
Additional Local Education Agency (LEA) Requested COVID-19 Waivers

The Background:

Chapter 652 of the Public Acts of 2020 granted the Commissioner of Education the authority, upon the approval of the State Board, to waive state statutes and/or State Board rules that inhibits or hinders an LEA's ability to meet the LEA's goals or comply with the LEA's mission due solely to the outbreak of COVID-19.

In response, the Office of the General Counsel at the department worked to create an application for LEAs to request waivers for the 2019-20 and 2020-21 school years related to COVID-19 utilizing feedback from LEAs and State Board staff. The waiver application contains boxes for LEAs to check to request a waiver from one or more of three specific identified areas. Additionally, the waiver application contains an open-ended section for LEAs to request waivers from other State Board rules or statutes.

This item includes these additional LEA-requested waivers that have been recommended for either approval or denial by the Commissioner of Education. The waiver requests are grouped by LEA and divided into three categories:

- 1) Waivers recommended for approval;
- 2) Waivers recommended for conditional approval (approval with specific requirements that the LEA must still meet as a condition of receiving the waiver); and
- 3) Waivers recommended for denial.

The Board voted on the first batch of additional LEA-requested waivers from the open-ended section of the waiver application at the July 24, 2020 Board meeting. For that meeting, the Department of Education recommended full approval of LEA requested waivers of T.C.A. § 49-6-1021 (the Tom Cronan Act) for the 2020-21 school year. State Board staff recommended approval of waivers of only T.C.A. § 49-6-1021(e)(3) of the Tom Cronan Act for the 2020-21 school year.

The Board voted to grant a waiver of only T.C.A. § 49-6-1021(e)(3) of the Tom Cronan Act for the 2020-21 school year. T.C.A. § 49-6-1021(e)(3) of the Tom Cronan Act requires elementary physical education (PE) classes to be taught by a teacher licensed and endorsed in PE. By granting a waiver of this portion of the Tom Cronan Act, The SBE granted any district requesting a waiver of the Tom Cronan Act the authority to request from the Department a one-year employment standard endorsement waiver for a teacher scheduled to teach PE for elementary students for the 2020-2021 school year.

The Department of Education has changed the recommendation for the Tom Cronan Act to align with the preferences of the Board. The Department recommends approval of waivers of only T.C.A. § 49-6-1021(e)(3) of the Tom Cronan Act for the 2020-21 school year. This change is reflected in the accompanying document for this item by moving the Tom Cronan Act into the "conditionally approved" column.

Additional LEA-requested waivers received by the Department of Education after August 12, 2020 for the 2020-21 school year will be presented to the Board at future meetings.

The Recommendation:

The Department of Education recommends approval of this item on first and final reading. The State Board staff concurs with this recommendation.