

Executive Director’s Recommendation
Binghampton Community School Appeal

Pursuant to Tennessee Code Annotated (T.C.A.) § 49-13-108, sponsors proposing to open a new charter school may appeal the denial of their amended application by a local board of education to the Tennessee Public Charter School Commission (“Commission”). On August 4, 2022, the sponsors of Binghampton Community School (“sponsor”) appealed the denial of its amended application by the Memphis Shelby County Schools (“MSCS”) Board of Education to the Commission.

Based on the procedural history, findings of fact, analysis, and Review Committee Report, attached hereto, I believe that the decision to deny the Binghampton Community School amended application was not contrary to the best interests of the students, LEA, or community.¹ Therefore, I recommend that the Commission uphold the decision of MSCS Board of Education to deny the amended application for Binghampton Community School.

STANDARD OF REVIEW

Pursuant to T.C.A. § 49-13-108 and Commission Policy 2.000, Commission staff and an independent review charter application review committee conducted a de novo, on the record review of Binghampton’s amended application. In accordance with the Tennessee Department of Education’s charter application scoring rubric, “applications that do not meet or exceed the standard in all sections (academic plan design and capacity, operations plan and capacity, financial plan and capacity, and, if applicable, past performance) . . . will be deemed not ready for approval.”² In addition, the Commission is required to hold a public hearing in the district where the proposed charter school seeks to locate.³

In order to overturn the decision of the local board of education, the Commission must find that the application meets or exceeds the metrics outlined in the department of education’s application-scoring rubric and that approval of the amended charter application is in the best interests of the students, local education agency (LEA), or community.⁴ If the local board of education’s decision is overturned, then the Commission can approve the application, and thereby authorize the school, or to affirm the local board’s decision to deny.

PROCEDURAL HISTORY

1. The sponsor submitted its initial application for Binghampton Community School to MSCS on February 1, 2022.
2. MSCS assembled a review committee to review and score the Binghampton Community School initial application.
3. On March 8, 2022, MSCS’s review committee conducted a capacity interview with representatives of Binghampton Community School.

¹ T.C.A. § 49-13-108.

² Tennessee Charter School Application Evaluation Rubric – Ratings and Scoring Criteria, pg. 1.

³ T.C.A. § 49-13-108.

⁴ Id.

4. MSCS's review committee reviewed and scored the Binghampton initial application and recommended to the MSCS Board of Education that the initial application be denied, indicating it partially met standard in academics and did not meet standard in operations and finance.
5. On April 27, 2022, the MSCS Board of Education voted to deny the Binghampton Community School initial application based on the review committee's recommendation.
6. The sponsor amended and resubmitted its application for Binghampton Community School to MSCS on May 27, 2022.
7. MSCS's review committee reviewed and scored the Binghampton Community School amended application based on the charter application scoring rubric.
8. MSCS's review committee rated each section of Binghampton Community School's amended application as partially meets standard in academics, operations, and finance and recommended denial to the local board of education.
9. On July 27, 2022, the MSCS Board of Education voted to deny the amended application of Binghampton Community School.
10. The sponsor appealed the denial of the Binghampton Community School amended application in writing to the Commission on August 4, 2022, including submission of all required documents per Commission Policy 2.000.
11. On August 12, 2022, the Commission received an email from the former Head of School stating that she had stepped down as the proposed founder and school leader.
12. The Commission's review committee independently analyzed and scored the Binghampton Community School amended application using the Tennessee Department of Education's charter school application scoring rubric.
13. The Commission's review committee conducted a capacity interview with key members of the Binghampton Community School leadership team on September 21, 2022 via Microsoft Teams.
14. On September 22, 2022, the Commission staff held a public hearing at Barnes Auditorium in Memphis, Tennessee. At the public hearing, the Executive Director, sitting as the Commission's Designee, heard presentations from the sponsor and MSCS and took public comment regarding the Binghampton Community School amended application.
15. After the capacity interview, the Commission's review committee determined a final consensus rating of the Binghampton Community School amended application, which served as the basis for the Review Committee Recommendation Report, attached hereto as **Exhibit A**.

FINDINGS OF FACT

District Denial of Initial Application

The review committee assembled by MSCS to review and score the Binghampton Community School initial application consisted of the following individuals:

Name	Titles
Evette Smith	MSCS Charter Office
Virginia Rodgers	MSCS Finance
Erica Evans	MSCS Legal
LaTonya McGowan	MSCS Safety & Security
Michelle Stuart	MSCS Facilities & Business Operations
Alicia Nutall	MSCS School Operations
Steven Kuhn	MSCS ESL
LaKeva Thompson	MSCS Curriculum & Instruction
Emily Vuoso	MSCS Professional Development
Dedriene Rogers	MSCS SPED
Caroline Earnest	MSCS Student Supports
Gina Faulkner	MSCS Mental Health
Sudie Cushman	MSCS Coordinated School Health
Brian Ingram	MSCS HR
Staci Turner	External Reviewer
Anthony Oliver	External Reviewer
Samuel Beyhan	External Reviewer
Edranyce Monroe	Community Representative
Carolyn Harvey	MSCS Academics

The Binghampton Community School initial application received the following ratings from the MSCS review committee:

Sections	Ratings
Academic Plan Design and Capacity	Partially Meets Standard
Operations Plan and Capacity	Does Not Meet Standard
Financial Plan and Capacity	Does Not Meet Standard

After the MSCS review committee completed its review and scoring of the initial application, its recommendation was presented to the MSCS Board of Education on April 27, 2022. Based on the review committee's recommendation, the MSCS Board of Education voted to deny the initial application of Binghampton Community School.

District Denial of Amended Application

The review committee assembled by MSCS to review and score the Binghampton Community School amended application mirrored that of the committee that reviewed the initial application. Upon resubmission, the MSCS review committee conducted a review of the amended application, and the amended application received the following ratings from the MSCS review committee:

Sections	Ratings
Academic Plan Design and Capacity	Partially Meets Standard
Operations Plan and Capacity	Partially Meets Standard
Financial Plan and Capacity	Partially Meets Standard

After the MSCS review committee completed its review and scoring of the amended application, its recommendation was presented to the MSCS Board of Education on July 27, 2022. At the July 27, 2022 board meeting, the MSCS Board of Education voted to deny the amended application of Binghampton Community School.

Commission Review Committee’s Evaluation of the Application

Following the denial of the Binghampton amended application and subsequent appeal to the Commission, Commission staff assembled a diverse review committee of internal and external experts to independently evaluate and score the Binghampton amended application. This review committee consisted of the following individuals. Additional information about the review committee members’ experience and expertise is contained within Exhibit A.

Name	Title
Reggie Epps	Commission Staff
Beth Figueroa	Commission Staff
David Hartman	External Reviewer
Whitney O’Connell	External Reviewer
Melanie Rackley	External Reviewer

The review committee conducted an initial review and scoring of the Binghampton amended application, a capacity interview with the sponsor, and a final evaluation and scoring of the amended application resulting in a consensus rating for each major section. The review committee’s consensus rating of the Binghampton application was as follows, and additional information regarding the review committee’s expertise is contact within Exhibit A.

Sections	Ratings
Academic Plan Design and Capacity	Partially Meets Standard
Operations Plan and Capacity	Partially Meets Standard
Financial Plan and Capacity	Partially Meets Standard

The review committee has recommended denial of the application for Binghampton Community School because the sponsor failed to provide sufficient evidence in the academic, operational, and financial sections to meet the required criteria of the rubric.

The review committee found the academic plan presented by the applicant partially meets standard because the plan is reliant on the former Head of School, who resigned on July 15, 2022. While the proposal includes a strong and comprehensive plan, centered on providing students access to a rigorous International Baccalaureate (IB) programme, the review committee determined that the ability to execute this plan was predicated on the unique skills of the former leader and therefore the plan was significantly compromised by her departure. The review committee noted that the exit of the Head of School further compromises the plans to provide the detailed professional development outlined in the application and serve special populations, specifically English Learners (EL), as the Head of School was the primary individual designated to provide these services in the beginning years of the school's operations. While having a school leader identified is not a requirement of the state's scoring rubric, the proposed academic plan is built significantly upon the expertise and leadership of the former Head of School. Additionally, the sponsor did not articulate a recruitment strategy or timeline for replacing this position, leaving the review committee with questions regarding the ability to recruit a strong leader to execute the foundational elements of the academic plan.

The applicant's operations plan partially meets standard because the review committee found the plans and the timeline for renovating the temporary space remained vague, the staffing plans relied heavily on the Head of School, and the timelines included in the startup plan are significantly off-track as a result of the Head of School stepping down. While the school has identified a temporary facility that will be used while a new school is being built on an already secured piece of land, the plan for retrofitting the temporary space remained general, and as a result, the review committee was unable to determine whether the timeline and budgeted totals were sufficient. The staffing plan included discrepancies related to the FTEs for special education and EL teachers and was reliant the Head of School having diverse experience and background, sufficient to fill many roles and responsibilities as the school scaled. This called into question the school leaders' capacity to effectively execute the rigorous academic plan outlined in the application, while also ensuring operational success. Further, with the Head of School's departure, the timelines for startup activities are significantly off-track from the timelines outlined in the application, and the sponsor did not provide a plan for ensuring time sensitive items were addressed and who would be responsible in the interim.

The applicant's financial plan partially meets standard because the cost assumptions for facilities and staffing did not appear reasonable, the lack of access to the revenue necessary to begin operations, and an insufficient contingency plan for replacing the revenue lost because of the Head of School stepping down from the school. The review committee noted a lack of evidence of reasonable expense assumptions for tenant improvements, based on the cited retrofitting needed, and a realistic staffing budget, which relied heavily on part-time employees and excluded personnel specific to serve EL populations. Moreover, due to the school leader stepping down, Binghampton Community Schools lost access to over \$1.1 million in startup revenue. This revenue to be critical in funding the startup activities of the school and essential to ensuring fiscal solvency and viability. While efforts were made by the review committee to understand contingency plans that could be executed on to make up for the loss of these funds, the contingency plans discussed in the application and capacity interview were found to be insufficient to meet standard required in the scoring rubric.

For the aforementioned reasons, the review committee found that the sponsor did not meet or exceed the standard for approval based on the state's scoring rubric.

For additional information regarding the review committee’s evaluation of the Binghampton Community School amended application, please see **Exhibit A** for the complete Review Committee Recommendation Report, which is fully incorporated herein by reference.

Public Hearing

Pursuant to statute⁵ and Commission Policy 2.000, a public hearing chaired by the Executive Director was held on September 22, 2022. MSCS’s presentation at the public hearing focused on outstanding concerns the district’s review committee had regarding each section of the Binghampton Community School’s amended application. In academics, MSCS outlined their concerns regarding Binghampton’s proposed IB model, stating there was a lack of clarity around the curriculum framework and how the standards and goals support the academic model. The district also discussed concerns about community support and explained the letters of support included within the amended application did not provide the review committee with sufficient evidence of parent and community demand. MSCS then discussed the applicant’s operations plan and addressed concerns about the amount of responsibility placed on the Head of School in the school’s startup and first years of operation. The district also noted the professional development plan included was not strong and more clarity was needed with regard to who would be hired versus who would be contracted to implement coaching and support of the IB curriculum framework. Additionally, the district acknowledged the applicant’s long-term facility but brought up remaining concerns regarding the short-term, temporary facility. Lastly, the district addressed the applicant’s financial section and stated that the expense assumptions in the pre-opening budget were not realistic. MSCS also expressed long-term fiscal concerns, as the five-year projected budget operates at a continual net loss. Representatives from MSCS indicated that Binghampton’s amended application partially met the standards in academics, operations, and finance and was denied for the stated concerns.

In the sponsor’s opening statement, they began by acknowledging the team and community that has supported their work and are represented within their application. The sponsor presented the school’s proposed governing board, stating they have a breadth of experience in finance, legal, operations, and academics, and some of the board started their respective careers in the Binghampton area. The sponsor then transitioned and shared background information about where their application began. The sponsor explained their personal and professional experiences led them to believe change is created through anchoring high-quality schools within neighborhoods and building the community infrastructure around those schools. Maslow, the sponsor, was created as a result. Maslow then engaged in listening sessions across Memphis to understand where their work was most needed in the city, which led them to narrow it down to Binghampton specifically. The sponsor continued by explaining that their qualitative data for why Binghampton was the right location for the proposed school was then supported with quantitative data, citing MSCS’s 2020 report that indicated there was a need for additional high-quality seats in the Binghampton area. The sponsor stated that the 30 early childhood centers near the proposed location that could serve as feeder schools for Binghampton Community School, and they had collected over 100 signatures on a petition in support of the proposed school. Next, the sponsor shared an updated timeline for their pre-opening process, which included their intent to hire a new school leader and director of operations by January 2023. The timeline also included when they aim to secure a facility, hire staff and other key personnel, and ultimately open the school in August 2023. Lastly, the sponsor highlighted what they have heard from the community and recognized the historically marginalized community they will serve often does not have their voices heard. The sponsor concluded by presenting quotes

⁵ T.C.A. § 49-13-108(5)(b)(i).

from conversations they had with community members in order to have their voices heard by the Commission.

During questioning by the Commission, representatives from MSCS were first asked to explain enrollment trends in the area and what is meant by the number of seats needed, as cited in the district's analysis. MSCS explained that each year the district conducts a review of enrollment and schools across the district to determine the need for additional quality seats. The district also provided context as to how determinations are made, which includes enrollment data from the beginning of a given school year, coupled with assessment data from the previous school year. The Commission then asked the district what was specifically lacking from the applicant's proposed IB program. MSCS answered that more detail was needed to ensure the IB framework supports state standards, the Head of School was the only individual who had a background in the school's focus on IB and foreign language, and the application was missing strong goals to ensure the IB's model success. The Commission then asked how the district and review committee considered the sponsor's track record of success in establishing Gestalt Community Schools during their review. MSCS explained that although Maslow's cofounder has demonstrated experience opening schools in Memphis, Maslow is the sponsor and they do not have a seat on the Board, and therefore their expertise did not weigh into the application. Next, the Commission asked MSCS what they found lacking in the applicant's professional development plan such that it was included as a reason for denial. MSCS responded that it was not the quantity of professional development that was the concern, but rather the content, as the applicant did not include key components of the professional development plan and how they would support training in the IB model. Lastly, the Commission asked the district if they were aware of the proposed school leader's resignation, which was effective before the MSCS Board of Education voted to deny the Binghampton Community School amended application and if it impacted the review committee's decision-making process. MSCS responded that they were not made aware of the change in the proposed school leadership, and therefore, it did not impact the district's decision. In a follow-up question, the district stated that the absence of the proposed Head of School listed within the application brings up many questions and could have impacted the district's rating of the amended application had they been made aware of the departure.

The Commission staff then questioned the sponsor, beginning by asking them to describe the research and community analysis conducted to determine sufficient demand for the school. The sponsor stated that the process began in 2018, and they heard from community members a resounding interest in their model to anchor a high-quality school within the community. Additionally, the sponsor stated that the interest was supported by quantitative data within published reports. When asked to clarify a survey included in the application that indicated one out of 60 respondents knew someone who had a child they would be interested in enrolling in Binghampton Community School, the sponsor explained they realized there was a fault in the survey question in terms of the information it was intended to gather. The Commission asked another follow-up question regarding the survey and asked for clarification as to how the sponsor determined sufficient demand, as only ten of the survey respondents were from the school's two targeted zip codes. The sponsor discussed that, in conjunction with surveys, they hold community engagement events, and most recently, the sponsor hosted a cookout where over 70 parents and guardians signed up and expressed interest in the school. The Commission then asked about the applicant's contingency plans if enrollment does not meet projected targets, as that would have an impact on the school's budget. The sponsor stated they would raise additional philanthropy, change staffing models as needed, and address facility and space reductions to align with enrollment. Next, the Commission addressed the Lighthouse Project, which the sponsor referenced in their application and opening statement, asking whether enrollment projections included the construction project and its new housing units. The sponsor explained that the project is a mixed-use development of affordable

housing and will be anchored by Binghampton Community School, but the enrollment projections included in the application are not based upon the Lighthouse Project being completed or constructed. The sponsor also shared updates on their short-term facility plan, stating they have identified several options they can pursue upon approval, and locating in the Binghampton neighborhood is their utmost priority.

The Commission staff then asked questions about the proposed school leader who was named throughout the application but resigned for extenuating personal reasons in July 2022. The sponsor stated the district was not made aware of the change, as the district review committee's recommendation for denial preceded the school leader's departure. The sponsor said they, along with the proposed governing board, will conduct their search for a new school leader once approved. Additionally, the sponsor explained they are currently managing the day-to-day process to ensure progress continues and major milestones are met, including within the appeals process. After approval, the sponsor and governing board will identify the school leader who can execute the plan moving forward. Lastly, the Commission asked questions about the school's funding and whether funding from Building Excellent Schools (BES) and the New School Venture Fund (NSVF) is contingent upon the originally proposed school leader. The sponsor stated that BES funds were contingent upon the school leader being a BES fellow, but that funds would be made available if the new school leader identified is also a BES fellow. Funding from NSVF was also contingent on the school leader, but the sponsor stated that due to their long-standing relationship and candid conversations with NSVF, the door is still open to receive that funding once a new school leader is named. When asked to explain contingency plans if these funds are not made available, the sponsor pointed to their strong track record raising funds for schools, stating they will look to raise additional philanthropy should revenues not materialize, and said they are taking on costs in the interim. The line of questioning concluded with the Commission asking the sponsor to explain the long-term relationship between Maslow, the sponsor, and the school. The sponsor responded by stating an MOU is included within the application and that there will be a tenant-landlord relationship between the entities as part of the long-term facility plan.

The public hearing concluded with closing statements by both parties and the receipt of zero in-person comments. The Commission also accepted written comments, and the Commission received four (4) written comments, with zero writing in support of MSCS and four (4) writing in support of Binghampton Community School.

ANALYSIS

State law requires the Commission to review the decision of the local board of education and determine if the application "meets or exceeds the metrics outlined in the department of education's application-scoring rubric and⁶," whether "approval of the application is in the best interests of the students, LEA, or community⁷." In addition, pursuant to T.C.A. § 49-13-108, the Commission adopted the State Board of Education's quality public charter schools authorizing standards set forth in State Board Policy 6.111 and utilizes these standards to review charter applications received upon appeal. In making my recommendation to the Commission, I have considered the Review Committee's Recommendation Report, the documentation submitted by both the sponsor and MSCS, the arguments made by both parties at the public hearing, and the public comments received by Commission staff and conclude as follows:

The Review Committee's report and recommendations are thorough, citing specific examples in the

⁶ T.C.A. § 49-13-108(5)(E).

⁷ *Id.*

application and referencing information gained in the capacity interview in support of its findings. For the reasons explicated in the report, I agree that the Binghampton Community School amended application did not rise to the level of meeting or exceeding the standards required for approval. While I believe that the Binghampton community could be a great location for a charter school, particularly one with an academic vision of the sponsor, I cannot recommend this application for approval at this time. The sponsor submitted an application that has a clear mission and vision which includes providing a unique learning model to its students. However, that learning model, operations plan, and financial plans are heavily predicated on the experience, expertise, and leadership of the former Head of School, according to the application. The sponsor's application repeatedly named the former Head of School as the person responsible for operationalizing and implementing the school's IB curriculum and special populations. While I acknowledge the natural evolution of plans as they relate to establishing a new charter school, I cannot ignore the material difference between the amended application and the current status of the proposed school with the named Head of School. This fact calls into question who would serve in this critical position for the school, what pieces of the plan would materially change when a new school leader is identified, and the future success of the school. Additionally, with the change of the identified school leader, I am unsure whether the enrollment projection will materialize, as the sponsor indicated that much of the parent and community demand was a result of the former Head of School's work. There is a lack of evidence if those parents will remain committed to enrolling the children in the school without the relationship of the former Head of School.

I do believe that the sponsor, Maslow Development, has a successful history of assisting schools through opening, and it is a distinct advance for the proposed school to have the entity as its real estate and facility partner. However, I agree with the review committee that the governing board does not have a clear path forward regarding their staffing plans and how they intend to replace the former Head of School. The sponsor was unable to detail, for the review committee within the capacity interview or during the public hearing, the plan and timeline for hiring a new Head of School or how the financial support previously tied to the Head of School would be replaced. The Commission's statutory charge is to approve or deny an application based on the amended application submitted to the local district. However, the district reviewed an application and a plan that is materially different than the current plan of the school, and there are significant questions that need to be addressed by the sponsor and governing board before this application is ready for approval.

Finally, I agree with the review committee that the financial section does not include sufficient evidence or contingency planning to meet the standard of the state's scoring rubric such that I cannot recommend approval. The sponsor indicated during the public hearing that "the door was open" for the NSVF to provide financial assistance to the school. However, this funding is not guaranteed, and a lack of adequate revenue does not position the school for success upon opening. Moreover, the sponsor did not provide sufficient cost assumptions to support a temporary facility, including the necessary renovations. There also remain questions about funding for staffing for EL teachers and other identified staff members based on the intention to hire part-time employees. The sponsors indicated that they would engage in raising additional philanthropy; however, I must reiterate that my recommendation must be based on the amended application and its record. Testimony that significant funding has been lost as a result of the departure of the Head of the School, with no concrete plans to supplement that loss, leads me to believe that Binghampton Community School is not positioned to open successfully in August 2023.

Any authorized public charter school is entrusted with the great responsibility of educating students and a significant amount of public funds. For these reasons, the Commission expects that only those schools



that have demonstrated a high likelihood of success and meet or exceed the required criteria in all areas will be authorized. For the reasons expounded on in this report, I recommend that the Commission deny the Binghampton Community School amended application.

CONCLUSION

For these reasons, and for the reasons stated in the Review Committee Report attached hereto as **Exhibit A**, I do not believe that the decision to deny the amended application for Binghampton Community School was contrary to the best interests of the students, the LEA, or community. Therefore, I recommend that the Commission affirm the decision of the MSCS Board of Education to deny the amended application for Binghampton Community School.

A handwritten signature in cursive script that reads "Tess Stovall".

Tess Stovall, Executive Director
Tennessee Public Charter School Commission

10/18/22
Date



EXHIBIT A

Charter Application Review Committee Recommendation Report

October 18, 2022

School Name: Binghampton Community School

Sponsor: Maslow Development Inc.

Proposed Location of School: Memphis-Shelby County Schools

Evaluation Team:

- Reggie Epps
- Beth Figueroa
- David Hartman
- Whitney O'Connell
- Melanie Rackley

This recommendation report is based on a template from the National Association of Charter School Authorizers.



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Introduction

Tennessee Code Annotated (T.C.A.) § 49-13-108 allows the sponsor of a public charter school to appeal the denial of an application by the local board of education to the Tennessee Public Charter School Commission (Charter Commission). In accordance with T.C.A. § 49-13-108, the Charter Commission shall conduct a de novo, on the record review of the proposed charter school's application, and Charter Commission has adopted national and state quality authorizing standards to guide its work. As laid out in Charter Commission Policy 3.000 – Core Authorizing Principles, the Charter Commission is committed to implementing these authorizing standards that are aligned with the core principles of charter school authorizing, including setting high standards for the approval of charter schools in its portfolio.

In accordance with T.C.A. § 49-13-108, the Charter Commission adopted Charter Commission Policy 2.000 – Charter School Appeals. The Charter Commission has outlined the charter school appeal process to ensure the well-being and interests of students are the fundamental value informing all Charter Commission actions and decisions. The Charter Commission publishes clear timelines and expectations for applicants, engages highly competent teams of internal and external evaluators to review all applications, and maintains rigorous criteria for approval of a charter school. In addition, the Charter Commission plans to evaluate its work annually to ensure its alignment to national and state standards for quality authorizing and implements improvement when necessary.

The Charter Commission's charter application review process is outlined in T.C.A. § 49-13-108, Charter Commission Policy 2.000 – Charter School Appeals, and Charter Commission Policy 2.100 – Application Review. The Charter Commission assembled a charter application review committee comprised of highly qualified internal and external evaluators with relevant and diverse expertise to evaluate each application. The Charter Commission provided training to all review committee members to ensure consistent standards and fair treatment of all applications.

Overview of the Evaluation Process

The Tennessee Public Charter School Commission's charter application review committee developed this recommendation report based on three key stages of review:

1. Evaluation of the Proposal: The review committee independently reviewed the amended charter application, attachments, and budget submitted by the sponsor. After an independent review, the review committee collectively identified the main strengths, concerns, and weaknesses as well as developed specific questions for the applicant in the three sections of the application: Academic Plan Design and Capacity, Operations Plan and Capacity, and Financial Plan and Capacity.
2. Capacity Interview: Based on the independent and collective review of the application, the review committee conducted a 90-minute interview with the sponsor, and members of the governing board to address the concerns, weaknesses, and questions identified in the application, and to assess the capacity to execute the application's overall plan.
3. Consensus Judgment: At the conclusion of the review of the application and the capacity interview, the committee submitted a final rubric and developed a consensus regarding a rating



for each section of the application.

This recommendation report includes the following information:

1. Summary of the application: A brief description of the applicant's proposed academic, operations, and financial plans.
2. Summary of the recommendation: A brief summary of the overall recommendation for the application.
3. Analysis of each section of the application: An analysis of the three sections of the application and the capacity of the team to execute the plan as described in the application.
 - a. Academic Plan Design and Capacity: school mission and goals; enrollment summary; school development; academic focus and plan; academic performance standards; assessments; school schedule; special populations and at-risk students; school culture and discipline; marketing, recruitment, and enrollment; community involvement and parent engagement; and the capacity to implement the proposed plan.
 - b. Operations Plan and Capacity: governance; start-up plan; facilities; personnel/human capital; professional development; insurance; transportation; food service; additional operations; waivers; and the capacity to implement the proposed plan.
 - c. Financial Plan and Capacity: budget narrative; budgets; cash flow projections; related assumptions; financial policies and procedures; and the capacity to implement the proposed plan.

The Charter Commission's charter application review committee utilized the Tennessee Department of Education's Charter School Application Evaluation Ratings and Sample Scoring Criteria (the rubric), which is used by all local boards of education when evaluating an application. The rubric states:

An application that merits a recommendation for approval should present a clear, realistic picture of how the school expects to operate; be detailed in how this school will raise student achievement; and inspire confidence in the applicant's capacity to successfully implement the proposed academic and operational plans. In addition to meeting the criteria that are specific to that section, each part of the proposal should align with the overall mission, budget, and goals of the application.

The evaluators used the following criteria and guidance from the scoring rubric to rate applications:

Rating	Characteristics
Meets or Exceeds Standard	The response reflects a thorough understanding of key issues. It clearly aligns with the mission and goals of the school. The response includes specific and accurate information that shows thorough preparation.
Partially Meets Standard	The response meets the criteria in some aspects, but lacks sufficient detail and/or requires additional information in one or more areas.



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Does Not Meet Standard	The response is significantly incomplete; demonstrates lack of preparation; is unsuited to the mission and vision of the district; or otherwise raises significant concerns about the viability of the plan or the applicant's ability to carry it out.
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Summary of the Application

School Name: Binghampton Community School

Sponsor: Maslow Development Inc.

Proposed Location of School: Memphis-Shelby County Schools

Mission:¹ Together with our families, the mission of Binghampton Community School is to ensure our students in grades K through 5 will have a life of opportunity, choice, and joy by providing family support, a global education, and fostering a healthy mental and physical lifestyle.

Number of Schools Currently in Operation by Sponsor: There are no schools currently in operation by the sponsor.

Proposed Enrollment:²

Grade Level	Year 1: 2023-2024	Year 2: 2024-2025	Year 3: 2025-2026	Year 4: 2026-2027	Year 5: 2027-28	At Capacity:
K	60	65	70	75	75	75
1	0	65	70	75	75	75
2	0	0	70	75	75	75
3	0	0	0	75	75	75
4	0	0	0	0	75	75
5	0	0	0	0	0	75
Totals	60	130	210	300	375	450

Brief Description of the Application:

The sponsor, Maslow Development Inc., is proposing to open a charter school in Shelby County, Tennessee and serve students in kindergarten through 5th grade when fully built out. The school, Binghampton Community School (BCS), is a new-start school and would be the first school for the sponsor. The school intends to operate in the Binghampton community of Memphis to “provide a high-quality school option and fill a need in the area for the students and families of Binghampton.”³ The school proposes to become an International Baccalaureate (IB) World School, ensuring students in the Binghampton community are equipped with 21st century skills and habits such as being critical thinkers, while also supporting the entire family in an effort to dismantle the barriers that inhibit a child from reaching their full potential.

The proposed school will be governed by the Board of Directors of Binghampton Community School. In Year 0, Binghampton Community School has budgeted \$475,000 – comprised of \$250,000 from the Building Excellent Schools (BES) fund, \$215,000 from the New Schools Ventures Fund (NSVF), and \$10,000 of fundraising

¹ Binghampton Community School Amended Application, pg. 2

² Ibid, pg. 28

³ Ibid, pg. 2



committed by the Board, and projects \$204,056 in expenses for the school.⁴⁵ Binghampton Community School projects the school will have \$849,580 in revenue and \$1,077,537 in expenses in Year 1, resulting in a balance of \$42,986.⁶ By Year 5, the school projects to have \$4,482,786 in revenue and \$3,887,031 in expenses, resulting in a positive ending fund balance of \$1,028,667.⁷

The school anticipates that 90% of the student population will qualify as economically disadvantaged, 15% of the student population will be students with disabilities, and 6% of the student population will be English Learners.⁸

⁴ During the capacity interview, the applicant confirmed that BCS no longer has access to BES or NSVF as they were awarded and contingent upon the prior school leader.

⁵ Ibid, Amended Budget, Pre-Opening Budget

⁶ Ibid, Amended Budget, Year 0 & Years 1 through 5 Summary

⁷ Ibid, Amended Budget, Year 0 & Years 1 through 5 Summary

⁸ Ibid, pg.29



Summary of the Evaluation

The review committee recommends denial of the application for Binghampton Community School (BCS) because the applicant failed to provide sufficient evidence in the academic, operational, and financial sections to demonstrate the application meets the required criteria of the rubric.

The academic plan presented by the applicant partially meets standard because the plan is reliant on the former Head of School, who resigned on July 15, 2022. While the proposal includes a strong and comprehensive plan, centered on providing students access to a rigorous International Baccalaureate (IB) programme, the review committee found that the ability to execute this plan was predicated on the unique skills of the former leader and found the plan was significantly jeopardized by her departure. The exit of the Head of School further compromises the plans to provide the detailed professional development outlined in the application and serve special populations, specifically English Learners. Her background and expertise were in these areas, and she was the primary individual designated to provide these services in the beginning years of the school's operations. While having a school leader identified is not a requirement of the TDOE rubric, the proposed academic plan is built significantly upon the expertise and leadership of the former Head of School. Additionally, the sponsor did not articulate a recruitment strategy or timeline for replacing this position, causing concerns over the ability to recruit a strong leader to execute the foundational elements of the academic plan.

The applicant's operations plan partially meets standard because the plans and timeline for renovating the temporary space remained vague, the staffing plans relied heavily on the head of school, and the timelines included in the startup plan are significantly off track because of the Head of School stepping down. While the school has identified a temporary facility that will be used while a new school is being built on an already secured piece of land, the plan for retrofitting the temporary space constructed in the 1960's remained general, and as a result, the committee was unable to determine whether the timeline and budgeted totals were sufficient. The staffing plan included discrepancies related to the FTEs for special education (SPED) and English Learner (EL) teachers and was reliant on the Head of School having diverse experience and background, sufficient to fill many roles and responsibilities as the school scaled. This called into question any future school leaders' capacity to effectively execute the rigorous academic plan outlined in the application, while also ensuring operational success. Further, with the Head of School's departure, the timelines for startup activities are significantly off track from the timelines outlined in the application, and the sponsor did not provide a plan for ensuring time sensitive items were addressed and who would be responsible in the interim.

The applicant's financial plan partially meets standard because while the applicant provided sound procedures and the sponsor has experience securing financial instruments, the cost assumptions for facilities and staffing did not appear reasonable, the lack of access to the revenue necessary to begin operations, and an insufficient contingency plan for replacing the revenue lost because of the head of school stepping down from BCS. There is a lack of evidence of reasonable expense assumptions for tenant improvements based on the cited retrofitting needed and a realistic staffing budget, which relied heavily on part-time employees and excluded personnel specific to serve EL populations. Moreover, due to the school leader stepping down, BCS lost access to over \$1.1 million in startup revenue. This revenue was found to be critical in funding the startup activities of the school and essential to ensuring fiscal solvency and viability. While efforts were made by the review committee to understand contingency plans that could be executed on to make up for the loss of these

funds, the contingency plans discussed in the application and capacity interview were found to be insufficient to meet standard required in the scoring rubric.

Summary of Section Ratings

In accordance with the Tennessee Department of Education’s charter application scoring rubric, applications that do not meet or exceed the standard in all sections will be deemed not ready for approval⁹ and strengths in one area of the application do not negate weaknesses in other areas. Opening and maintaining a successful, high-performing charter school depends on having a complete, coherent plan and identifying highly capable individuals to execute that plan. The review committee’s consensus ratings for each section of the application are as follows:

Sections	Rating
Academic Plan Design and Capacity	Partially Meets Standard
Operations Plan and Capacity	Partially Meets Standard
Financial Plan and Capacity	Partially Meets Standard

⁹ Tennessee Charter School Application Rubric-Evaluation Ratings and Sample Scoring Criteria, pg. 1.

Analysis of the Academic Plan Design and Capacity

Rating: Partially Meets Standard

Weaknesses Identified by the Committee:

The applicant's Academic Plan Design and Capacity partially meets standard because the plan significantly relies on the Head of School who resigned on July 15, 2022. While the proposal submitted by the applicant included strong and comprehensive plans, the majority of it reflects significant input from the Head of School and relies primarily on her ability and expertise to implement and shoulder ongoing school development responsibilities. The Head of School's departure compromises the academic plan due to a significant portion of the plan being predicated on her experience with special populations, specifically English Learners, participation in rigorous IB certification training, support as a Building Excellent Schools (BES) fellow, and relationships with the community. When asked during the capacity interview about the school leader's departure, the applicant's development team acknowledged the absence of a replacement leader and was unable to provide a timeline for her replacement.

With the departure of the Head of School, the remaining applicant team referenced in the application did not possess the experience to support the development and implementation of programming for special student populations at the same level that would have been under the previous school leader's purview. Additionally, while the applicant team stated that the school will meet all service requirements needed to serve special populations, the proposal does not include a comprehensive plan that identifies how students qualifying as special populations will be identified, monitored, and provided access to the least restrictive environment, ensuring their academic success. The application relied on the former Head of School's experience to provide services to EL students, which is projected at 6%. However, neither the application, nor responses during the capacity interview, sufficiently explain how the school will adequately serve this population without the previously identified school leader.

The review committee found that the application included a detailed timeline and plan for garnering parent and community support. However, the applicant's ability to execute this plan with fidelity and in the timeframe cited within the application are hindered due to the departure of the Head of School. According to the state's scoring rubric, the applicant should outline a compelling community outreach plan that is likely to foster demand and community support. Before their departure, the Head of School conducted canvassing and parent engagement within the community. During the capacity interview, the applicant was unable to articulate how the community support garnered by the prior Head of School would translate to a new school leader, and this concern is further exacerbated by the statement made by the applicant during the capacity interview that finding a replacement is not a priority at this time.

Finally, while the partners of Maslow Development were able to speak to their personal experience and success opening schools and executing an academic plan, which gave the review committee confidence in their abilities to support the school in the head of school's absence, these individuals and their experience executing on an academic plan were not cited within the application. Additionally, the long-term relationship between the sponsor and the governing board is yet to be finalized. As a result, the review committee was not able to fully assess the sponsor's ability to support and fulfill the academic plan due to a lack of alignment to the documentation within the amended application.



Strengths Identified by the Committee:

While the Academic Plan Design and Capacity partially meets the standard because of the weaknesses described above, the review committee did find that the applicant provides a clear and concise mission and vision that relates to the purposes found in T.C.A. Section 49-13-102(a) and detailed plans as it relates to assessments, enrollment, and recruitment. Despite the departure of the Head of School, Maslow's Development and the board members present at the capacity interview remain committed to the academic program and mission presented within the application. The school's planned IB model is unique and proven effective in Memphis and provides an attractive opportunity to support students in the community.

Analysis of the Operations Plan and Capacity

Rating: Partially Meets Standard

Weaknesses Identified by the Committee:

The applicant's Operations Plan and Capacity partially meets standard because many of its operational plans remain general in their scopes, and the staffing plans have significant deficiencies, including concerns related to professional development. Further, while the applicant team's proposal includes a clear vision and mission for founding the school, the applicant team has not provided clear and specific plans for operations in the absence of the planned Head of School.

The application identifies plans and timelines to retrofit temporary spaces constructed in the 1960s. However, when asked in the capacity interview about renovation timelines and contingency plans, the applicant did not provide a specific or sound plan in line with the TDOE scoring rubric without the presence of the Head of School. Additionally, the applicant team's plans for staffing are insufficient. While the Head of School will have a Director of Operations to support them in managing key leadership responsibilities, the school's model relies heavily on the Head of School position, leading the review committee to question this position's overall capacity to effectively lead the school while also implementing the academic plan. Further, the Head of School position is allocated responsibility for hiring and training all staff, but without this key individual, it is unclear the timeline and capacity of a new school leader to assume responsibilities regarding the staffing, hiring, and recruitment of teachers in time to open the school in School Year 23-24. For example, the management of teachers is assigned to the Head of School through year five, then transitions to the Director of Instruction. Given the compromised resources and personnel and no specific plans to fulfill this key responsibility, it is unclear how the school will develop highly qualified teachers in alignment with their academic model. Given this, plans in the proposal for a quality program to mentor and coach teachers, and perform the formal and informal observations are compromised.

In some instances, the staffing plans in the proposal are inadequate. One example from the proposal includes discrepancies related to the FTEs for SPED and EL teachers. While hiring additional leadership roles seems conservative with staff coming in years 1 or 2, the proposed plan relies heavily on the Head of School filing many responsibilities in the interim. Staffing of SPED teachers are listed on the timeline to hire in year one, but these positions were not reflected in the budget. Further, the school's recruitment plan focuses on hiring dual-certified teachers, but the plan does not address how the school will identify these individuals given the current teacher shortages. Given the plans, it is unclear how teachers will simultaneously manage their classroom of students, while also providing adequate services to students with IEPs, particularly those that require pull-out services. The proposal does not identify a licensed EL teacher in year one, and no plans are provided for EL instruction or screening if EL students enroll in year one.

The proposed IB programme is extremely rigorous, and the former Head of School was well-versed in what this program looks like daily in classrooms because of their participation in IB-specific training. While the proposal's professional development calendar was found to be ambitious and include significant IB training, it remains unclear how the school will successfully provide this training or who will deliver the professional development in the absence of a Head of School as this leader would also need significant IB experience. Further, it remains unclear how the IB authorization timeline detailed within the application will be impacted by the Head of School's departure.



Lastly, with the Head of School's departure, many timelines and critical items are now off-track, and the applicant was unable to articulate a clear plan for ensuring time sensitive items were addressed. For example, the startup plan and associated pre-opening funding identified in the proposal were reliant on the Head of School. The application includes significant grant funding to support the school's startup tied to the previous Head of School. During the capacity interview, the applicant team stated that Maslow Development would continue to support the school in the absence of the Head of School, however the experience and expertise of Maslow Development is not cited in the application, nor does the application include evidence of a financial commitment by the sponsor. The totality of clear and specific plans from the remaining applicant team in the absence of the planned Head of School resulted in the operations plan partially meeting standards.

Strengths Identified by the Committee:

The school has accumulated valuable foundational governance documents with which they can rely, such as the proposed bylaws and governing board policies. The application outlines the plan to build a new campus on land that has already been secured and the sponsor, and Maslow Development has a history of opening and developing mixed-use communities anchored by high-quality schools. The school's board of directors was also found to have vast experience working within a charter school and the Memphis area.

Analysis of the Financial Plan and Capacity

Rating: Partially Meets Standard

Weaknesses Identified by the Committee:

The applicant's Financial Plan and Capacity partially meets standard because of cost assumptions that did not appear reasonable and align with the academic and operational plans, the lack of access to funds required to begin operations, and an inadequate plan for replacing revenue lost because of the Head of School stepping down from BCS.

As required by the TDOE's scoring criteria, the budget worksheet must contain reasonable assumptions, and operating budgets that are realistic and viable. Within the applicant's budget, the review committee found that the applicant did not budget for tenant improvements. During the capacity interviews, the committee asked questions about the necessary renovations and retrofitting required on the identified temporary facility. The applicant stated that examples of necessary renovations could include lowering ceilings or building walls from floor-to-ceiling. Since the budget does not reflect these costs, there was a lack of evidence within the budget of the school's available cash flow and resources to cover the costs of these necessary capital improvements. Additionally, there was a lack of clarity with how the projected staffing budget for EL teachers would meet the needs of the projected rate of 6% EL student population, or if the school could realistically rely on parttime staffing for a social worker, a counselor, and elective teachers. While the applicant shared in the capacity interview that there are a lot of people interested in these types of positions, the review committee found that the applicant did not provide compelling evidence that they would be able to fill these positions at a part-time rate. As a result, the committee had concerns over whether the school has adequate margin to absorb the potentially higher personnel costs to fill these essential positions.

In addition to the lack of reasonable cost assumptions, the budget lacks viable, realistic, and documented revenue projections to meet the school's needs. The start-up budget for BCS includes \$250,000 from Build Excellent Schools (BES) and a total of \$860,000 spread over four years from New School Ventures Fund (NSVF). While award letters in the application corroborate these award amounts, the awards were written to the previous Head of School. As a result, the review committee worked to ascertain whether BCS still had access to these critical start-up dollars due to the school's founder's resignation. During the capacity interview, the sponsor acknowledged and confirmed that BCS no longer has access to these funds, which results in a loss of over \$1.1 million in startup revenue included in the applicant's budget. Since the budget already reflects limited margin, particularly in years 0 through 2, the review committee pressed during the capacity interview to garner an understanding of what potential capital BCS will have access to serve as a replacement for this material loss.

While representatives from Maslow Development, Inc. stated that they are committed to supporting the school in raising money to support any budget shortfall, there was no documentation of this commitment or evidence that it would meet the \$1.1 million budget shortfall. The loss of this significant amount of startup funds requires a compelling contingency plan sufficient to result in the school continuing to be able to meet the financial needs of the school, and BCS was unable to address the contingency revenue to ensure that the school would be financially viable. Due to the totality of the evidence presented, the review committee determined that the Financial Plan and Capacity section of the application partially meets the standard.



Strengths Identified by the Committee:

While the Financial Plan and Capacity partially meets the standard due to weaknesses stated above, the review committee found strengths in the applicant's financial procedures, which detailed the process for managing financial transactions, including purchases, petty cash, accounts payable, and accounts receivable. The application also specified how financial procedures will be delineated between the Head of School, Director of Operations, and back-office provider. The sponsor, Maslow Development, also has demonstrated experience and expertise in opening schools and securing financial instruments such as traditional debt, philanthropic support, and new-market tax credits, necessary to fund the building of the proposed school site for BCS.



Evaluation Team

Reggie Epps serves as the Special Populations Coordinator for the Tennessee Public Charter School Commission. He has an B.S. in Education from the University of Tennessee at Knoxville, Postbaccalaureate Degree in Special Education from Middle Tennessee State University, and a M.Ed. in Educational Leadership from Arkansas State University. Reginald began his career as a high school Special Education teacher with Knox County Schools before relocating to Nashville. During his time in Nashville, he has served as Special Education Coordinator and Director of Student Services for a few local public charter schools. He has focused his educational career on serving students with disabilities and English Language Learners within the public and charter school community.

Beth Figueroa is the Director of Authorizing for the Tennessee Public Charter School Commission. She is a Certified Public Accountant and has spent the last 15 years specializing in school finance and charter school oversight. Before working at the Commission, Beth worked as an administrator and charter school authorizer for the Riverside County Board of Education. She has also had the opportunity to serve as the Chief Business Officer of a charter school, an Executive Director of Fiscal Services for a school district with an annual budget of over \$500 Million, and an auditor of charter schools and non-profit organizations. She earned her Master of Business Administration degree from California Baptist University, where she also received her B.S. in Business Administration and serves as an adjunct professor teaching Government and Non-Profit Accounting.

David Hartman is the founder of Venn Education, he specializes in expert evaluation, smart change making, and high-stakes decisions based on evidence. He spent over 10 years as the Managing Director of Accountability and Authorizer Supports with SchoolWorks. He served the Minnesota Department of Education, where he led the design and implementation of the nation's first high-stakes charter school authorizer performance evaluation. Notable engagements include leading and developing statewide charter school authorizer evaluations in Ohio and Tennessee, turnaround of an alternative high school, strategic planning for a state association, and numerous school reviews. In addition, David has taught in high schools and universities.

Whitney O'Connell started her career as an elementary educator and received her Masters of Education in Curriculum and Instruction, with an ELL endorsement, from the University of Washington. In her years of teaching, she taught nationally and internationally, across many school settings - including in Metro Nashville Public Schools. Aside from being a classroom teacher, Whitney has experience in curriculum writing, professional development, and education-related research. Whitney is now a Curricular Solution Architect at Newsela - partnering with districts in developing custom curriculum and digital resource implementation.

Melanie Rackley currently serves as an Education Consultant for the Office of Charter Schools at the North Carolina Department of Public Instruction. She is the charter application team lead for the state authorizer's office. Prior to her current role, she worked in various human capital roles involving educator licensure, credentialing, and reciprocity. She holds a Bachelor of Arts degree from UNC-Chapel Hill and a Master of Public Administration degree from North Carolina Central University. She has experience working for the Ministry of Education in Liberia and the North Carolina Pre-Kindergarten program. She is committed to the global advancement of educational equity.