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**PENNY SCHWINN**  
COMMISSIONER

March 25, 2020

Asst. Secretary Scott Stump  
Office of Career, Technical, and Adult Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

RE: Waiver Request for components of the *Strengthening Career and Technical Education for the 21st Century Act* (Perkins V)

Assistant Secretary Stump:

The Tennessee Department of Education (TDOE) is requesting Secretary DeVos to utilize the waiver authority pursuant to Sections 113, 121, 134, 135 and other components of the *Strengthening Career and Technical Education for the 21st Century Act* (Perkins V) as the state continues to address the state of emergency resulting from both the COVID-19 outbreak and recent tornadoes across Tennessee.

Tennessee counties experienced seven EF3 and EF4 tornadoes on March 2 and 3 which destroyed numerous homes, schools, and lives—the second deadliest tornado outbreak in Tennessee history. We are continuing to support our district and school leaders in recovering from this natural disaster, but many schools are not yet able to resume a normal school schedule, and the impact on the communities is significant. On March 3, Governor Bill Lee declared a state of emergency for this natural disaster.

While in this state of emergency, Tennessee school districts have suspended classes with the number of confirmed cases of the novel coronavirus disease 2019 (COVID-19) continuing to increase daily. Governor Bill Lee has announced that all public schools in Tennessee would close through at least April 24 with numerous districts choosing to extend through May.

To ensure that the TDOE is equipped to serve and provide the greatest flexibility for our districts and postsecondary institutions responding to current medical and natural disasters noted above, Tennessee is seeking waivers for the following requirements of Perkins V and for these items to not be considered when monitoring for state and local program compliance:

### Section 113. Accountability

- A **one-year waiver to exclude the 2019-20 school year from accountability determinations related to the State Determined Performance Measures and all Core Indicators of Performance** as described in Section 113(b)(2)(A), Section 113(b)(2)(B).
- In addition to the request related to the State Determined Performance Measures and Core Indicators of Performance, a **one-year waiver to exclude state reporting of data related to the State Determined Performance Measures and all Core Indicators of Performance** as described in Section 113(b)(3)(C).

### Section 121. State Administration

Due to local travel restrictions and cancellations of events as a result of the medical and natural disasters noted above –

- A **one-year waiver to amend the eligible agency requirements related to convening and meeting as an eligible agency not less than four times annually** as described in Section 121(a)(3).

### Section 134. Local Application for Career and Technical Education Programs

Due to local travel restrictions and cancellations of events as a result of the medical and natural disasters noted above –

- A **one-year statewide extension for those districts and institutions who have not already completed the requirements of the comprehensive local needs assessment** as described in Section 134(c-e).

### Section 135. Local Uses of Funds

- A **one-year statewide waiver to exceed the five percent maximum for the administration of the local uses of funds** as described in Section 135(d).
- A **one-time statewide waiver to utilize Perkins funds to reimburse local career and technical student organization (CTSO) chapters for all CTSO event costs which were not recouped and refunded** due to the cancellation of CTSO events as a result of the medical and natural disasters noted above.

### Section 211. Fiscal Requirements

Due to these exceptional and uncontrollable circumstances noted above which will affect the ability of the state to provide services –

- A **one-year statewide waiver to exclude the “supplement not supplant” requirement** as described in Section 211(a).
- A **one-year statewide waiver to exclude the maintenance of effort requirements** as described in Section 211(b).

### Other Fiscal and compliance requirements

In order to provide appropriate and additional resources for all career and technical education students in Tennessee during this period of school closures and distribution, including for those of special populations -

- A **one-time statewide waiver for the eligible agency to utilize a portion of the local amounts to be redistributed from the state Perkins awards – V048A180042 and V048A190042 –** as described in Sections 131 and 132 **for state administration and state leadership activities** as described in Sections 112 and 124.
- In addition to the request related to the utilization of local amounts to be redistributed for state administration and state leadership activities, a **one-time statewide waiver to exceed the maximum amount for state administration and the maximum amount for state leadership activities from the state Perkins awards – V048A180042 and V048A190042 –** as described in Section 112.

- **A one-time waiver to extend the period of availability for Perkins award V048A180042 to September 30, 2021, and Perkins award V048A190042 to September 30, 2022.**

Due to the evolving nature and scope of the current crises Tennessee is facing, we did not provide public notice prior to submission of this waiver request. We will actively communicate this request and provide appropriate follow-up communication with stakeholders.

School and district leaders currently have to balance decisions regarding the safety of their students and their students' education. This balance may be upset by leaders' fear of repercussions in accountability, assessment, and funding. These waiver requests represent the best faith efforts of the TDOE to remove incentives for schools and districts to make decisions that may not be in the best interests of student health and safety.

Thank you for consideration of these requests and we reserve the right to submit additional waiver requests related the administration of the Strengthening Career and Technical Education for the 21st Century Act. Tennessee is committed first to ensuring that all students are safe and fed during these crises; we are also committed to ensuring that the TDOE supports the recovery of impacted districts and schools so we can continue to focus on the provision of an excellent education and setting all students on a path to success.

Please feel free to contact Jean Luna, by telephone at 615-878-3108 or at [jean.luna@tn.gov](mailto:jean.luna@tn.gov) if there are questions regarding this request or if additional information is needed.

Regards,



Dr. Penny Schwinn, Ph.D.  
Commissioner

CC: Jean Luna, Chief of College, Career and Technical Education  
Mike Hardy, Chief Strategy Officer  
Drew Harpool, Chief Financial Officer  
Sam Percy, Chief Operations Officer  
Steve Playl, Senior Director of College and Career Experiences, State Director