%	3	6.8%	6.0%
East Ridge High School	3	5	8	3	6	7	0.6%	1	8.0%	5.7%
East Ridge Middle School	6	1	7	6	11	2	1.6%	5	2.6%	1.3%
East Side Elementary School	10	3	13	31	40	4	6.8%	4	4.9%	3.7%
Hamilton County Collegiate High at Chatt State	1	0	1	0	1	0	0.6%	1	0.0%	0.0%
Hamilton County Virtual School	1	0	1	3	4	0	0.8%	0	0.0%	0.0%
Hardy Elementary School	0	5	5	2	1	6	0.3%	0	8.6%	7.1%
Harrison Elementary School	5	10	15	11	16	10	1.9%	0	9.8%	9.8%
Hixson Elementary School	8	3	11	16	24	3	5.6%	5	4.3%	4.3%
Hixson High School	27	5	32	78	105	7	11.2%	10	6.8%	4.9%
Hixson Middle School	10	4	14	61	71	8	11.4%	5	9.9%	4.9%
Howard Connect Academy	7	2	9	2	9	2	2.7%	3	5.3%	5.3%
Hunter Middle School	11	7	18	26	37	8	5.0%	3	10.8%	9.5%
Loftis Middle School	19	5	24	81	100	5	16.9%	6	7.5%	7.5%
Lookout Mountain Elementary School	7	2	9	18	25	2	12.8%	7	6.7%	6.7%
Lookout Valley Elementary School	7	3	10	20	27	3	9.6%	6	7.3%	7.3%
Lookout Valley Middle/High School	8	2	10	29	37	3	10.5%	4	6.1%	4.1%
McConnell Elementary School	15	4	19	63	78	4	16.6%	3	7.3%	7.3%
Middle Valley Elementary School	25	6	31	93	117	7	15.2%	14	7.7%	6.6%
Nolan Elementary School	21	3	24	73	93	4	12.6%	11	6.2%	4.6%
Normal Park Museum Magnet	17	7	24	20	36	9	4.3%	10	8.6%	6.7%
North Hamilton County Elementary School	17	3	20	28	45	4	11.7%	8	7.8%	5.9%
Ooltewah Elementary School	28	5	33	48	76	5	9.8%	17	5.3%	5.3%
Ooltewah High School	37	6	43	18	55	8	4.4%	9	5.9%	4.4%
Ooltewah Middle School	12	4	16	55	65	6	12.5%	8	8.8%	5.9%
Orchard Knob Elementary School	1	2	3	6	7	3	1.9%	1	4.2%	2.8%
Orchard Knob Middle School	3	6	9	2	5	8	1.4%	1	13.3%	10.0%
Red Bank Elementary School	7	3	10	52	59	4	11.4%	4	5.3%	4.0%
Red Bank High School	13	5	18	9	22	6	2.7%	7	7.1%	5.9%
Red Bank Middle School	6	4	10	36	41	7	6.7%	3	10.8%	6.2%
Rivermont Elementary School	9	6	15	21	30	6	9.5%	2	11.8%	11.8%
Sale Creek Middle/ High School	18	2	20	12	30	3	5.2%	9	4.2%	2.8%
Sequoyah High School	6	3	9	3	9	3	4.0%	2	7.5%	7.5%
Signal Mountain Middle/High School	42	3	45	212	254	5	18.9%	27	4.0%	2.4%
Snow Hill Elementary School	13	8	21	38	51	9	8.6%	6	12.7%	11.3%
Soddy Daisy High School	27	7	34	64	91	8	8.3%	13	7.4%	6.5%
Soddy Daisy Middle School	13	3	16	81	92	6	18.3%	10	11.1%	5.6%
Soddy Elementary School	20	3	23	20	40	3	8.6%	11	4.7%	4.7%
Spring Creek Elementary School	4	6	10	2	6	7	1.0%	2	7.5%	6.5%
STEM School Chattanooga	5	1	6	7	12	3	4.3%	1	11.5%	3.8%
The Howard School	2	4	6	6	8	5	0.6%	1	3.5%	2.8%
Thrasher Elementary School	23	6	29	50	73	6	13.0%	18	11.5%	11.5%
Tommie F. Brown International Academy	10	3	13	16	26	4	8.1%	5	8.5%	6.4%
Tyner Academy	7	0	7	3	10	0	1.9%	3	0.0%	0.0%
Tyner Middle Academy	4	2	6	10	14	2	3.3%	1	3.6%	3.6%
Wallace A. Smith Elementary School	10	2	12	46	55	3	8.8%	7	4.7%	3.1%
Westview Elementary School	21	7	28	15	36	8	6.3%	14	11.8%	10.3%
Wolfcreek Elementary School	11	4	15	53	62	8	11.1%	3	11.1%	5.6%

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
Woodmore Elementary School	2	3	5	0	2	6	0.8%	1	12.5%	6.3%
<b>TOTAL</b>	<b>851</b>	<b>271</b>	<b>1122</b>	<b>2236</b>	<b>3064</b>	<b>294</b>	<b>7.2%</b>	<b>434</b>	<b>5.9%</b>	<b>5.4%</b>