



Executive Director's Recommendation

Academy of the Arts Charter High 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 11, 2022, the sponsors of Academy of the Arts Charter High School ("AACHS" or "sponsor") appealed the denial of its amended application by the Fayette County Schools (FCS) 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 Academy of the Arts 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 Fayette County Schools Board of Education to deny the amended application for Academy of the Arts Charter High 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 AACHS'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 affirm the local board's decision to deny.

PROCEDURAL HISTORY

1. On December 3, 2021, the sponsor submitted a letter of intent to FCS expressing its intention to file a charter school application.
2. The sponsor submitted its initial application for Academy of the Arts to FCS on February 7, 2022.
3. FCS assembled a review committee to review and score the Academy of the Arts initial application.
4. On March 31, 2022, FCS's review committee conducted a capacity interview with representatives of Academy of the Arts.

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.



5. FCS’s review committee reviewed and scored the Academy of the Arts initial application and recommended to the FCS Board of Education that the initial application be denied, indicating it did not meet standard in operations and finances, and partially met standard in academics.
6. On May 12, 2022, the FCS Board of Education voted to deny the Academy of the Arts initial application based on the review committee’s recommendation.
7. The sponsor amended and resubmitted its application for Academy of the Arts to FCS on June 15, 2022.
8. FCS’s review committee reviewed and scored the Academy of the Arts amended application based on the charter application scoring rubric.
9. FCS’s review committee rated the Academy of the Arts amended application as does not meet standard in operations and partially meets standard in academics and finance, and recommended denial to the local board of education.
10. On August 11, 2022, the FCS Board of Education voted to deny the amended application of Academy of the Arts.
11. The sponsor appealed the denial of the Academy of the Arts amended application in writing to the Commission on August 22, 2022, including submission of all required documents per Commission Policy 2.000.
12. The Commission’s review committee independently analyzed and scored the Academy of the Arts 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 Academy of the Arts leadership team on September 19, 2022 via Microsoft Teams.
14. On September 29, 2022, the Commission staff held a public hearing at Community Hall, UT Martin Somerville Center in Somerville, Tennessee. At the public hearing, the Executive Director, sitting as the Commission’s Designee, heard presentations from the sponsor and FCS and took public comment regarding the Academy of the Arts amended application.
15. After the capacity interview, the Commission’s review committee determined a final consensus rating of the Academy of the Arts 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 FCS to review and score the Academy of the Arts initial application consisted of the following individuals:

Name	Titles
Dr. Versie Hamlett	Superintendent, Fayette County Public Schools

Name	Titles
Captain Wendell Wainwright (Retired)	Board Chairman, Fayette County Board of Education
Eddie Keel	Chief of Staff, Fayette County Public Schools
Stephanie Neal	Chief District Support Officer, Fayette County Public Schools
Dr. Towanda Maclin-Brown	Chief Innovations Officer, Fayette County Public Schools
Dana Kemper	Federal Projects Director, Fayette County Public Schools
Vincent Harvell	Director of Finance, Fayette County Public Schools
Debra Jones	ESSER Director, Fayette County Public Schools
Kathy Woods	Director of Special Services, Fayette County Public Schools
Phyllis Taylor	Director of Student Services, Fayette County Public Schools
Ray Washington	Chief of Operations, Fayette County Public Schools
Molly McCarley	Community Representative
Lisa Plunk	Nutrition Director, Fayette County Public Schools
Mike Kee	Director of Facilities, Fayette County Public Schools

The Academy of the Arts initial application received the following ratings from the FCS 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 FCS review committee completed its review and scoring of the initial application, its recommendation was presented to the FCS Board of Education on May 12, 2022. Based on the review committee's recommendation, the FCS Board of Education voted to deny the initial application of Academy of the Arts Charter High School.

District Denial of Amended Application

The review committee assembled by FCS to review and score the Academy of the Arts amended application mirrored that of the committee that reviewed the initial application. Upon resubmission, the FCS review committee conducted a review of the amended application, and the amended application received the following ratings from the FCS review committee:

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

After the FCS review committee completed its review and scoring of the amended application, its recommendation was presented to the FCS Board of Education on August 11, 2022. At the August 11, 2022 board meeting, the FCS Board of Education voted to deny the amended application of Academy of the Arts Charter High School.

Commission Review Committee’s Evaluation of the Application

Following the denial of the Academy of the Arts 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 Academy of the Arts amended application. This review committee consisted of the following individuals. Additional information regarding the expertise of the review committee is in Exhibit A.

Name	Title
Maggie Lund	Commission Staff
Lawrence Walker	Commission Staff
Gus Gluek	External Reviewer
Cheryl Green	External Reviewer
David Hartman	External Reviewer

The review committee conducted an initial review and scoring of the Academy of the Arts 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 Academy of the Arts application was as follows:

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 Academy of the Arts Charter High 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 applicant's Academic Plan Design and Capacity partially meets standard because while the arts-focused model is innovative for the area, the review committee found the proposal lacks detail regarding plans to support student's core academic needs, particularly in ELA and math, in response to underperformance in this area by the district. Additionally, the school has ambitious enrollment plans that would assume enrolling almost a quarter of the population of the local public school at the school in the early years. The review committee noted this concern to be compounded by unclear community support and demand for the school and model within Fayette County. Finally, the review committee cited concerns with the school's plan to serve students qualifying as special populations.

The review committee found the applicant's Operations Plan and Capacity partially meets standard due to issues with the school's plan to attract and retain highly qualified and licensed staff. The review committee remained unclear regarding the school's intent to ensure licensure amongst its staff. Additionally, it is unclear to the committee whether the outlined teacher recruitment plans are sound, as many of the partnerships are in Memphis, which is at least 30 miles away from the school's intended location. Lastly, there were concerns that the professional development outlined did not support teachers in core content classes and was primarily arts-focused through the partnership with Arts Impact.

Finally, the review committee found the applicant's Financial Plan and Capacity partially meets standard due to a lack of evidence of access to sufficient startup funding. The applicant also had little contingency plans to cover shortfalls in pre-opening revenues should they occur. The review committee also found that the budget assumptions were unreasonable and understated, which they noted may result in the need to enact contingency planning as early as years zero or one. Based on the totality of the evidence presented, the review committee believes that Academy of the Arts Charter High School partially meets standard in alignment to the Tennessee Department of Education's Scoring Rubric.

For additional information regarding the review committee's evaluation of the Academy of the Arts 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 29, 2022. Fayette County Public Schools's presentation at the public hearing focused on the lack of approval from the Department of Justice to open a charter school within the district due to a federal desegregation Consent Order, the application not meeting or exceeding the standards of the scoring rubric, and a substantial negative fiscal impact on the district if the school opened. Representatives from FCS indicated that the Academy of the Arts amended application was denied based on these three main concerns.

In the sponsor's opening statement, Mecca Jackson, the founder of Academy of the Arts, spoke to the school's unique and innovative model, stating that it not only provides arts-focused opportunities for students but also CTE opportunities within the arts. Students will have access to a performing arts program that includes ninety minutes of daily practice in the arts within the student's chosen major. The school will also employ an entrepreneurial approach with its partnership with Junior Achievement, they will enact restorative practices and social-emotional learning instruction within their school culture plan, and they will satisfy a clear need for school

⁵ T.C.A. § 49-13-108(5)(b)(i).



choice within the area. The sponsor stated that Fayette County is an ideal location for the charter school because of the low proficiency rates of students and the anticipated population growth with Blue Oval City. Additionally, the sponsor stated that the school has evidence of community support with online petitions including 464 signatures to date, 68 additional signatures within Fayette County, and letters of support reflecting both national and local organizations. The sponsor also stated that they have held community events and focus groups with parents and students and that the board of directors has a wealth of experience to run the school effectively.

The Commission staff began their line of questioning for FCS by asking how the district evolved its application review process compared to the previous year. FCS stated that they began the process earlier and participated in the state's informational webinar to improve their process. While the review committee was primarily the same as last year, the intent was to review this application fairly as a brand-new application. FCS then spoke about the anticipated population growth as a result of the new Blue Oval City Megasite, which will be located in the area. FCS stated that the location will be approximately 11 miles from the city of Somerville. The new site projects to bring jobs to the area, as well as increase the cost of living, and there is a projected increase of about 10,000 people in 2023 and another projected 10,000 by 2040. The Commission staff asked questions of the district regarding its concerns with the sponsor's proposed facility plan. FCS stated that the district reached out to a realtor and discovered there is already a contract pending on the property, meaning it would be unavailable for purchase by Academy of the Arts. FCS also cited concerns that the facility was not adequate for a high school. FCS stated that they gave the applicant an opportunity to provide additional updated information and to address concerns regarding the facility. However, the applicant did not provide any additional information in response to this offer.

Finally, the Commission raised questions to FCS about the federal Consent Order in Fayette County to desegregate schools. The FCS attorney stated that it is his opinion that there is no current way to determine if this proposed charter applicant could locate in the county without the applicant providing the district, the Department of Justice, and the Legal Defense Fund specific data related to how the school will comply with the order. No specific data, including compliance with transportation, staffing, demographic makeup, and facilities, were provided in the application. The attorney cited two specific cases setting precedent regarding a charter school opening within a county under a federal desegregation order, and, in both cases, the applicant was much further along in the process and able to demonstrate accurate racial percentages for enrollment and faculty, which was not provided by this applicant. FCS stated that a charter school within the district must provide transportation per the district's transportation obligation under the Consent Order. The applicant's transportation plan includes only two buses for a very large county, which would not result in compliance. When questioned about the district's citation of substantial negative fiscal impact, FCS cited that they did not know the burden fell on the LEA to provide information supporting this claim.

The Commission staff then questioned the sponsor. Representatives for Academy of the Arts spoke of changes they made between their previous application to the district in 2021 and the current one. They cited changes made to the transportation plan, in addition to curriculum changes to better align with Tennessee state standards. They also made changes to their facility plan, securing and providing LOIs for properties in their application, and changed the board to include members with expertise in education and facilities. When questioned about sufficient demand, the sponsor spoke to their petition with 460 signatures, stating that this school would be a good choice for Fayette County and for the large homeschool community in the area, which



has approximately 470 school-age children, 91 of whom would be eligible to apply to Academy of the Arts in the first year. The Commission then questioned the applicant regarding their CTE program and facilities. The sponsor stated that while Fayette County did not have many arts-focused CTE opportunities, they did intend to partner with UT Martin and other fashion-design opportunities. The sponsor provided an update regarding their facility, stating that they have identified another location and have an LOI demonstrating the owner's willingness for a lease-to-own purchase for the approximately 5,000-square-foot location. The board felt confident that the timeline necessary to upgrade the facility would allow it to be ready for use by August 2023. The Commission staff asked the applicant to speak to their strategy for recruiting and retaining highly qualified and licensed staff. The sponsor stated they would use the National Alliance of Public Charter Schools's job board along with other national recruitment measures, such as ZipRecruiter, and stated that they already have 24 applications and resumes submitted. They also stated that they would offer competitive pay for the area, and they would support candidates for nontraditional teacher licensure programs. Finally, the sponsor responded to a line of questioning about whether a motion to intervene regarding the federal Consent Order had been filed with the Department of Justice such that the school could be located in Fayette County. The sponsor stated they had spoken with the NAACP and the Legal Defense Fund earlier this year, and it was the sponsor's understanding that any filings would occur upon authorization. The sponsor stated that they have read the Consent Order, are aware of the requirements, and will implement systematic and intensive recruitment plans to ensure they are racially diverse. The applicant stated that they have included items to address the Consent Order within their application.

The public hearing concluded with closing statements by both parties and the receipt of five in-person comments, with four speaking in support of FCS and one speaking in support of Academy of the Arts. The Commission also accepted written comments, and the Commission received 44 written comments, with five writing in support of Fayette County and 39 writing in support of Academy of the Arts Charter High 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 FCS, 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 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 Academy of the Arts Charter High School amended application did not rise to the level of meeting or exceeding the standards required for approval. Any charter school application submitted in Fayette County must be considered in light of the federal desegregation Consent

⁶ T.C.A. § 49-13-108(5)(E).

⁷ *Id.*



Order, with the latest version being entered on July 12, 2013. The U.S. Department of Justice conducted a review of the district in 2007 and discovered various violations. Subsequent to the review, the Fayette County Board of Education made efforts to bring the county into unitary status. As there is currently one (1) high school in Fayette County, the authorization of any additional high school should undergo examination and consideration of its effect on the county as a whole. The sponsor has not set forth any plans for a limited intervention, in accordance with *Cleveland v. Union Parish School Board*⁸. The sponsor has indicated that its application gave full consideration of the *Green* factors⁹ to ensure that the authorization of Academy of the Arts Charter High School would continue the equity and/or diversity of the Fayette County School system. However, without the sponsor seeking limited intervention and evaluation of the application by the United States District Court, Fayette County risks being out of compliance with the consent order. This consideration is paramount for the authorization of any new public school in the county, irrespective of it being a charter school. Fayette County has an obligation to make efforts to achieve unitary status. These efforts are monitored by the United States District Court, which holds a “constitutional duty to enforce the order by scrutinizing all school board actions.”¹⁰

Moreover, at the public hearing, Fayette County Public Schools indicated that the Tennessee Department of Education authorized the county to establish a virtual public school, but the school district’s attorney stated that the establishment of the school is being analyzed by the federal district court for its compliance with the desegregation Consent Order. Additionally, I do find the testimony of the sponsor credible concerning its conversation with a representative at the NAACP Legal Defense Fund. The sponsor testified that, based on their conversation with a representative at the Legal Defense Fund, limited intervention by Academy of the Arts Charter High School with the federal district court is predicated on the authorization of the application first. There is very clear ambiguity regarding the order of process and the roles of the federal district court, the NAACP Legal Defense Fund, the district, and the sponsor regarding the consideration of the charter school within Fayette County. This ambiguity must be cleared before any recommendation to approve a charter school within Fayette County. Ultimately, my recommendation in this appeal is based on whether the sponsor meets or exceeds the standard to establish a charter school in Tennessee, and it is not predicated on the intervention of the Consent Order.

I agree with the review committee that the sponsor’s academic plan cannot be recommended for approval. While there is a strong mission and vision for an arts-infused education, the sponsor failed to incorporate the necessary details in relation to meeting the core academic needs of the district. T.C.A. § 49-13-107 specifically states that an application shall include “[a] proposed academic plan, including the instructional goals and methods for each grade level the school will serve, which, at a minimum, shall include teaching and classroom instruction methods that will be used to provide students with the knowledge, proficiency, and skills needed to reach the goals of the school...”¹¹ The amended application did not specifically address how its academic model would close achievement gaps for the district. Additionally, I do not have confidence that the sponsor will meet its enrollment projections, nor do I have confidence that there is a strong contingency plan for the school if enrollment targets are not met. The sponsor set forth focus group and survey results as evidence of community demand. However, I am unsure that the responses to the surveys will materialize as

⁸ *Cleveland v. Union Parish School Board*, 570 F. Supp.2d. 858.

⁹ *Green v. County Board of Education of New Kent County, Virginia*, 391 U.S. 430.

¹⁰ *Cleveland* at 867.

¹¹ T.C.A. § 49-13-107(b)(2).



students within the school for an August 2023 opening. At full enrollment, the charter school would make up approximately half of the current county high school enrollment. While I acknowledge that there may be students currently not enrolled in the county high school who might enroll in the school, I did not find a realistic plan to meet the enrollment targets established within the application given Fayette County's enrollment patterns. Additionally, I cannot recommend this amended application for approval in light of the sponsor's plan for serving special populations. The sponsor's plan to conduct interviews can be viewed as a denial of equal access to all students and its plan for interventions is unclear throughout the application. The sponsor also made mention of using a weighted lottery, which is in contrast to state law. I cannot recommend approval of an application with evidence that may violate state law.

In my review of the sponsor's operations plan, significant gaps remain within the plan to meet the standard of approval. The sponsor did not have a sufficient staffing plan, specifically for a school with such a unique academic model. The sponsor did not provide evidence of a thorough plan to recruit and retain licensed teachers or, more pointedly, licensed teachers with the certifications necessary to serve under an arts curriculum. The sponsor did not provide enough evidence of its efforts to recruit and retain teachers with ties to the community, such that the diversity requirements of the underlying Consent Order are met. The sponsor also mentioned a partnership with Arts Impact, although the nature of that partnership remains unclear. If this partnership is to be responsible for a large portion of the staff's professional development, the amended application needs to provide greater detail about the relationship and delegation of responsibilities. While the majority of the operations plan does not meet the standard for approval, I want to acknowledge the work of the sponsor in its facilities search, as this factor can prove difficult for any applicant.

While the sponsor does have financial expertise as a part of its governing board, I cannot recommend this application for approval based on the financial plan. The sponsor does not have a realistic budget for the school such that I have confidence in the school's success if approved. The sponsor did indicate several grants for which they would apply if approved; however, there is not a solid contingency plan should those grants not be awarded. Further, the sponsor's budget does not fully consider the necessary assumptions to evidence its ability to remain financially solvent post-authorization. While the sponsor indicated that it would revisit the school's budget post-authorization, the Commission's charge is to determine whether the school should be approved based on the amended application. As such, I cannot recommend an amended application for approval when there is a large number of contingencies not accounted for and/or considered by the sponsor.

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. I appreciate the sponsor's passion for establishing a charter school in an area of Tennessee that does not have public educational options. However, there are significant gaps in the current proposed plan that result in the application not meeting the standard for approval at this time.

For the reasons expounded on in this report, I recommend that the Commission deny the Academy of the Arts Charter High 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 Academy of the Arts Charter



High 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 Fayette County Schools Board of Education to deny the amended application for Academy of the Arts Charter High School.

A handwritten signature in black ink that reads "Tess Stovall". The signature is written in a cursive style.

Tess Stovall, Executive Director
Tennessee Public Charter School Commission

10/18/22

Date



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EXHIBIT A

Charter Application Review Committee Recommendation Report

October 18, 2022

School Name: Academy of the Arts Charter High School

Sponsor: Academy of the Arts Charter High School, Inc.

Proposed Location of School: Fayette County Schools

Evaluation Team:

- David Hartman
- Gus Gluek
- Cheryl Green
- Maggie Lund
- Lawrence Walker

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, members of the governing board, and identified school leader 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; high school graduation 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: Academy of the Arts Charter High School

Sponsor: Academy of the Arts Charter High School, Inc.

Proposed Location of School: Fayette County Schools

Mission:¹ The mission of Academy of the Arts Charter High School is to educate high school students through the performing arts while providing them with the academic and entrepreneurial skills to succeed in college and in life!

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:
9	90	100	110	120	120	120
10	0	90	100	110	120	120
11	0	0	90	100	110	120
12	0	0	0	90	100	120
Totals	90	190	300	420	450	480

Brief Description of the Application:

The sponsor, Academy of the Arts Charter High School, Inc., is proposing to open a charter school in Fayette County, Tennessee and serve students in 9th through 12th grades when fully built out. The school, Academy of the Arts Charter High School, is a new-start school and would be the first school for the sponsor. The school intends to operate in the Somerville community of Fayette County to “develop all students’ intellectual capacity, while shaping and molding their artistic talents through daily training in the performing arts.”³ The school proposes to offer an innovative and creative educational option and provide students in the Somerville area additional school options.

The proposed school will be governed by the Academy of the Arts Board. In Year 0, Academy of the Arts Charter High School has budgeted \$730,832 in revenue, assuming funds awarded from Charter School Growth Fund, New Schools Venture Fund, and Charter School Expansion Grant, and projects \$569,509 in expenses for the school.⁴ Academy of the Arts Charter High School projects the school will have \$1,234,542 in revenue and \$1,223,778 in expenses in Year 1, resulting in a balance of \$172,087.⁵ By Year 5, the school projects to have

¹ Academy of the Arts Charter High School Amended Application, pg. 3

² Ibid, pg. 22

³ Ibid, pg. 3

⁴ AACHS Amended Budget, Pre-Opening Budget

⁵ AACHS Amended Budget, Year 1 Budget



\$4,009,990 in revenue and \$2,660,707 in expenses, resulting in a positive ending fund balance of \$2,972,938.⁶

The school anticipates that 78% of the student population will qualify as economically disadvantaged, 11% of the student population will be students with disabilities, and 2% of the student population will be English Learners.⁷

⁶ AACHS Amended Budget, Summary

⁷ AACHS Amended Budget, Student Assumptions

Summary of the Evaluation

The review committee recommends denial of the application for Academy of the Arts Charter High School 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 applicant's Academic Plan Design and Capacity partially meets standard because while the arts-focused model is innovative for the area, the proposal lacks detail regarding plans to support students' core academic needs, particularly in ELA and Math, in response to underperformance in this area by the district. Additionally, the school has ambitious enrollment plans that would assume enrolling almost a quarter of the population of the local public school at this charter school in the early years. This concern is compounded with unclear community support and demand for the school and model within Fayette County. Finally, the review committee cited concerns with the school's plan to serve students qualifying as special populations.

The applicant's Operations Plan and Capacity partially meets standard due to issues with the school's plan to attract and retain highly qualified and licensed staff. The review committee remained unclear regarding the school's intent to ensure licensure amongst its staff. The stated intent in the application to consider uncertified candidates that hold professional experience in the arts and the applicant providing two separate salary matrices reflecting certified and noncertified staff did not provide evidence of a clear plan for licensure. Additionally, it is unclear to the committee whether the outlined teacher recruitment plans are sound, as many of the partnerships are in Memphis, which is at least 30 miles away from the location the school is intending to locate. Finally, there were concerns that the professional development outlined did not support teachers in core content classes and was primarily arts-focused through the partnership with Arts Impact.

Finally, the applicant's Financial Plan and Capacity partially meets standard due to a lack of evidence of access to sufficient startup funding. The applicant also had little contingency plans, other than having good relationships with lenders to obtain a line of credit, to cover shortfalls in pre-opening revenues should they occur. The budget assumptions also were unreasonable and understated, which may result in the need to enact contingency planning as early as years 0 or 1. Based on the totality of the evidence presented, the review committee believes that Academy of the Arts Charter High School partially meets standard in alignment to the Tennessee Department of Education's 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 approval⁸ 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:

⁸ Tennessee Charter School Application Rubric-Evaluation Ratings and Sample Scoring Criteria, pg. 1.



TENNESSEE
PUBLIC CHARTER SCHOOL COMMISSION

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

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 proposal lacks specificity regarding plans to address students' core academic needs, provides little evidence to support the ambitious enrollment plans, presents underdeveloped plans to serve students qualifying as special populations, and proposes some practices that, if implemented, could be inconsistent with state law.

The applicant provided little information to demonstrate that specific plans to address students' core academic needs exist, particularly for math and ELA core content classes. While the proposal includes data showing existing underperformance in English and Math in Fayette County, the applicant team provided few specific plans regarding how the school's art-infused curriculum can raise student achievement. According to the applicant, the school's instruction will be arts-focused within core content classes. However, when the review committee asked for specifics during the capacity interview, the applicant team stated arts-aligned assessments and portfolios would be used to satisfy this need. It is unclear whether the model and instructional strategies are both arts-aligned and thoroughly designed to address the academic needs present in the community. Additionally, there were discrepancies surrounding the proposed CTE program, as the application stated it will offer opportunities for students to get experience working in the arts, but during the capacity interview, the applicant confirmed that there are very limited arts opportunities available in Fayette County.

Additionally, the applicant team did not provide sufficient evidence of demand to meet enrollment projections. The only public high school in Fayette County has roughly 800 seats, and the proposal identifies the applicant team's plans to enroll, at full capacity, 480 students. This is a significant proposed redistribution of students from the public high school to the new charter high school. According to the application and answers provided during the capacity interview, the applicant team convened two focus groups comprised of less than 10 families/students and used this to indicate interest. Additionally, many of the letters of support in the proposal are from a previous application dated 2021 and mention hopes and plans for a school opening in 2022. Finally, during the capacity interview, the anticipated school leader mentioned that they believe 30 to 50 families would be willing to register at the school. However, no evidence was presented to support this, and the number is well below the projected students needed for the school's first year enrollment.

The applicant's plans for serving special populations of students are lacking. First, information regarding the anticipated student population is unclear. The proposal identifies different percentages of anticipated special education students throughout the application, and the proposal notes that the school will hire an EL teacher, if needed, and does not provide plans to ensure adequate services. The school's plans to use response to intervention (RTI²) are unclear and inconsistent. While the application states that students will have access to RTI² every day, the sample schedules only include "Skill Build" which is offered three or four times per week. When presented with this question during the capacity interview, the applicant team proposed to push "Skill Build" to five days a week and cut social emotional learning programming. It is unclear what model or priorities the applicant team plans to employ to serve special populations of students.

Finally, some content offered by the applicant team in the proposal and during the capacity interview does not align with law. The enrollment policy in the proposal states: "To further the mission of the school and



to ensure that families understand and share the school's expectations, interviews will be conducted with all applicant families to make sure that the school is a good match for their interests and need." While the applicant team stated that the audition and interview process will not determine admission, it is unclear whether this interview and audition could be perceived as a barrier to entry for students who are seeking a better option than the public high school in the area. Finally, the applicant team noted during the capacity interview potential plans for using a weighted lottery to ensure appropriate demographic makeup and align with an existing consent order from the Department of Justice. However, this is not allowed under T.C.A. § 49-13-113. Based on the totality of the evidence presented, the review committee found that the Academic Plan Design and Capacity partially meets standard.

Strengths Identified by the Committee:

While the Academic Plan Design and Capacity partially meets standard due to the weaknesses stated above, the applicant team presents a clear mission to "educate high school students through the performing arts while providing them with the academic and entrepreneurial skills to succeed in college and in life," robust arts programming, and a restorative-based school culture plan. There is not another arts-high school in Fayette County, thus making the model innovative for the area. The culture and discipline handbooks and policies in the proposal are robust and comply with Tennessee law. The proposal includes a strong family engagement plan and ways to involve parents within the school community once enrolled. Finally, the applicant team's plans satisfy expectations for high school credits needed and graduation requirements.

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. While the proposal includes plans for arts-focused professional development, there are unclear plans for the partnership with Arts Impact and professional development offered to teachers around core content courses. Additionally, the applicant lacks robust plans for staff recruitment and ensuring proper teacher licensure in accordance with state law.

The applicant lacks evidence to support a robust plan for the recruitment and retention of highly qualified and licensed staff. The review committee questioned the applicant about their recruitment and retention strategies for staff, particularly staff interested and qualified to teach arts curriculum, given the rural district they intend to locate. The applicant team cited utilizing national platforms to recruit staff, such as Indeed.com, along with partnerships such as the Junior League of Memphis. However, the location for which this applicant plans to locate is at least 30 miles from Memphis. Additionally, there was a lack of evidence that the salaries offered are competitive and likely to attract and retain the highly specialized teachers needed to implement the proposed academic plan. The applicant cited that they intend to offer a higher salary than the local county to attract and retain teachers. However, most of the recruitment partnerships and pathways are in Memphis, and not Fayette County, and there was insufficient evidence to determine that the proposed salaries would result in a significant talent pool. The applicant also stated that they would aim to offer relocation stipends and bonuses for candidates that may need to move to the area, however this was not reflected within the budget.

The application lacked evidence of an adequate plan for teacher licensure, as in the application it was stated that the noncertified applicants would be considered if they possess field experience or are arts professionals. The applicant team stated their intention to support those teachers earning certification as needed; however, the applicant also stated they would have two salary matrices for staff, one for licensed staff and one for unlicensed staff. Further, the proposal identifies the school's plans to seek a waiver from basic licensure requirements for teachers, which is not permitted. In alignment with the criteria set forth in the Tennessee Department of Education's scoring rubric, the review committee could not determine a sound plan for recruiting and retaining highly qualified and licensed staff. The discrepancies between the plans outlined within the application and what the applicant stated in the capacity interview resulted in a lack evidence of sound recruiting and hiring practices that will ensure proper licensure.

Additionally, the professional development plan for teachers was unclear, and there was not a detailed description of the depth and breadth of the applicant's proposed partnership with Arts Impact. While the professional development plan directs appropriate focus toward arts education, the summer institute does not appear to include a focus on core academic programming. This raised questions for the review committee, particularly in alignment to the Tennessee Department of Education scoring rubric line item that the professional development will maximize success in improving student achievement. For example, the application identifies the school's plan to employ the Danielson framework, but neither this framework nor other common instructional expectations are identified in the planned topics for professional development. Given the school aims to address the district's existing underachievement in ELA and Math, the professional development focus overprioritized arts education and underprioritized high-quality instruction in core content

areas.

Finally, the applicant stated that they would rely on Arts Impact for the summer institute and ongoing professional development. The review committee aimed to clarify what responsibilities would be owned by Arts Impact and what would be handled at a school leadership level during the capacity interview. Within the application, it states that all leadership team members will lead professional development based on their area of specialty. In the interview, the applicant team stated that Arts Impact is a consultant that would offer mentorship, curriculum development and design, coaching, and administration of professional development. However, it is unclear as to what specific responsibilities will be held by Arts Impact, the school leadership team, and Executive Director, in terms of overseeing the academic model and all corresponding professional development and coaching for teachers.

Strengths Identified by the Committee:

While the Operational Plan and Capacity partially meets standard due to the weaknesses stated above, the applicant team identified two potential facilities to locate along with a lease option if needed within their application, along with providing memorandums of understanding for these properties. According to the application, the school would seek a loan for \$150,000 for tenant improvement as needed in whichever facility the school is located. The proposal also contains facility contingency plans, and the applicant stated during the capacity interview that they are in conversation with lenders should they need additional funds to cover facility costs.

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 the school's pre-opening fundraising and philanthropy expectations lack evidence regarding the ability of the operator to achieve the amounts mentioned. There are also little to no contingency plans should startup funding or year one enrollment not materialize, and there are unreasonable assumptions within the budget that result in a lack of clarity surrounding funding and contingency plans.

During the capacity interview, the review committee asked the applicant to speak to any evidence of secured startup funding. The startup budget that was submitted included grants that the school had not yet received, including the New School Ventures Fund Grant of \$215,000 and the Charter Growth Fund of \$250,000. During the capacity interview, the applicant stated that they have not received this funding but would apply upon authorization. If these funds are not awarded, the applicant would need to execute the contingency plans as early as year zero based on the budgeted startup costs. The applicant also stated that they had been awarded funding from the Charter School Expansion Grant for \$263,000, but that award expired at the end of September 2022, which would make them need to reapply for these funds or other potentially available funds for the pre-opening year. While the operator cited in the capacity interview that they have relationships with local funding sources, such as Pinnacle Bank and Blue Hub Capital, where they could take out lines of credit once authorized, these relationships are not within the application and cannot be verified. Additionally, these projected lines of credit and repayment are not represented within the budget under the debt service line item. The review committee also cited concerns regarding only a \$10,764 operating net income for Year 1. When asked about this in the capacity interview, the operator stated that they would rely heavily on lines of credit during this year as a contingency plan; however, there is a lack of evidence whether the startup funding projected within the application will materialize and if the school will need to immediately enact contingency plans through taking out lines of credit within Years 0 and 1. This margin is already quite small and does not provide sound evidence that the school is able to remain fiscally solvent in the starting years of the school.

The expense assumptions included within the budget are not "reasonable" in alignment with the Tennessee Department of Education's Scoring Rubric. The review committee cited specific concerns regarding only a 2% inflation and other expenses assumptions, such as consultant fees, marketing expenses, staff and student recruitment, staff and student equipment, and maintenance. During the capacity interview, the operator stated that they used Ed Tech to help provide insight as to what appropriate expenses would be. Upon authorization, the applicant would revisit the budget and determine if some of these items were understated, particularly the inflation rate, and revise. This is concerning as their operating income in Year 1 is already very tight at only \$10,764, and their startup funding is not guaranteed. Additionally, the review committee asked the operator to detail where consultant expenses are reflected within the budget. The operator cited that these fees are not set, but rather can be tailored to determined needs and have been reflected within the curriculum portion of the budget for Arts Impact. The review committee, however, is still unclear as to what those fees will amount to as the line item in the budget for curriculum, where they have included their fees to Arts Impact, is reflective of their previous agreement with the organization and not the new tailored one. Finally, when asked about contingency planning, the operator cited that they would work with vendors to delay or adjust payment



terms. However, this plan results in those payments still being owed in the long term and creates sustainability issues for the school. Based on the totality of the evidence presented, the review committee determined that the Financial Plan and Capacity of the application partially meets standard.

Strengths Identified by the Committee:

While the Financial Plan and Capacity partially meets standard due to the weaknesses stated above, the review committee identified strengths with the operator having financial expertise, particularly among the founding board. The review committee also identified strengths among the operator's financial procedures, policies, systems, and processes for accounting and other financial needs, including managing contractors for back-office support.



Evaluation Team

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.

Gus Gluek is a research analyst at the Tennessee Board of Regents. While his research spans a variety of topics, his most recent research focuses on adult students' success across the state. Prior to joining the Tennessee Board of Regents, Gus taught high school math for three years in South Carolina. While teaching, Gus was recognized by the district for having one of the highest end-of-course Algebra exam passage rates for two consecutive years. Gus also served on a steering committee that helped implement computer science in his school district. Gus has a Master of Public Policy from Vanderbilt University and a Bachelor of Arts from Colby College.

Cheryl Green is the Director of the Aspen Young Leaders Fellowship (AYLF), where she oversees the AYLF Learning Strategies team, informs AYLF strategy, and ensures the design and implementation of culturally responsive programming. At her core, Cheryl is an educator, having served as a teacher, principal, and district leader in multiple school districts. After ten years living and working as an educator in Mississippi, Cheryl moved to Memphis, Tennessee and took on multiple roles with New Leaders, Inc. and later Insight Education Group. Since 2015, Cheryl has used her expertise in organizational development to lead her own consulting practice. Her work is centered on supporting organizations in creating systemic change, resolving conflict, helping teams work more efficiently, and moving projects from strategy to action. Cheryl has a B.S. in Secondary Education from Alabama A&M University, an M.Ed. from Delta State University, and is certified in the field of Human Systems Dynamics.

Maggie Lund is the Deputy Director of Authorizing at the Tennessee Public Charter School Commission. Additionally, she serves as an adjunct professor in the Lipscomb College of Education Master's Program, teaching Planning, Instruction, and Assessment and Building Classroom Communities. Prior to her role at the Charter Commission, Maggie served as the Director of Family Engagement at STEM Prep Academy where she led all community engagement efforts for two schools along with enrollment, school culture, and operations pieces. Maggie holds a BA in Business Administration and Marketing from Loyola University New Orleans, a Doctor of Education degree, and a Master of Education degree with a specialization in English Language Learning from Lipscomb University. Her dissertation research focused on Restorative Justice Practices and school culture. Most recently, her research article, Mindsets Matter for Equitable Discipline was published in the Middle School Journal. Maggie is a teacher at heart and has a passion for ensuring the most vulnerable populations in Nashville receive a high-quality education.

Lawrence Walker serves as the Coordinator of Data and Operations for the Tennessee Public Charter School Commission. He holds a B.S. in Business Administration from Alcorn State University (Lorman, MS) and an MBA from Union University (Germantown, TN). In addition to a professional background in insurance and financial services, Lawrence is a former High School Instructor and School-based Operations Leader who specialized in



daily operations, assessments, data, and student information system management. As a proud native of Memphis, TN and successful product of Memphis City Schools, he takes pride in working with the Tennessee Public Charter School Commission, both as a Staff Member and as a Review Committee Member. It is his goal to provide outstanding educational experiences to students in Tennessee.