

Dear Members of the Commission,

MNPS respectfully requests that you reject the Executive Director's report because it is logically flawed.

As a threshold matter, the Commission must decide what qualifies as an emergency is it, as the Commission's General Counsel stated, akin to an "act of God," or is the bar so low that a decision by the Nashville Board in the renewal process, one contemplated in the Tennessee Code, can serve as an emergency. Knowledge Academy, in their emergency amendment application stated the claimed emergency: "The urgency for this petition is that during the renewal process, the MNPS board of education voted to non-renew KA Middle School." But the remedy for a denial is to appeal the decision to the Commission. KA did that, and then KA *voluntarily withdrew* that appeal after its presentation to the Executive Director. The Executive Director's analysis wholly fails to address the role of the renewal appeal process and that KA voluntarily withdrew their appeal. That withdrawal meant that any errors in the renewal process were not addressed through the proper means laid out under law. In KA's own application, the emergency is the Nashville Board's decision which is contemplated under statute. The Executive Director doesn't state how a function contemplated under state law could be either unanticipated or extraordinary.

Any issue with the charter renewal process should not properly be before the Commission on this matter. To hold otherwise is to allow KA to in effect create an emergency. Put simply, KA tried a strategy that did not work; allowing that to constitute an emergency allows the exception (i.e., filing an emergency petition) to swallow the rule (i.e., filing amendment petitions by the fall and spring deadlines).

The Executive Director, in effect, argues that the renewal process was fatally flawed because MNPS did not file a renewal report, and that qualifies as an emergency. Even if the process was fatally flawed (and it was not), any issue should have been addressed through the renewal appeal process. An issue with one school's renewal process should not constitute an emergency that would justify an off-schedule charter network reorganization. KA engaged in the charter renewal appeal process but abandoned it once it realized its prospects of prevailing were slim due to academic, operational, and financial issues over the term of KA Middle School. Pursuant to T.C.A. § 49-13-121(b), the charter renewal process contains an analysis of the previous eight years and as such KA was aware, at least, that the school had been on probationary status during the review period. Simply put, KA voluntarily withdrawing its renewal appeal does not constitute an emergency.

The Executive Director fails to note that the governing board's letter in December of 2021 was not an actual amendment application and was in fact made conditional on the Nashville Board approving the renewal for KA Middle School.

Troubling as well is if the renewal report had been issued, the Executive Director's analysis suggests that on that date, the renewal application is essentially prejudged to be either approved or denied. Otherwise, pursuant to the appeal application process outlined under T.C.A. § 49-13-121, KA should have been able to anticipate that a denial of their renewal application was at least a possibility.

Given the Executive Director's flawed analysis of the emergency in this matter and the issues that overturning the Nashville Board's decision would cause for the understanding of what constitutes an emergency, MNPS asks the Commission to reject the Executive Director's recommendation.