

BEFORE THE TENNESSEE STATE BOARD OF EDUCATION

2014 CHARTER SCHOOL APPEAL

Cumberland Academy

FINDINGS AND RECOMMENDATION

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

On Wednesday, September 17, a hearing was held at the Cheatham County Board of Education in Ashland City, Tennessee, to consider Cumberland Academy's appeal of the denial of its amended application by the Cheatham County Board of Education.

Based on the following procedural history and findings of fact, I believe that the decision to deny Cumberland Academy's application was not "contrary to the best interests of the pupils, the school district, and the community," and therefore recommend that the Board affirm the decision of the Cheatham County Schools Board of Education.

PROCEDURAL HISTORY

1. On June 24, 2014, the Cheatham County Board of Education unanimously denied Cumberland Academy's initial application, following the unanimous recommendation of the Cheatham County Schools charter school review committee.
2. Cumberland Academy amended and resubmitted its application on July 25, 2014.
3. On August 19, 2014, the Cheatham County Schools charter school review committee recommended denial of Cumberland Academy's amended application. Subsequently, the Cheatham County Board of Education voted to deny the amended application of Cumberland Academy
4. Cumberland Academy then appealed the denial in writing to the State Board, received August 28, 2014.
5. On September 8, 2014, the State Board Charter Application Review Committee interviewed the sponsor, rated their application, and provided the attached recommendation report. [See Exhibit 1]

FINDINGS OF FACT

1. The Cheatham County Schools charter school review committee team evaluating the Cumberland Academy application included the following individuals:
 - a. Dr. Beth Batson, Supervisor of Human Resources, Student Services, and Policy, Cheatham County Schools
 - b. Stacy Brinkley, Supervisor of Instruction, Cheatham County Schools
 - c. Shelley Mayo, Coordinator of School Health and Safety, Cheatham County Schools
 - d. Andrea Pewitt, Supervisor of Special Education, Cheatham County Schools
 - e. Ann Thompson, Cheatham County Chamber of Commerce
 - f. Dr. Tara Watson, Chief Academic Officer, Cheatham County Schools
 - g. Cheatham County Schools contracted with David Huss to review the financial aspect of the application, but he did not score the application using the rubric.
2. Using the TN Department of Education's (TDOE) scoring rubric as a guide for evaluating the application, the review committee scored the application into four main domains: Educational Plan, Organizational Plan, Business Plan, and Evidence of Capacity.
3. On June 10, 2014, the Cheatham County Schools School Review Committee held a public interview to ask questions of the sponsor.
4. On the initial application, Cumberland Academy's application was labeled according to the scoring criteria developed and promulgated by the TDOE. Cumberland Academy's initial application scored as follows:

Educational Plan	<i>Does Not Meet</i>
Organizational Plan	<i>Partially Meets</i>
Business Plan	<i>Does Not Meet</i>
Evidence of Capacity	<i>Does Not Meet</i>
5. After the Cheatham County Board of Education voted to deny Cumberland Academy's initial application, Cheatham County Schools sent Cumberland Academy the overall reasons for denying the Cumberland Academy application.
6. Cumberland Academy's amended application scored as follows:

Educational Plan	<i>Partially Meets</i>
Organizational Plan	<i>Partially Meets</i>
Business Plan	<i>Partially Meets</i>
Evidence of Capacity	<i>Partially Meets</i>
7. After review of the application, the committee unanimously recommended denying the amended application. Ultimately, the Board determined that the authorization of the charter would be contrary to the best interests of the students of Cheatham County Schools. A summary of the committee's specific concerns are:

- a. Educational Plan – The committee felt that there was not sufficient specificity of how the educational programs would be integrated into the curriculum. Additionally, that there is limited evidence of a clear understanding of the IEP requirements regarding re-evaluations. There is insufficient evidence that additional costs associated with transportation for specific student services have been included. The committee also felt that the applicant did not provide a specific plan to accomplish the goal of having all students complete Algebra I in 8th grade.
 - b. Organizational Plan – The committee felt that the application lacked a safety and security plan as well as a plan to accommodate students with food allergies or other health requirements. The Student Support Team did not appear to be specific, and the start-up funding budget was not sound.
 - c. Business Plan – The committee felt the application did not show sufficient funds to operate a school during the 2015-2016 school year and that long-term stability is not assured. The proposed budget is based on an enrollment of 90 students in year one, but the committee felt that there was not enough evidence that the school would enroll 90 students. The committee felt that there was no evidence that the application would be successful at its fundraising goal of \$550,000.
 - d. Evidence of Capacity – The committee felt that the amended application partially met approval in the other reviewed areas, and therefore, it received a partially meets rating in evidence of capacity.
8. At the public hearing on September 17, 2014, it was evident that there was a disconnect between the sponsor's and Cheatham County School's perceptions of the weight and meaning of a charter application. Cumberland Academy perceives a charter application as a vision document and as the beginning of a lengthy conversation to finalize the details of the daily operations of a charter school. Cheatham County Schools perceives a charter application as a final contract that must include all minute details of school operations. The reality is that a high quality application is somewhere in the middle, and even the best charter school applications have some changes that occur between the application approval, the signing of the contract between the school district and the charter school, and the opening of the doors to the first students. However, an important part of the application review process is to gauge the applicant's capacity and budgetary flexibility to absorb and react to any possible changes.
9. The State Board Charter Application Review Committee evaluating the Cumberland Academy application included the following individuals:
- a. Harry Allen, Senior Vice President, Senior Commercial Relationship Manager, Avenue Bank
 - b. Rich Haglund, General Counsel and COO, Achievement School District
 - c. Dr. Ally Hauptman, Assistant Professor, Lipscomb University

- d. Dr. Kimberly King-Jupiter, Dean of the College of Education, Tennessee State University
 - e. David Mansouri, Executive Vice President, SCORE
 - f. Dr. Alice Patterson, Director of the Doctor of Education Program, Trevecca University
 - g. Hillary Sims, School Director, STEM Preparatory Academy
 - h. Tess Stovall, Coordinator of Charter School Accountability and Policy, State Board of Education
10. At the time of appeal to the State Board, Cumberland Academy did not submit additional amendments pursuant to T.C.A. §49-13-108(a)(4)(C).
11. The State Board Charter Application Review Committee* scored Cumberland Academy's amended application as follows:
- a. Academic Plan Design and Capacity *Partially Meets*
 - b. Operations Plan and Capacity *Partially Meets*
 - c. Financial Plan and Capacity *Meets or Exceeds*
 - d. Additional Attachments: Facilities, Transportation Plan, Food Service, Insurance, Waivers, etc. *Meets or Exceeds*
- *A copy of the State Board Charter Application Review Committee's recommendation and committee composition is attached.*

CONCLUSION

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

¹ T.C.A. § 49-13-108(a)(3).

² T.C.A. § 49-13-108(a)(4).

³ T.C.A. § 49-13-110(a).

⁴ The Tennessee Attorney General recently confirmed that this is what the statutory language means. See Op. No. 10-45, available at <http://www.tn.gov/attorneygeneral/op/2010/op/op10-45.pdf> (last viewed Sept. 25, 2013).

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

For these reasons, I do not believe that the decision to deny Cumberland Academy's amended application was contrary to the best interests of the students, the school district, and the community. Therefore, I recommend that the State Board of Education affirm the decision of Cheatham County School Board of Education.



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



Date

Exhibit 1

Cumberland Academy Charter School

Charter Application Review Committee - Summary Report and Scoring

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

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

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

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

- | | |
|--------------------------------------|-------------------------|
| A. Academic Plan Design and Capacity | <i>Partially Meets</i> |
| B. Operations Plan and Capacity | <i>Partially Meets</i> |
| C. Financial Plan and Capacity | <i>Meets or Exceeds</i> |
| D. Additional Attachments | <i>Meets or Exceeds</i> |

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

Academic Plan Design and Capacity – Partially Meets

The academic plan had many components that met or exceeded the standards set by the Tennessee Department of Education's scoring rubric. The application had a clear plan for the use of different types of assessments and the implementation of a strong data feedback cycle. The application demonstrated that it had already engaged potential parents and the community around the school. The school development involved numerous stakeholders, experts, and best practices, and the application contained a strong plan for the development and implementation of school culture. However, the application did not contain a clear and articulated plan for serving all students with specific attention paid to students with disabilities and English Language Learners. Even after the capacity interview, the committee remained concerned about the capacity of the

proposed special education director to handle the projected caseload. Additionally, the application only gave Advanced Placement course options for a number of subjects during the 12th grade year, and there was not enough detail provided to reassure the committee that the school could deliver high-quality and rigorous non-AP options to students who may not be ready for AP classes. Lastly, the application did not provide enough detail around differentiated instruction to demonstrate that they had the capacity to serve all students as well as a clearly articulated plan and capacity for remediation.

Operations Plan and Capacity – Partially Meets

The application contains a strong and engaged governing board that demonstrated the capacity to sufficiently govern the proposed school. The governing board has a clear plan for recruitment of additional board members and has created committees to handle various issues for the board including fundraising and academic accountability. The application contained a thorough hiring process and process for retaining high-performing staff. The application also delegated responsibilities for the day-to-day running of the school across three positions (school leader, dean of culture, and director of operations). However, the committee felt that the dean of culture may be stretched too thin when handling both the role of dean of culture and a full-time reading teacher. The capacity interview did not provide the committee additional confidence that both of these roles could be executed to a high level by the same individual. Although the application contained significant information about the professional development plan for both the school leaders and the staff, the committee felt that the lack of management experience or extensive professional development in the area of leadership and administration meant that the leadership team did not, according to the rubric, possess “the collective qualifications to implement the school design successfully, including capacities in areas such as school leadership, administration, and governance; curriculum, instruction, and assessment; performance management; and parent and community engagement.”

Financial Plan and Capacity – Meets or Exceeds

The application’s financial plan relies significantly on private fundraising revenue, but the capacity interview did provide additional details and context that gave the committee confidence that the school could achieve a fundraising amount that would result positive cash flow for the school. Additionally, the application contained information about a line of credit that the school could draw on if the school’s fundraising did not meet their goals. The application provided support letters from numerous organizations and foundations, and the governing board has a fundraising committee to handle the significant fundraising efforts. The proposed school has detailed plans for financial controls and policies which is particularly important for a start-up plan.

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

The application contains plans for a facility, and during the capacity interview, the applicant discussed their current options regarding a facility. The proposed school has plans for transportation and will alter those plans depending on the enrollment and location of the school.

The applicant has a thorough plan for food service to meet the needs of all students and has plans to meet the necessary insurance requirements. The school contains explanations for all waivers requested.

Summary of Recommendation

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