



Executive Director’s Findings and Recommendation
Charter School Appeal for Smithson Craighead 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 Smithson Craighead Academy (“SCA”) appealed the denial of its petition to amend its charter agreement by the Metropolitan Nashville Public Schools (“MNPS”) Board of Education to the Commission.

Based on the procedural history, findings of fact, and analysis of the issue, I believe that the decision to deny the SCA amendment petition was contrary to the best interests 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 SCA 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 SCA 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 8, 2003, the MNPS Board of Education executed a charter agreement with SCA to open a charter school serving 250 students.
2. SCA began operation at the start of the 2003-2004 school year, serving students residing within MNPS.
3. On June 22, 2018, the MNPS Board of Education executed its current charter agreement with SCA with an enrollment maximum of 250 students in grades kindergarten through 4th.
4. Starting with the 2021-2022 school year, MNPS, as a part of the Metro Schools’ ReimaginED initiative, added 5th grade to the elementary schools in certain clusters of the district. Beginning in school year 2022-23, MNPS will add 5th grade to the Hunters Lane Cluster elementary schools where SCA is located.
5. On October 1, 2021, SCA applied to amend its charter agreement with MNPS to add 5th grade and to increase its enrollment maximum to 360.

¹ Commission Rule 1185-01-01-.04.

6. On November 23, 2021, the MNPS Office of Charter Schools presented a recommendation at the MNPS Board of Education meeting to approve the addition of 5th grade, but to deny the request to increase enrollment.
7. Subsequently, the MNPS Board of Education voted to approve the addition of 5th grade but denied the amendment application request to increase enrollment from 250 to 360.
8. On December 3, 2021, SCA appealed the denial of the amendment application regarding the enrollment increase in writing to the Commission, including submission of all required documents per Commission Rule 1185-01-01-.04.
9. 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 SCA and MNPS as well as took public comment regarding the SCA amendment petition.

FINDINGS OF FACT

According to SCA's signed charter agreement with MNPS, "[t]he Charter School may enroll students up to a total maximum of 250. Increases in total enrollment numbers 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, SCA 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 250 students to 360 students, an increase of 110 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 application to add 5th grade but deny the school's application related to the increase of maximum enrollment. The MNPS staff found that additional capacity was not needed for the addition of the 5th grade as the school currently has not reached the maximum enrollment indicated in the original charter agreement of 250 students, and the school's projected growth did not support the addition of 110 additional seats. Additionally, the MNPS staff stated that the enrollment projections provided in the application do not align with current enrollment

² Smithson Craighead Academy Charter School Agreement p. 4

³ MNPS Amendment Process, pgs. 2-3.



trends and data for SCA, and that there was currently no waitlist for this charter school. MNPS staff stated that the application indicates the school will hire an additional three 5th grade teachers, an educational aide, and a bilingual middle school support coach, while the projections only indicate a total of 39 5th grade students. On November 23, 2021, MNPS Board of Education voted to deny the SCA 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 SCA of the denial of the enrollment related amendment request. MNPS cited three (3) reasons for denial:

1. The school currently has not reached the maximum enrollment indicated in the original charter of 250 students and the projection of growth does not support an additional 110 seats,
2. The review team noted that based on current enrollment data and trends for SCA, a grade level could be added, but no additional seats are needed due to not currently reaching their enrollment cap, and
3. There is currently no waitlist for this charter school.

Following the denial of the SCA amendment application, SCA appealed the denial of its charter amendment application in writing to the Commission on December 3, 2021. Commission staff collected evidence from MNPS and SCA, 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.

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 public hearing, the representatives of SCA spoke to the school's enrollment trends, the school's academic performance, and the support it provides to the families and community of the Madison area of Nashville. SCA stated that their enrollment has increased from 153 students five years ago, and as of January 10, 2022, they have 235 students. The school credits the school's pre-k program, Project Reflect Pre-K which was started in 2019, and continued community outreach with the steady increase of students year over year. The school explained that based on current enrollment trends and the natural matriculation of grade bands, that the school not only needs an increase of enrollment to support the addition of the 5th grade, but further evidenced the need for the additional seats prior to the expiration of their current charter agreement in 2028. Additionally, SCA stated that the school has sufficient facility space to accommodate the additional enrollment, and the success of their grassroots enrollment strategy supports the request for additional seats.

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 SCA has not yet met the enrollment cap, and the school could add 5th grade without needing an increase to the enrollment cap. MNPS also indicated that there is no waitlist for the school.



The parties then answered questions from the Executive Director. SCA described that, while the Hunter's Lane Cluster is currently experiencing a decline in enrollment due to the gentrification of the community, the school has experienced enrollment growth as a result of their partnerships with a large local Hispanic church, Univision, and radio stations. As a result of this outreach, the school has increased its population of EL students from 44% in previous years to 49.3%. Further, as a result of the shift in demographics of the local area, the school detailed their outreach strategies, which includes grassroots efforts, a food pantry, diaper pantry, Covid testing and vaccinations, and housing assistance. SCA also provided additional information related to Project Reflect's 3-star Pre-K feeder program which began in 2019 and has had a direct impact on the increased enrollment in the lower grade bands. Specifically, the school has seen 100% of pre-k students enrolling in the school's kindergarten.

MNPS then answered questions from the Executive Director and clarified that based on current enrollment of 235 student, that SCA could add an additional 28 seats in 2022-23. The district also clarified that, in their statement to the Commission, the district used the average enrollment for the past 5-6 years of 211 when identifying current enrollment trends. However, MNPS acknowledged that over the past 3 years enrollment has increased at the school. MNPS then explained their process for monitoring enrollment, which includes sending charter schools an ADM report monthly and notifying schools when their enrollment gets close to their enrollment cap. When a charter school pursues an amendment petition, the district compiles a review committee, provides training to the selected committee, and upon the conclusion of the review, meets to determine consensus. In the case of SCA, consensus was reached between the members of the review committee regarding the petitions, and no further questions or additional data was requested of the school.

There were eight (8) in person public comments on behalf of SCA in addition to one (1) written comment received. The public comments were in support of the increased enrollment number, with statements highlighting the excitement of community members, parents of children attending SCA, and students to continue at SCA through the 5th grade with an increased enrollment.

ANALYSIS

The decision of MNPS to deny the amendment petition of SCA 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 SCA 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 SCA.

The crux of the district's argument rests on their statement that SCA can add 5th grade without the need for additional capacity within its enrollment cap, and furthermore, that the 110 additional seats is not necessary based on the enrollment projections provided by SCA. Since the school is currently below its enrollment maximum, MNPS stated that the school has 28 available seats that SCA can use to fulfill the 5th grade expansion, and the school does not have the enrollment trends or waitlist to support the request for additional seats. Further, MNPS indicated that many students left SCA for the district's optional academic magnet schools when



transitioning from 4th to 5th grade, and the magnet schools will still begin at 5th grade. Therefore, an increase in the enrollment cap is not warranted and, that in fact, it would hurt the students, school, and community by potentially denying opportunities for students to attend academic magnet schools.

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 SCA was designated a reward school for 2018-19, and the school met the district's standard for the overall academic performance framework in 2017-18 and 2018-2019. Additionally, the school did not have any financial deficiencies for the 2020-21 academic year and met the overall financial standard in 2018-19. The school also has the facility space to accommodate additional classrooms. Despite these conclusions, MNPS maintains that SCA 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 110 additional seats is within reason for SCA. Currently, with a 5% grace in enrollment in the current agreement, SCA could enroll a maximum of 263 students. In statements presented by both parties at the public hearing, the school's current enrollment is 235 leaving approximately 28 seats available for a new 5th grade cohort. However, the school currently has approximately 38 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, while maintaining the larger grade bands currently enrolled in grades K-2 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.

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 as well as current demand of the school. This is extremely reasonable and logical, and one that the district should have worked with the charter school to accommodate. Rather than requiring the school to wait to request an enrollment increase when it is at or encroaching upon its enrollment cap, the district has an opportunity with this current amendment request to work with the school to identify the school's enrollment maximum needs in the short-term and the long-term. This amendment request to increase enrollment puts SCA in the best posture to continue serving its students, the LEA, and the community through this transition of the addition of 5th grade.

CONCLUSION

SCA has been serving the community of Madison since 2003 and was deemed a Reward School in 2018. The MNPS Board of Education deemed the school successful enough to grant it a renewed charter agreement in 2018. The school has demonstrated a track record of student success compared with other schools in the Hunters Lane Cluster. The school has presented reasonable enrollment projections that incorporate the recent increase in enrollment in grades K-2 and reflects natural matriculation of enrollment with the addition of 5th grade. While the total increase of 110 seats is not needed until 2026-27, the projection is reasonable and necessary prior to the renewal of the current charter agreement. 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 Smithson Craighead Academy was contrary to the best interests of the students, the LEA and the community.



TENNESSEE
PUBLIC CHARTER SCHOOL COMMISSION

The amendment petition to increase the maximum enrollment for SCA 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 of MNPS and remand the decision back to MNPS to approve the amended application of SCA regarding the increase of the maximum enrollment.

Tess Stovall

Tess Stovall, Executive Director
Tennessee Public Charter School Commission

1/28/2022

Date