



Executive Director’s Findings and Recommendation Amendment Appeal for Purpose Prep Academy

Pursuant to Tennessee Code Annotated (T.C.A.) § 49-13-110(d) and Commission rule 1185-01-01-.04, a charter school that has its petition to amend its charter agreement denied by their charter school authorizer may appeal the denial to the Tennessee Public Charter School Commission (“Commission”). On December 3, 2021, the governing board of Purpose Prep Academy (“PPA”) appealed the denial of its amendment petition by the Metro Nashville Public School (“MNPS”) Board of Education to the Commission.

Based on the procedural history, findings of fact, and analysis I believe that the decision to deny the PPA amendment petition was contrary to the best interest of the students, local education agency (LEA), or community.¹ Therefore, I recommend that the Commission overturn the decision of MNPS Board of Education to deny the petition to amend the PPA charter agreement.

STANDARD OF REVIEW

Pursuant to Commission rule 1185-01-01-.04, Commission staff conducted a review of the documentation included in the notice of appeal and the decision to deny the amendment petition, including additional information gathered by Commission staff. Additionally, the Commission held a public hearing in the district where PPA operates.

In order to overturn the decision of the local board of education, the Commission must find that the local board’s decision to deny the charter amendment petition was contrary to the best interests of the students, LEA, or community. In this case, the Commission has the ability to uphold the MNPS decision to deny the amendment petition or overturn the decision of MNPS and remand the decision to MNPS with written instructions for approval of the amendment. MNPS shall remain the authorizer.

PROCEDURAL HISTORY

1. On July 1, 2013, MNPS and PPA executed a charter agreement to open a charter school serving grades kindergarten through 4th.
2. PPA began operation at the start of the 2013-2014 school year, serving kindergarten students. For the 2021-2022 school year, PPA serves grades kindergarten through 4th.
3. Starting with the 2021-2022 school year, MNPS, as a part of the Metro Schools’ ReimaginED initiative, added 5th grade to the Pearl-Cohn Cluster elementary schools which is also where PPA is located.
4. On October 1, 2021, PPA applied to amend its charter agreement with MNPS to add 5th grade and to increase its enrollment maximum to 450.

¹ Commission rule 1185-01-01-.04.

5. On November 23, 2021, MNPS staff presented a recommendation at the MNPS Board of Education meeting to approve the request to add a 5th grade to PPA and to deny the request to increase the enrollment maximum.
6. Subsequently, MNPS Board of Education approved the amendment to add the 5th grade and denied the amendment to increase the enrollment maximum.
7. On December 3, 2021, PPA appealed the denial of its amendment application regarding the enrollment increase in writing to the Commission, including submission of all required documents per Commission Rule 1185-01-01-.04.
8. On January 13, 2022, the Commission staff held a public hearing in Nashville. At the public hearing, the Executive Director, sitting as the Commission's designee, heard presentations from PPA and MNPS and took public comment.

FINDINGS OF FACT

According to PPA's signed charter agreement with MNPS, "[t]he Charter School may enroll students up to a total maximum enrollment of 360 students. Increases in total enrollment greater than 5% or 25 students, whichever is less, constitute material changes in this Charter Agreement, and are not permitted unless formal amendment to this Charter Agreement is secured in advance according to the provisions outlined in T.C.A § 49-13-110(b)."²

MNPS used the amendment application and rubric developed by the Tennessee Department of Education and approved by the Charter Commission in reviewing the amendment petition. MNPS's internal process provides that each application is reviewed by a review team, and each member of the review team completes an evaluation report that is submitted to MNPS. Finally, a "recommendation report will be compiled from the combined analysis of the entire process and presented to the MNPS Board of Education for their review..." The MNPS eligibility requirements of the charter amendment application state that "a school must be in years 4 through 8 and in good standing for a period of three years in all three domains of the Authority's academic, financial, and organizational performance frameworks and it must not be considered a low-performing school."³

On October 1, 2021, PPA submitted an amendment application to the MNPS Office of Charter Schools to add 5th grade to the school and to increase its maximum enrollment from 360 students to 450 students, an increase of 90 students. The MNPS Board of Education met on November 23, 2021 to discuss amendment petitions that had been submitted by charter schools and to consider the recommendations of the Office of Charter Schools. The Office of Charter Schools recommended that the MNPS Board of Education approve the school's request to add 5th grade but deny the school's application related to the increase of maximum enrollment. The MNPS staff stated that additional capacity is not needed for the addition of 5th grade to PPA. Additionally, the recommendation stated that many students left PPA for academic magnet schools within MNPS when transferring from 4th to 5th grade and the likelihood of that trend continuing alleviates the need

² Purpose Prep Academy Charter Agreement, pg. 3.

³ MNPS Amendment Process, pgs. 2-3.

for an enrollment increase. MNPS staff indicated that PPA listed in the application an increase in enrollment numbers throughout grades at the school, not exclusive to 5th grade, without evidentiary support of this need. Finally, the recommendation indicated that PPA is in year nine of its original charter agreement and delaying the enrollment increase request until the renewal year will provide the charter school with the opportunity to demonstrate a year of 5th grade enrollment. On November 23, 2021, MNPS Board of Education voted to deny the PPA amendment application for the school's enrollment increase but approved the school's addition of 5th grade.

On November 24, 2021, MNPS notified the governing board of PPA of the denial of the enrollment related amendment request. MNPS cited four (4) reasons for denial:

1. A lack of evidence to support the request to increase the enrollment cap from 360 which includes a 5% grace of 378, when Purpose Prep currently has a total of 348 students with one student on the waitlist,
2. A grade level could be added, but no additional seats are needed and could include the additional grade level and maximum seats which could include a 5% grace of 378 total students,
3. Questions around why the enrollment numbers indicated in the application would increase in lower grade levels if 5th grade is added, and
4. Purpose Prep is currently in year nine of the charter contract. The school can propose an enrollment cap change in the renewal application.

Following the denial of the PPA amendment application, PPA appealed the denial of its charter amendment application in writing to the Commission on December 3, 2021. Commission staff collected evidence from MNPS and PPA, pursuant to Commission rule 1185-01-01-.04 and Commission policy 2.400, to determine whether the decision of MNPS was contrary to the best interest of the students, LEA, or community. Additionally, the Executive Director, sitting as the Commission's designee, held a public hearing in Nashville on January 13, 2022. Both parties presented evidence at the public hearing, answered questions from the Executive Director, and collected public comments regarding the amendment application.

Public Hearing

Pursuant to Commission rule 1185-01-01-.04 and Commission Policy 2.400, a public hearing chaired by the Executive Director was held on January 13, 2022. During the school's opening presentation, the representatives of PPA spoke to the school's demonstrated academic success over several years. PPA stated that its enrollment number as of January 10, 2022 was 354, and PPA generally had an enrollment of 370 the past 3 years, explaining that the reduced enrollment numbers are a result of the pandemic. The representatives explained that increasing their enrollment maximum will allow PPA to meet the demand of current and prospective families, balance the school grade level ratios, and scale the needs of the new 5th grade. Additionally, PPA stated that the school has sufficient facility space to accommodate this additional enrollment.

In the district's opening statement, representatives of MNPS explained the review process of an amendment petition, which includes assembling a review team, holding a consensus meeting after review of

the petition to determine evidence findings, and presentation of those evidence findings to the MNPS Board of Education for a vote on the petition. MNPS stated that with 348⁴ students currently enrolled, PPA was below their enrollment cap and could accommodate a 5th grade class without increasing its enrollment maximum. MNPS stated that the evidence noted PPA did not have a current waitlist, and the school could shift enrollments at different grade levels to accommodate a 5th grade class within the current enrollment cap. MNPS also indicated that PPA was in year nine of its charter agreement, and the enrollment consideration is more appropriate as a part of the renewal process.

The parties then answered questions from the Executive Director. For clarity, the Commission staff presented both parties with a copy of the original charter agreement which both parties had submitted into the record of the appeal. The Executive Director explained that the original charter agreement shows a maximum enrollment of 380, but both PPA and MNPS indicated 360 is the maximum enrollment for PPA.⁵ After both parties agreed to the current enrollment maximum of 360, the Executive Director asked the representatives of PPA to provide further detail of their current enrollment. The school stated their enrollment was as follows: 59 kindergarten students, 62 1st graders, 76 2nd graders, 93 3rd graders, and 64 4th graders. PPA serves 3 cohorts of 60 students and, if granted an enrollment maximum increase, they would serve 3 cohorts of 90 students. PPA stated that the waitlist for the charter school is down due to the pandemic, but the school stated that they would not be able to enroll a full grade level in kindergarten and 5th grade without an enrollment increase.

In response to questions from the Executive Director, MNPS stated that their records for the PPA enrollment grade span listed 57 kindergarten students, 61 1st graders, 76 2nd graders, 94 3rd graders, and 62 4th graders, totaling 350 students attending PPA.⁶ In response to a question about how the district monitors schools against their enrollment maximums, the representatives stated that they monitor enrollment based on monthly ADM reports, and this information is provided to the charter school monthly. MNPS stated that if a charter school nears its enrollment cap, there is conversation around amendments to the charter agreements. In this case, MNPS stated there was no data to indicate a need for PPA to consider an enrollment expansion. MNPS explained that waiting for PPA to request enrollment expansion at renewal alleviates the administrative burden on the charter school as it would prevent the completion of multiple applications, as well as gives PPA the opportunity to show evidence of needed increase after a year of admitting 5th grade students.

⁴ The Executive Director asked both parties to provide the enrollment at the school as of January 10, 2022. The school stated its enrollment was 354, and the district stated the school's enrollment was 348.

⁵ Subsequent to the public hearing, the Executive Director requested that the parties submit documentation evidencing the reduction in enrollment from 380 to 360. The parties submitted a charter agreement saved as "Amendment 2," but the title of the actual agreement is "Amendment 1," showing a maximum enrollment of 360. Operators of PPA indicated that 380 in the original agreement was erroneous and/or a typographical error, as the charter school operates under a maximum enrollment of 360. MNPS could not confirm that there was ever an amendment reducing the maximum enrollment from PPA and reiterated that the agreements of record were the original charter agreement, dated July 2013, and "Amendment 2," dated February 2020.

⁶ The current enrollment number provided by the district in the opening presentation differed slightly from the enrollment total provided in response to questions from the executive director (348 vs. 350).



There were five (5) in person public comments on behalf of PPA in addition to 33 written comments received. The public comments were in support of the increased enrollment number, with statements highlighting the excitement of parents of their children to continue at PPA through the 5th grade. There were also comments that spoke to disappointment about the possibility of PPA reducing class sizes.

ANALYSIS

The decision of MNPS to deny the amendment petition of PPA was based upon the reasons stated in the November 24, 2021 denial notice. Based on the totality of the evidence presented by both parties during this appeal, including information gained at the public hearing and through public comments, I determine that the decision of the MNPS Board of Education to deny the amendment application of PPA was contrary to the best interests of the students, LEA, or community. As such, pursuant to Commission emergency rule 1185-01-01-.04 and Commission Policy 2.400, I recommend that the Commission overturn the decision of the MNPS Board of Education and remand the decision back to the MNPS Board of Education to approve the amendment application of PPA.

The crux of the district's argument rests on their statement that PPA can add 5th grade without the need for additional capacity within its enrollment cap. Since the school is currently below its enrollment maximum, MNPS stated that the school has between 28 and 30 available seats that PPA can use to fulfill the 5th grade expansion. In the statement submitted to the Commission, MNPS set forth a proposed grade enrollment spread for the school that demonstrated 40 students in kindergarten, 60 in 1st, 2nd, and 3rd grade, 90 in 4th grade, and 60 in 5th grade. MNPS indicated that with this enrollment spread, PPA would remain within its enrollment limits, and also have 8 additional seats to spread between the grades. Further, MNPS indicated that since many students left PPA for the district's optional academic magnet schools when transitioning from 4th to 5th grade, and the district's magnet schools will still start at 5th grade, this attrition rate is likely to continue. Finally, MNPS stated that, with PPA being in its 9th year of the original charter agreement, the school would be in a better posture for requesting an increased enrollment maximum at renewal, as PPA will have one year of 5th grade enrollment as evidence of the need for additional capacity.

In assessing an amendment appeal from a charter school, the charge of the Commission is whether the request is in the best interest of the students, the LEA, and the community. In review of the record, I found evidence that PPA was designated a reward school for the school years 2016-2017 and 2017-2018. PPA exceeded the standard on the district's performance framework on overall academic and financial performance. Additionally, the facility has space to accommodate an additional 3 classrooms. Despite these conclusions, MNPS maintains that PPA does not meet the standard for increased maximum enrollment. While I applaud the district's review process and the use of the state's scoring rubric, I find that a request for 90 additional seats is within reason for PPA. Currently, with a 5% grace in enrollment in the current agreement, PPA could enroll a maximum of 378 students. According to statements presented by both parties at the public hearing, the school's current enrollment is around 350 leaving approximately 28 seats available for a new 5th grade cohort. However, the school currently has approximately 60 4th graders meaning that the school could not matriculate these students while also backfilling its kindergarten class. As the school projects its enrollment year over year, it is reasonable for the school to strive to enroll a similar size cohort of students year over year so that it maintains a strong financial and operational base. Therefore, the district's suggestion that the school



admit a smaller incoming kindergarten class to meet its current enrollment cap is not a viable solution for the short-term and long-term financial and operational health of the school.

Moreover, the district's claim that the school should wait until its renewal application to request an enrollment increase because it minimizes the administrative burden is not reasonable. Because of the district's decision to adjust 5th grade enrollment at elementary schools within the districts, charter schools were forced to submit amendment petitions to the district to remain aligned with the grade span of surrounding elementary schools. The school, in the amendment petition requesting to add 5th grade, also requested to increase its enrollment to accommodate the 5th grade cohort. This is extremely reasonable and logical, and one that the district should have worked with the charter school to accommodate. Rather than decreasing the administrative burden, requiring the school to wait to request an enrollment increase in its renewal application would increase the administrative burden of the school and put the school in jeopardy of exceeding its current enrollment cap. This amendment request to increase enrollment puts PPA in the best posture to continue serving its students, the LEA, and the community through this transition of the addition of 5th grade.

CONCLUSION

PPA offers a high-quality option for students and has been recognized for its accomplishments. They have put forth plans to incorporate 5th grade into their successful school model and sought a conservative enrollment adjustment. For these reasons, and in consideration of the entire record, public hearing, and public comments, I believe that the decision to deny the amendment petition of Purpose Prep Academy was contrary to the best interests of the students, the LEA, and the community. The amendment petition to increase the maximum enrollment for PPA is in the best interests of the students, LEA, and the community. Therefore, I recommend that the Tennessee Public Charter School Commission overturn the decision MNPS to deny the amendment petition and remand the decision back to MNPS to approve the amended application of PPA regarding the increase of the maximum enrollment.

Handwritten signature of Tess Stovall in blue ink.

Tess Stovall, Executive Director
Tennessee Public Charter School Commission

1/28/2022

Date