



TENNESSEE

PUBLIC CHARTER SCHOOL COMMISSION

**NEW START CHARTER
SCHOOL APPEALS**

OCTOBER 5, 2023

CHARGE OF COMMISSION

- The Commission was created under T.C.A. § 49-13-105 which lays out the Commission's responsibility to hear charter school appeals and to serve as the authorizer and LEA of approved charter schools
- T.C.A. § 49-13-108 allows public charter school sponsors to appeal the denial of an application by the local board of education to the Tennessee Public Charter School Commission
- The Commission is charged with conducting a de novo, on the record review of the proposed charter school's application

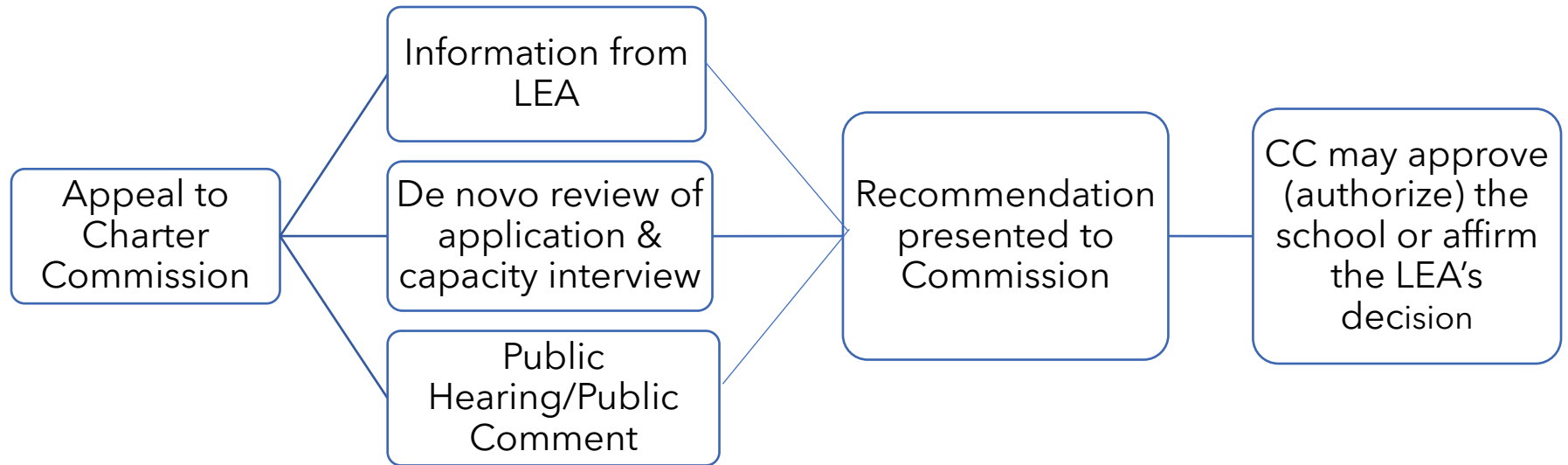


NEW START APPEALS

Sponsor	Name of School	LEA
American Classical Education, Inc.	American Classical Academy Madison	Jackson-Madison County School System
American Classical Education, Inc.	American Classical Academy Maury	Maury County Public Schools
Invictus Nashville Charter School	Invictus Nashville Charter School	Metro Nashville Public Schools
ReThink Forward	Nashville Collegiate Prep High School	Metro Nashville Public Schools
Capstone Education Group, Inc	Cornerstone Prep Lester Campus	Memphis-Shelby County Schools
Green Dot Public Schools	Fairley High School	Memphis-Shelby County Schools
Empower Career and College Prep Schools	Empower Memphis Career and College Prep Charter School	Memphis-Shelby County Schools
Pathways Management Group	Pathways in Education - Memphis	Memphis-Shelby County Schools



APPEALS PROCESS FLOWCHART



A maximum of 75 calendar days



REVIEW COMMITTEE

- The Commission assembles a review committee of experts with a variety of background and expertise to independently review the amended application
- Ensures there is a balance of expertise, no potential or real conflicts, and geographical/community considerations
- Reviews are conducted in alignment with the TDOE scoring rubric
- Holds a capacity interview with the appellant
- The committee's report is included in the Executive Director's Recommendation as Exhibit A



PUBLIC HEARING

- In accordance with statute, the Executive Director presides over a public hearing in the district the proposed school would locate
- The sponsor of the school and local board of education have opportunities to present on the appeal and answer questions from staff
- There is an opportunity for both in-person comment and written comment which is included the Commission's record
- A summary of the public hearing is included in the Executive Director's Recommendation and the video recording is contained in the record



FISCAL IMPACT

- T.C.A. § 49-13-108(c)
 - An LEA may deny on the basis that the opening of the charter school will cause a substantial negative fiscal impact on the district.
- Commission Rule 1185-01-01 and Policy 2.000
 - The information that, at a minimum, the Commission will collect includes Average Daily Membership (ADM) figures, enrollment data, ADM projections, and financial information that was used to determine fiscal impact.
 - **The burden is on the district to provide substantial negative fiscal impact.**
- The key questions are:
 - What historical enrollment fluctuations the school district has dealt with?
 - How does the enrollment decline that would result from the opening of the proposed charter school compare to these fluctuations?



ASD TRANSITION SCHOOLS

- If a school has not achieved priority exit status on the state's accountability system, then in its 9th year of operations it shall apply for a new 10-year charter term via the new start application process.
- In these appeals, the decision of the Commission is:
 - Should the operator or charter management organization receive a new, ten-year charter term to operate the school?
- In these appeals, the decision of the Commission ***is not***:
 - Will the school remain open and operational?
- If an appeal is denied, the Tennessee Department of Education will work with the local district to transition the school and its students back to the local district



LOCAL REQUIREMENTS

- In addition to the Department of Education's rubric, State Board of Education Rule allows districts to ask applicants to address certain local requirements.
- However, the State Board rule also states that local districts may not deny or refuse to review an application for not addressing these local requirements.
- Memphis-Shelby County Schools Board of Education has a policy that takes into consideration geographic saturation when reviewing a charter school application.
- Since this is a local requirement, the applicant nor the Commission are required to consider it or address it.



COMMISSIONER REVIEW OF THE RECORD

- Commissioners conduct a “de novo on the record review” of the appeal
- Information that is considered is limited to what is officially “on the record” in the appeal
- Commissioner’s record includes:
 - Correspondence from the Commission staff to parties
 - Notice of Appeal from the Sponsor
 - Recording of Capacity Interview
 - Recording of Public Hearing and Public Comment
 - Executive Director’s Recommendation inclusive of the review committee report
 - Written statements in response recommendation
- Commission staff is limited to receipt of the above information submitted by the parties



COMMISSIONER REVIEW OF THE RECORD

- The Commission may approve the application if the application
 - 1) meets or exceeds the metrics outlined by the department of education's application-scoring rubric **and**
 - 2) approval of the application is in the best interests of the students, the LEA, or the community



COMMON ISSUES

- The following are items cited across multiple applications and multiple districts
- To support the overall deliberations of the Commission, staff is providing additional context outside of specific applications or appeals
- This list is not exhaustive, but these issues come up in multiple appeals



COMMON ISSUES

1. Curriculum and/or instructional materials

- Charter schools shall teach Tennessee Academic Standards and are assessed based on these standards
- Charter schools, like traditional districts, may seek a waiver for the use of textbooks and instructional materials outside of the list approved by the State Board of Education
- Charter schools may seek these waivers from their authorizer or the Department of Education under T.C.A. § 49-13-11
- This is one of the most common waivers requested by charter schools



COMMON ISSUES

2. English Learner Requirements and Staffing

- The Department of Education's application and rubric cited an outdated State Board of Education English Learner Policy. The policy was repealed in July 2022, and it was replaced by State Board rule 0520-01-19.
- Additionally, the application's budget template does not delineate between classroom teachers and English Learner teachers. This frequently causes questions to arise related to alignment between the budget and staffing plans.
- Commission staff have provided this feedback to the Department of Education to correct these issues for the upcoming application cycle.



COMMON ISSUES

3. Instructional Time and Early Release

- Pursuant to T.C.A. § 49-13-111, charter schools must meet at least the same instructional time requirements as traditional public schools.
- Both traditional public schools and charter schools are allowed to have a certain number of “early release” days that are used for teacher professional development.
- Upon submission of annual school calendar, the authorizer is responsible for ensuring that the school meets instructional time requirements and does not exceed the number of available early release days.
- School and district calendars also must receive approval from the Tennessee Department of Education.



COMMON ISSUES

4. Waivers

- Pursuant to T.C.A. § 49-13-111, charter schools may apply for waivers of statute and State Board of Education that infringe on their mission and vision.
- Common waivers include:
 - Licensed principal/school leader
 - Salary schedule
 - Budget flexibility
 - At-will employees
- Waivers are commonly misunderstood by both applicants and districts.
- Many applicants pull waivers from previous applications. Many districts cite concerns with very common waivers.
- If approved, the Commission staff works with operators to include only the necessary, relevant waivers as an exhibit to the charter agreement.



COMMON ISSUES

5. Enrollment & Financial Viability

- Many new start charter schools initially struggle to meet enrollment targets in the early years.
- The review committee and Commission staff, as a part of due diligence, seek to understand the budget flexibility and financial viability of a model if it does not meet enrollment targets.
- Many new operators seek grants that are only guaranteed upon authorization. The review committee and Commission staff evaluate the likelihood of these grants coming through and how much budget reliance is on unsecured grants.
- Charter Schools Program Grant - The TDOE does have the grant, and it is in the process of rolling out the application process. However, it is a competitive grant and not automatic.





TENNESSEE

PUBLIC CHARTER SCHOOL COMMISSION