BEFORE THE TENNESSEE STATE BOARD OF EDUCATION

2014 CHARTER SCHOOL APPEAL
Emerge Collegiate STEM Charter School

FINDINGS AND RECOMMENDATION

Pursuant to Tenn. Code Ann. § 49-13-108, sponsors proposing to open new charter schools may appeal the denial of their amended applications by a local board of education to the State Board of Education (State Board).

On Thursday, August 14, 2014, a hearing was held at the Shelby County Board of Education in Memphis, Tennessee, to consider Emerge Collegiate STEM Charter School's appeal of the denial of its amended application by the Shelby County Schools.

Based on the following procedural history and findings of fact, I believe that the decision to deny Emerge Collegiate STEM Charter School's (Emerge) application was not "contrary to the best interests of the pupils, the school district, and the community," and therefore recommend that the Board affirm the decision of the Shelby County Board of Education

PROCEDURAL HISTORY

1. On May 27, 2014, the Shelby County Board of Education unanimously denied Emerge Collegiate STEM Charter School's initial application, following the unanimous recommendation of the Shelby County Schools charter school review committee.

2. Emerge amended and resubmitted its application on June 25, 2014.

3. On July 15, 2014, the Shelby County Schools charter school review committee recommended denial of Emerge Collegiate STEM Charter School's amended application. Subsequently, the Shelby County Board of Education voted to deny the amended application of Emerge.

4. Emerge then appealed the denial in writing to the State Board, received July 23, 2014.

5. On September 8, 2014, the State Board Charter Application Review Committee interviewed the sponsor, rated their application, and provided the attached recommendation report. [See Exhibit 1]

FINDINGS OF FACT

1. The Shelby County Schools charter school review committee team evaluating the Emerge Collegiate STEM Charter application included the following individuals:

a. Beth Murphree
b. Amelia Anglin
c. Taurus Currie
d. Angela Carr
e. Aetna Smith
f. Carla Smith
g. Dionne Williams
h. Rhonda Hill
i. Brian Fisher
j. David Barrett
k. Beth Stayton
l. Cary Booker
m. Dedric McGhee
n. Eddie Jones
o. Kemmie Ingram

2. Using the Tennessee Department of Education's (TDOE) scoring rubric as a guide for evaluating the application, the review committee scored the application into four main domains: Academic Plan Design and Capacity, Operations Plan and Capacity, Financial Plan and Capacity, and Additional Attachments: Facilities, Transportation Plan, Food Service, Insurance, Waivers, etc.
3. On the initial application, Emerge's application was labeled according to the scoring criteria developed and promulgated by the TDOE. Emerge's initial application scored as follows:

Academic Plan Design and Capacity	*Does Not Meet*
Operations Plan and Capacity	*Does Not Meet*
Financial Plan and Capacity	*Does Not Meet*
Additional Attachments: Facilities, Transportation Plan, Food Service, Insurance, Waivers, etc.	*Does Not Meet*

4. After the Shelby County Board of Education voted to deny Emerge's initial application, Shelby County Schools sent Emerge the overall reasons for denying the Emerge application.
5. Emerge's amended application scored as follows:

Academic Plan Design and Capacity	*Meets or Exceeds*
Operations Plan and Capacity	*Does Not Meet*
Financial Plan and Capacity	*Partially Meets*
Additional Attachments: Facilities, Transportation Plan, Food Service, Insurance, Waivers, etc.	*Meets or Exceeds*

6. After review of the application, the committee unanimously recommended denying the amended application. Ultimately, the Board determined that the authorization of the

charter would be contrary to the best interests of the students of Shelby County Schools. The committee had the following specific concern:

a. Operations Plan and Capacity – The required components related to Human Resources, as outlined in the state's application, as outlined in the state's application, are not included in the narrative of the amended application. The requirements include a description of the school's proposed leadership structure, and the school's plan for recruiting and selecting faculty and other staff as well as a staffing chart and information concerning the proposed school's professional development activities.
b. Financial Plan and Capacity – The committee felt that there was not a thorough explanation of how the school will handle accounting, payroll, or purchasing.

7. The State Board Charter Application Review Committee evaluating the Emerge application included the following individuals:
    a. Harry Allen, Senior Vice President, Senior Commercial Relationship Manager, Avenue Bank
    b. Rich Haglund, General Counsel and COO, Achievement School District
    c. Dr. Ally Hauptman, Assistant Professor, Lipscomb University
    d. Dr. Kimberly King-Jupiter, Dean of the College of Education, Tennessee State University
    e. David Mansouri, Executive Vice President, SCORE
    f. Dr. Alice Patterson, Director of the Doctor of Education Program, Trevecca University
    g. Hillary Sims, School Director, STEM Preparatory Academy
    h. Tess Stovall, Coordinator of Charter School Accountability and Policy, State Board of Education
8. At the time of appeal to the State Board, Emerge submitted additional amendments pursuant to T.C.A. §49-13-108(a)(4)(C) with Section 2 – Operations Capacity:
    a. Salary Schedules
    b. Teacher Recruitment Timeline
    c. Organizational Chart
    d. Staffing Chart
    e. Professional Development Description
    f. Staff Evaluation Tools
    g. Description of Operations Capacity
9. The State Board Charter Application Review Committee* scored Emerge's amended application as follows:
    a. Academic Plan Design and Capacity *Partially Meets*
    b. Operations Plan and Capacity *Partially Meets*
    c. Financial Plan and Capacity *Partially Meets*

d. Additional Attachments: Facilities, Transportation Plan, Food Service, Insurance, Waivers, etc. *Partially Meets*

**A copy of the State Board Charter Application Review Committee's recommendation and committee composition is attached.*

CONCLUSION

State law requires the State Board of Education to review the decision of the local board of education and determine whether the denial of the charter school was in the "best interests of the students, school district, and the community."[1] The State Board is also empowered with the authority to become the authorizer for applicants denied by an LEA that contains at least one (1) priority school on the current or last preceding priority school list.[2] Approval of a public charter school must be "in the form of a written agreement signed by the sponsor and the chartering authority, which shall be binding upon the governing body of the public charter school."[3] The means that when the authorizer votes to approve a charter school, it must be ready to sign that binding document at the same time, just as it would any other contract it approves.[4] Because of the important nature of such a contract, the charter sponsor must take care to include details with enough specificity that an authorizer can measure, with confidence, the school's likelihood of success upon approval.

Public Chapter 850 (2014) required the State Board of Education to adopt national standards of authorizing. One such standard is to maintain high standards for approving charter applications. To that end, the State Board employed a team of qualified individuals to independently score the application using the Tennessee Department of Education's scoring rubric. The team also conducted capacity interviews of the sponsor to determine whether the school and its leadership would be likely to succeed upon opening. The application review and interview process were rigorous. I would like to thank the review committee for lending their expertise in helping us meet the challenge of becoming a quality authorizer. To that end, I recommend that you adopt the findings of the review committee.

For these reasons, I do not believe that the decision to deny Emerge Collegiate STEM Charter School's application was contrary to the best interests of the students, the school district, and the community. Therefore, I recommend that the State Board of Education affirm the decision of the Shelby County Board of Education.

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[1] T.C.A. § 49-13-108(a)(3).
[2] T.C.A. § 49-13-108(a)(4).
[3] T.C.A. § 49-13-110(a).
[4] The Tennessee Attorney General recently confirmed that this is what the statutory language means. See Op. No. 10-45, available at http://www.tn.gov/attorneygeneral/op/2010/op/op10-45.pdf (last viewed Sept. 25, 2013).

Gary Nixon

Dr. Gary L. Nixon, Executive Director
State Board of Education

9-15-14

Date

Exhibit 1

Emerge Collegiate STEM Charter School

Charter Application Review Committee - Summary Report and Scoring

The State Board of Education's Charter Application Review Committee is made up of experts in the fields of curriculum, instruction, special populations, operations, finance, and charter schools. Members of the 2014 Charter Application Review Committee are:

1. Harry Allen, Senior Vice President, Senior Commercial Relationship Manager, Avenue Bank
2. Rich Haglund, General Counsel and COO, Achievement School District
3. Dr. Ally Hauptman, Assistant Professor, Lipscomb University
4. Dr. Kimberly King-Jupiter, Dean of the College of Education, Tennessee State University
5. David Mansouri, Executive Vice President, SCORE
6. Dr. Alice Patterson, Director of the Doctor of Education Program, Trevecca University
7. Hillary Sims, School Director, STEM Preparatory Academy
8. Tess Stovall, Coordinator of Charter School Accountability and Policy, State Board of Education

The committee completed an initial review and scoring of the application based on the scoring rubric developed and promulgated by the Tennessee Department of Education and, as a committee, discussed strengths, weaknesses, and concerns of the application prior to the capacity interview with the applicant. The committee drafted questions based on these concerns and weaknesses to be addressed at the capacity interview. At the conclusion of the capacity interview, the committee submitted revised scoring rubrics and developed a consensus report on the overall ratings of the application.

Based on the review of the written application and the capacity interview, the committee rated the Emerge Collegiate STEM Charter School's application as the following:

A. Academic Plan Design and Capacity	*Partially Meets*
B. Operations Plan and Capacity	*Partially Meets*
C. Financial Plan and Capacity	*Partially Meets*
D. Additional Attachments	*Partially Meets*

The committee has summarized the evidence used to determine these ratings below.

<u>Academic Plan Design and Capacity – Partially Meets</u>

The application laid out a clear description of the school's curriculum and research behind the curriculum, and a research-based approach to the performance goals and the promotion requirements. The application also contained plans to utilize a number of assessments throughout the school year, and it possesses a strong cycle to utilize the data in instruction. However, the application did not contain a thorough plan to serve students with disabilities and English Language Learners, even though the application stated that they planned to heavily recruit students from a non-English language background. The capacity interview did not give the committee additional confidence in the applicant's ability to properly serve these students.

Operations Plan and Capacity – Partially Meets

The application contains a small founding board, and the applicant stated that they do have plans to expand the governing board if approved. However, the application did not contain a thorough professional development plan especially around serving English Language Learners. The committee was not confident in the distribution of roles and responsibilities among the school leadership team and who would manage the operations and finances on a day-to-day basis. A business/"operations" manager was not proposed to be hired until the 6th or 7th year of operation.

Financial Plan and Capacity – Partially Meets

The application's financial plan relies significantly on private fundraising revenue, but the application did not contain clear evidence around the fundraising estimates. However, the application does possess clear financial controls and policies and an understanding around the transparency for financials. The positions listed in the budget were not consistent with the organizational chart, staffing charts, and other references listed within the application.

Additional Attachments - Facilities, Transportation Plan, Food Service, Insurance, Waivers, etc. – Partially Meets

The application contains plans for a facility, and during the capacity interview, the applicant discussed their current options regarding a facility. The applicant plans to directly deliver food service and manage USDA regulations and reimbursements within the school. However, the applicant did not demonstrate that there was sufficient capacity within the organization to manage the daily meal counts and the reimbursement process in addition to all of the other tasks to be handled by the Executive Director and principal.

Summary of Recommendation

Since Emerge Collegiate STEM Charter School's application did not receive "Meets or Exceeds" ratings in all sections, the Charter Application Review Committee is recommending the application be denied.