



TO: Tennessee Public Charter School Commission

FROM: Tess Stovall, Executive Director

DATE: June 28, 2022

SUBJECT: Nashville Collegiate Prep Emergency Amendment Petition

### **Background**

ReThink Forward, Inc. ("Governing Board") entered into a charter agreement with the Tennessee Public Charter School Commission ("Commission") on December 16, 2020. The agreement allowed the governing board to establish and operate Nashville Collegiate Prep ("NCP") in the Southeast region in Nashville, TN serving kindergarten through fifth in the opening year, with subsequent expansion through the eighth grade through the addition of a grade level annually. The maximum enrollment under the current agreement is 770 when the school is fully serving grades K-8. Subsequent to the signing of the charter agreement, NCP secured a facility in Antioch, TN, which allowed them to begin operations as agreed upon in the 2021-2022 school year. The school opened in August 2021 serving students in grades K-5 with an enrollment of 322.

However, the current facility's maximum student capacity is 478, and the school leadership determined that the facility can only accommodate the proposed enrollment levels in grades K-4, and one class in grades 5-6. In the search for a facility to house grades 5-8 in the long term, the school identified a land opportunity that would allow the school to build a new facility and continue serving its students through grade 8. As a result, the school's governing board approved a resolution to move forward with an emergency amendment petition to increase the student enrollment thresholds set forth in the original charter school's charter agreement to 1,292.

Pursuant to T.C.A. 49-13-110(d), the governing body of a charter school may petition the authorizer to amend the charter agreement. The Commission is charged with determining the timelines for approval of amendment petitions and the process for reviewing these petitions. Under Commission rule 1185-01-01-.04, a charter school may petition for an increase to the maximum student enrollment allowed in their agreement. Moreover, the governing board may file an emergency amendment petition outside of the established fall and spring amendment timelines should an extraordinary or unanticipated event occur. Upon receipt of an amendment petition, the Commission is responsible for reviewing and scoring the amendment application in accordance with the Department of Education's scoring rubric and must act on the petition within sixty (60) calendar days of receiving the petition.<sup>1</sup>

Commission staff independently reviewed the amendment petition, attachments, and budgets submitted by NCP. After the independent review, staff collectively drafted follow-up questions for the operator related to academics, operations, and financial items. NCP responded to these additional questions on May 10, 2022. Commission staff also requested end-of-the-year benchmark data and WIDA assessments, which NCP provided on May 20, 2022. On June 7, 2022, Commission staff and NCP met to discuss additional follow-up

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<sup>1</sup> Tenn. Comp. R. & Regs. 1185-01-01-.04(1)(h).



questions with the operator related to the timeline for construction, the financing of the facility, and enrollment strategies.

### **Findings of Fact**

The Commission strives to be a first-in-class authorizer, and we desire to support the charter schools in our portfolio to best set them up for success. Recommendations for approval or denial of each amendment requested in an amendment application will be based on the materials submitted as well as the authorizer's due diligence. Commission staff completed a site visit to NCP in the spring of 2022 where they observed a dynamic and productive school environment where students had flexible groupings and teachers utilized technology to engage students. The unique classroom model in the facility at NCP was designed to cater to these flexible groupings and technology use. Commission staff interviewed NCP staff, parents, and students during this site visit, and all cited satisfaction with NCP and the education model. The Tennessee Department of Education's amendment petition scoring rubric lays out the characteristics of a strong amendment petition, and, below, the staff has provided evidence within the record under each characteristic.

#### **1. Alignment of proposed amendment with the school's mission and goals.**

The mission of NCP is "to provide a personalized, engaged, supported, and challenging environment that will strengthen students academically, socially, and emotionally. Students will leave NCP with the skills and mindset necessary to not only face reality but create improvements for the next generation." The school's vision further supports the mission by stating that NCP will "inspire and equip a generation of self-directed critical thinkers to influence the world around them." The operator states that the new facility and increased enrollment will provide greater opportunity to carry out the mission for South Nashville students and families. An expansion from 770 to 1292 students will allow NCP "to offer innovative, state of the art curricula" to its students.

#### **2. Academic results provide compelling support for the proposed amendment.**

Given that NCP is in its first year of operation, the school has not received any results from TN Ready testing or TVAAS designations. In response to this prompt in the application and based on Commission staff requests, the operator provided internal assessment data for NCP. The information provided includes i-Ready assessment data from the 2021-2022 school year and growth benchmark data for subgroups, and TVAAS data for the three schools operated by Noble Education Initiative (NEI) under the Knowledge Academy umbrella.<sup>2</sup> Overall, students at NCP showed growth within semester one and two both in math and ELA, and across subgroups. Overall proficiency is strong on these internal assessments at over 30% of students placing in tier 1 (on or above grade level) in both reading and math for most grade levels. The provided internal subgroup data indicates that NCP has grown Students with Disabilities, English Language Learners, and Economically Disadvantaged (direct certification) students in proficiency over time. They have demonstrated a commitment to serving these students and their unique needs. This data, as summarized in Appendix A, indicates that NCP

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<sup>2</sup> Appendix A



could produce promising results for students in southeast Nashville that are seeking a high-quality and innovative school option.

**3. Realistic and detailed budget that explains the financial impact of the proposed amendment and clear evidence that the financial outlook of the school supports the costs associated with the proposed amendment.**

NCP provided a five-year financial projection which incorporated the financial impact of the proposed amendment application. While the school projects that it will maintain a positive net position based on an annual surplus of revenue over expenses, the revenue is based on enrollment materializing at the projected amounts. The operator explained that NCP requires the enrollment expansion to generate the revenue that is required to cover the cost of the new facility. While staffing costs and management fees are largely determined by actual enrollment and the revenue, the operator's main contingency plan, should enrollment not materialize as projected, would be to increase marketing efforts through the use marketing strategies and social media work conducted by a marketing agency. NEI also indicated that the network will be able to support the school in case of a temporary cash shortfall.

Below are the main budget observations from the information submitted and discussions with the operator:

- BEP funding per student was projected utilizing a per pupil rate consistent with the amount provided by Metropolitan Nashville Public Schools for School Year 2022-2023.
- Federal revenues are not included in revenue projections, and the school will receive federal grants as a part of the Commission's district.
- Management fees are projected at 10% of revenue.
- Lease expenses are based on recent cost estimates.
- A \$1 million loan will be accessed to fund the necessary capital expenses to outfit the new campus.

**4. Thoughtful and realistic facility plans that accommodate the proposed amendment.**

The operator indicated a plan to build "an entirely new, state of the art school, with outdoor space and flexible classrooms to accommodate the student population." The operator has begun working with architects and contractors to design the facility, reserve materials, attain the necessary permits, and will be ready to close on the property to begin development work upon approval by the Commission.

Noble Education Initiative is working with the development company, Ryan Company, to enter a fixed-price contract for the land and the construction of the campus. Noble Education Initiative and Ryan Company expect to use funds from Hamlin Capital Management to finance the project. The development company would be the owner of the land, and NCP would enter into a long-term lease for the new campus effective August 1, 2023, when it occupies the facility.

The school's projected facility plan includes the following details:

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- The current facility, which is under a twenty (20) year lease, will continue to serve grades K-4.
- NCP will lease the new facility, and therefore it will not take on the liability of the building.
- Per recent discussions with NCP, the purchase price of the land is \$2 million and is located at 14446 Old Hickory Blvd (approximately 2 miles from the current campus).
- The newly constructed facility will house grades 5-8 and will include classrooms and a multi-purpose room. In the longer term, the governing board anticipates that they could locate a high school on the property should they decide to apply through the new start application cycle and receive approval for this additional school.
- The cost of construction will be financed by Hamlin Capital Management.
- As part of the lease agreement, NCP agrees to cover all expenses of the property including real estate taxes, building insurance, and maintenance.

The school stated that it has no current viable backup for a facility to house the current approved enrollment in grades 5-8 in the long term should this petition be denied. Noble Education Initiative has approached the owners of the facilities in the near vicinity of the current facility, and no facility owner is interested in selling/leasing their property. If the petition is denied, the operator stated they will have to go back to the drawing board on the long-term facility plans to serve the current approved K-8 school.

**5. Detailed implementation plan with a realistic timeline that addresses the operational impact of the proposed amendment.**

The operator will be working with Ryan Company on the development and construction of the new campus. NEI has significant experience working with the construction company and provided the below timeline for implementation and/or deadlines related to facilities:

- Land Closing – June 28th, 2022 (Upon approval of the amendment petition)
- Grading Permit Approved – September 1st, 2022
- Civil and Building Permit Approved – September 1st, 2022
- Start Construction – September 14th, 2022
- Certified Building Pad – December 29th, 2022
- Pour Slab on Grade – February 17th, 2023
- Install Roof – March 24th, 2023
- Building Dry-in – April 13th, 2023
- Permanent Power – May 9th, 2023
- Substantial Completion/Certificate of Occupancy – July 15th, 2023
- First Day of School – August 2023

The operator also provided a proposed staffing plan, should the Commission approve this amendment petition. NEI stated it will begin recruiting and hiring staff in November and December 2022, and this will be done centrally by NEI to include positions available at both NCP and Rutherford Collegiate Prep. As of June 20,

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2022, the school is fully staffed. The operator is also aware of the licensure requirements and anticipates no licensure issues going into future school years.

**6. Clear evidence of support for the proposed amendment from parents, staff, and community partners.**

In the petition, the operator states that it has “developed a comprehensive K-8 enrollment expansion outreach and marketing plan focusing on communicating NCP’s strength as a K-8 provider....” The operator stated the intent to use a group of parent ambassadors who will support word-of-mouth marketing and influence other parents as part of brand awareness. The operator listed parent and staff comments in the petition as a show of support for the amendment petition.

For School Year 2022-2023, NCP has 466 enrollments verified, with a goal of 468. There are currently 50 students on the waitlist, including kindergartners, and the school is committed to filling the remaining 2nd and 3rd grade seats prior to the start of the 2022-2023 school year. Enrollment is increasing due to the efforts of the registrars’ information nights, which are conducted online and in-person, and marketing strategies by the school’s marketing team.

**7. FOR EMERGENCY PETITIONS ONLY: Compelling evidence of unanticipated extraordinary circumstances supporting the filing of an emergency amendment application.**

The operator stated that the emergency petition was submitted to accommodate the need created by the truncated timeline they were under in opening NCP for the 2021-2022 school year. The operator deemed the emergency being the opportunity presented to acquire land near the current facility and maintain a construction schedule to open for the School Year 2023-2024.

In order to close escrow on the identified property, NCP must be able to provide an amended charter agreement authorizing the school to expand into the proposed school design. If the petition is approved, the operator intends to close on the property in late June 2022 to allow adequate time to build the new campus and open in August 2023. The current NCP campus will support serving grades K-6 in the 2022-2023 school year by limiting enrollment in grades 5 and 6. However, it is not feasible for the current campus to serve all of the existing students as they matriculate into the 2023-2024 school year. The school has known since securing the current building in spring 2021 that it would need additional facilities, and school representatives have been actively engaged in a facility search to house the middle school since that time. The school states that this is the best long-term facility plan that they currently have.

**Recommendation**

Throughout the Commission staff’s review of the record of Nashville Collegiate Prep’s emergency amendment application, staff focused on the characteristics of a strong response as defined by the Tennessee State Department of Education’s amendment petition rubric. Through working with the operator since December 2020 and based on the materials reviewed regarding this amendment petition, I fully acknowledge the space constraints of the school’s current facility and the lack of available facility options in the area

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surrounding the school to meet the current maximum enrollment of 770. However, I also have to acknowledge that the operator signed a twenty-year lease on a facility that they knew would only accommodate 478 total students. When signing the lease agreement, the operator did not have a definitive long-term facility plan in place to accommodate 770 students in grades K-8, and, because of that, the Commission is forced to consider an amendment petition to support the school and the students less than one year after opening. My directive for the school operator is that they understand that the Commission is considering this as an extraordinary circumstance, and it is not a circumstance that it will entertain regularly in the future. The expectation moving forward for this operator and for future operators is that they identify a facility and a facility plan that is financially and operationally viable within the current approved enrollment and grade span prior to signing a lease, even if that means that the school must delay its opening a year.

I will now turn to the remaining factors that I analyzed in this amendment petition which serve as a basis for my recommendation. The operator has set forth clear and thorough plans to build a long-term facility that can accommodate the current student enrollment, as well as the proposed increase to 1,292. The operator has a financially viable plan to support the construction of the new facility, and through their development work on the plans, have confidence that the facility will be ready for the 2022-2023 school year.

The school, while only in its first year, has demonstrated strong internal assessment results which indicate a likely strong performance on state assessments. These assessments show that all student groups, including subgroups, saw academic gains over the academic year. Looking into School Year 2022-2023, the school is nearly fully enrolled with 466 students fully registered, and the school reported that they are fully staffed with licensed personnel. Additionally, the network has added additional staff members to support special populations, with a new director of student supports who began in May 2022 and a new special education coordinator located at NCP, and the operator has also established a contract with the Diverse Learners Cooperative to support the overall strategy of serving all students within the schools overseen by NEI.

Overall, the school has several data points that point to the school being a quality educational option for students, and my recommendation is for the Commission to approve the emergency amendment petition to support the students and community in the Antioch area and to support the school's long-term facility needs. However, since the school has only completed its first year in operations, my recommendation to the Commission comes with strict guardrails to be included in an amended agreement to ensure the school successfully navigates this facility construction and expansion, and it is not to the detriment of its current student population.

The School Performance and Accountability Committee had a robust discussion regarding the amendment petition at its June 23, 2022 meeting. The discussion included an enrollment update, preliminary academic results, details related to the construction and proposed facility, community support, and the proposed guardrails. Commission staff also discussed NCP's progress toward supporting special populations. Commission staff shared that as of June 20, 2022, NCP has a confirmed enrollment of 466 students, which is near the goal of 468 included in the amendment petition. Although the school is still receiving student records for incoming students, the school stated that the number of students with disabilities is increasing given the

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records they have reviewed at this time. Since NCP does not have official state testing data available, staff discussed preliminary internal assessment results, which indicate growth in reading and math. Disaggregated data for Students with Disabilities, English Language Learners, and Economically Disadvantaged demonstrated growth in reading and math for these subgroups as well. Staff also provided the Committee with details related to the construction and financing of the facility. Members of the Committee asked clarifying questions surrounding the school's contingency plans and the reasonability of the ambitious timelines included in the amendment petition. Staff confirmed that NCP is working closely with the construction company on the project, however, confirmed that the school will need a contingency plan, should the new school site not be ready to open in August 2023. Staff also discussed the community support that was demonstrated in the application, including the school's waitlist of 50 students.

Committee members requested an update on NCP's plan for serving special populations and Commission staff affirmed that the school has come into compliance with licensure issues that were noted early in the 2021-2022 school year, have filled all staff vacancies, hired a new director of student support and a special education coordinator, and contracted with Diverse Learners Cooperative to support their strategy of serving all students. Staff also shared that the school's English Learner population is reflective of the community and surrounding schools, and additionally, NCP is aware of the need to increase the student population of students with disabilities. The School Performance and Accountability Committee accepted the amendment petition and recommends full consideration of the amendment petition by the full Charter Commission during its meeting on June 28, 2022.

Upon Commission approval of the amendment petition and amended charter agreement, Nashville Collegiate Prep will move forward with construction of a new facility to serve students in grades 5 through 8 with an increased enrollment threshold of 1,292. I recommend the amended agreement include:

- Enrollment: On an annual basis, the school is expected to achieve enrollment within 10% of the projected enrollment as they expand until fully serving grades K-8. Any variance below the targeted amount will constitute a material change and result in the school coming before the Commission to explain the cause for the variance and present a plan for increasing student enrollment and recruitment efforts. As reflected in the amendment application, the school's enrollment shall be measured against the following chart:

Grade Level	School Year					
	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
Kindergarten	100	140	140	140	140	140
1 <sup>st</sup> Grade	92	138	138	138	138	138
2 <sup>nd</sup> Grade	92	92	138	138	138	138

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3 <sup>rd</sup> Grade	69	92	92	138	138	138
4 <sup>th</sup> Grade	46	92	92	92	138	138
5 <sup>th</sup> Grade	46	100	150	150	150	150
6 <sup>th</sup> Grade	23	100	100	150	150	150
7 <sup>th</sup> Grade	0	25	100	100	150	150
8 <sup>th</sup> Grade	0	0	25	100	100	150
<b>Total</b>	<b>468</b>	<b>779</b>	<b>975</b>	<b>1146</b>	<b>1242</b>	<b>1292</b>

- Pre-Opening: In advance of the 2023-2024 school year, NCP will complete a pre-opening process overseen by the Commission staff which will include oversight on facility construction and monitoring of enrollment and staffing.
- Special Populations: Commission staff will conduct quarterly monitoring related to services to special populations, and the results of this monitoring will be communicated to the governing board.

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Tess Stovall, Executive Director  
Tennessee Public Charter School Commission

6/28/2022  
Date



**Appendix A**

**Additional Enrollment and Academic Data**

NCP School Year 2021-2022 Enrollment

At the end of School Year 2021-2022, NCP served the following percentages of students:

- Students with Disabilities – 4%
- English Language Learners – 31%
- Economically Disadvantaged – 28%

NCP School Year 2021-2022 Internal Benchmark I-Ready Data

I-Ready assessments are diagnostic assessments that are designed to mimic end of course assessments and provide evidence of student proficiency in key subject areas such as reading and math. They are often used as benchmark assessments and given multiple times a year to determine student growth between assessments and overall proficiency. NCP administered three benchmarks during the 2021-2022 school year.

- Reading Benchmark Percentage of Students Placing in Tier 1
  - *Key: Tier 1 students are performing on or above grade level*

Grade	Diagnostic 1	Diagnostic 2	Diagnostic 3
K	17%	59%	76%
1	13%	40%	59%
2	13%	41%	58%
3	25%	62%	63%
4	15%	39%	40%
5	9%	25%	30%

- Reading Benchmark Grade-Level Gains
  - *Key: Grade level gains are when a student moves a grade-level regardless of their current tier placement.*

Grade	Reading Gain from Diagnostic 1 to Diagnostic 2	Reading Gain from Diagnostic 2 to Diagnostic 3
K	1%	5%



1	29%	28%
2	46%	22%
3	67%	22%
4	56%	27%
5	61%	48%

- Math Benchmark Percentage of Students Placing in Tier 1
  - *Key: Tier 1 students are performing on or above grade level*

Grade	Diagnostic 1	Diagnostic 2	Diagnostic 3
K	7%	40%	68%
1	10%	38%	67%
2	5%	34%	44%
3	7%	27%	48%
4	10%	20%	37%
5	0%	17%	26%

- Math Benchmark Grade-Level Gains
  - *Key: Grade level gains are when a student moves a grade-level regardless of their current tier placement.*

Grade	Math Gain from Diagnostic 1 to Diagnostic 2	Math Gain from Diagnostic 2 to Diagnostic 3
1	29%	30%
2	51%	20%
3	67%	36%
4	40%	46%
5	61%	48%

- Comparison data by Subgroup
  - *Key: Tier 1 refers to students requiring the least amount of intervention as they are at or are approaching grade level.*

Subgroup	Test 1 % in Tier 1	Test 2 % in Tier 1	Test 3 % in Tier 1
<b>Reading</b>			
Students with Disabilities	16%	47%	59%
English Language Learners	17%	47%	55%
Economically Disadvantaged	18%	44%	53%
<b>Math</b>			
Students with Disabilities	7%	32%	53%
English Language Learners	8%	31%	52%
Economically Disadvantaged	5%	26%	46%

Area School TVAAS Data

Tennessee Value-Add Assessment System (TVAAS) measures student growth over time regardless of student proficiency on state assessments. School composite TVAAS scores essentially measure how a school is growing the students within the building. Composite TVAAS scores range from a 1 (below expectations) and a 5 (above expectations). The following scores are composite TVAAS scores from the 2020-2021 school year.

*This data is technically held harmless due to virtual learning and the global pandemic; however, it provides context to performance for schools operated by Noble Education Initiative*

- Schools operated by Noble Education Initiative
  - Knowledge Academy @ The Crossings (middle) – TVAAS 3
  - Knowledge Academy (middle) – TVAAS 3
  - Knowledge Academies High School – TVAAS 2
- Other Public Middle Schools within the South/Southeast Region of Nashville
  - John Overton High School Cluster
    - Croft Middle School – TVAAS 1
    - McMurray Middle School – TVAAS 1
    - William Henry Oliver Middle School – TVAAS 1
  - Antioch High School Cluster



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- Apollo Middle School – TVAAS 1
- John F. Kennedy Middle School – TVAAS 1
- Margaret Allen Middle School – TVAAS 1
- Cane Ridge High School Cluster
  - Antioch Middle School – TVAAS 1
  - Thurgood Marshall Middle School – TVAAS 1
- Glenciff High School Cluster
  - LEAD Cameron College Prep – TVAAS 2
  - Wright Middle School – TVAAS 1

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