



## **Executive Director's Recommendation**

### **Pathways in Education-Memphis 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 July 21, 2023, the sponsor of Pathways in Education-Memphis ("sponsor" or "Pathways") appealed the denial of its amended application by the Memphis-Shelby County Schools (MSCS) Board of Education to the Commission.

Based on the procedural history, findings of fact, analysis, and Review Committee Report, attached hereto, I believe that the decision to deny the Pathways in Education-Memphis amended application was not contrary to the best interests of the students, the LEA, or the community.<sup>1</sup> Therefore, I recommend that the Commission uphold the decision of MSCS Board of Education to deny the amended application for Pathways in Education-Memphis.

### **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 Pathways in Education-Memphis's amended application. In accordance with the Tennessee Department of Education's charter application scoring rubric, "[f]or an application to be deemed eligible for approval, the summary ratings for all applicable categories must be "Meets or Exceeds the Standard."<sup>2</sup> In addition, the Commission is required to hold a public hearing in the district where the proposed charter school seeks to locate.<sup>3</sup>

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.<sup>4</sup> 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 1, 2022, the sponsor submitted a letter of intent to MSCS expressing its intention to file a charter school application.
2. The sponsor submitted its initial application for Pathways in Education-Memphis to MSCS on February 1, 2023.
3. MSCS assembled a review committee to review and score the Pathways initial application.
4. On March 7, 2023, MSCS's review committee conducted a capacity interview with representatives of Pathways.

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<sup>1</sup> T.C.A. § 49-13-108

<sup>2</sup> Tennessee Charter School Application Evaluation Rubric – Ratings and Scoring Criteria

<sup>3</sup> T.C.A. § 49-13-108

<sup>4</sup> *Id.*

5. MSCS's review committee scored the Pathways initial application and recommended to the MSCS Board of Education that the initial application be denied, indicating it partially met standard on the academics, operations, and finance sections.
6. On April 25, 2023, the MSCS Board of Education voted to deny the Pathways initial application based on the review committee's recommendation.
7. The sponsor amended and resubmitted its application for Pathways to MSCS on May 26, 2023.
8. MSCS's review committee reviewed and scored the Pathways amended application based on the charter application scoring rubric.
9. MSCS's review committee rated each section of the Pathways amended application as partially meets standard and recommended denial to the local board of education.
10. On July 18, 2023, the MSCS Board of Education voted to deny the amended application of Pathways in Education-Memphis.
11. The sponsor appealed the denial of the Pathways amended application in writing to the Commission on July 21, 2023, including submission of all required documents per Commission Policy 2.000.
12. The Commission's review committee independently analyzed and scored the Pathways in Education-Memphis amended application using the Tennessee Department of Education's charter school application scoring rubric.
13. On August 29, 2023, the Commission staff held a public hearing at the Memphis Teaching and Learning Academy in Memphis, Tennessee. At the public hearing, the Executive Director, sitting as the Commission's Designee, heard presentations from the sponsor and MSCS and took public comment regarding the Pathways amended application.
14. The Commission's review committee conducted a capacity interview with key members of the Pathways in Education-Memphis leadership team on September 6, 2023 via Microsoft Teams.
15. After the capacity interview, the Commission's review committee determined a final consensus rating of the Pathways in Education-Memphis amended application, which served as the basis for the Review Committee Recommendation Report, attached hereto as **Exhibit A**.
16. The Commission staff conducted a full review of the record which includes the initial and amended applications submitted by the sponsor, documentation submitted by MSCS, and the findings of the public hearing and public comment. The Commission's General Counsel conducted a full review and legal analysis of the record.

## **FINDINGS OF FACT**

### **District Denial of Initial Application**

The review committee assembled by MSCS to review and score the Pathways in Education-Memphis initial application consisted of the following individuals:

Name	Title
Arlandra Parker	Lead Reviewer
Staci Turner	Expert External Reviewer
Joshua Halsey	Expert External Reviewer
Mark Modrcin	Expert External Reviewer
Alicia Mitchell	Parent/Community Reviewer
Tracy Tapp	MSCS Exceptional Children
Sonja Wright	MSCS Professional Learning & Support
Cassandra Moore	MSCS Curriculum & Instruction
Steven Kuhn	MSCS English Language Learners
Valerie Matthews	MSCS Virtual Education & Logistics
Brant Riedel	MSCS Assessment & Accountability
Michelle Stuart	MSCS Facilities Planning
Michelle Brown	MSCS Nutrition Service
Monica Smith	MSCS Career & Technical Education
Dascha Rand	MSCS Finance & Accounting
Arby Martin*	MSCS Human Resources
Kavita Shelat	MSCS Office of General Counsel
Kyndall Lewis	MSCS Community Outreach & Parental Engagement

*\*Did not submit feedback in the amended application round*

The Pathways in Education-Memphis initial application received the following ratings from the MSCS review committee:

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

After the MSCS review committee completed its review and scoring of the initial application, its recommendation was presented to the MSCS Board of Education on April 25, 2023. Based on the review committee's recommendation, the MSCS Board of Education voted to deny the initial application of Pathways in Education-Memphis.

### **District Denial of Amended Application**

The review committee assembled by MSCS to review and score the Pathways in Education-Memphis amended application mirrored that of the committee that reviewed the initial application. Upon resubmission, the MSCS review committee conducted a review of the amended application, and the amended application received the following ratings from the MSCS review committee:

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



After the MSCS review committee completed its review and scoring of the amended application, its recommendation was presented to the MSCS Board of Education on July 18, 2023. At the July 18, 2023 board meeting, the MSCS Board of Education voted to deny the amended application of Pathways in Education-Memphis.

### **Commission Review Committee’s Evaluation of the Application**

Following the denial of the Pathways in Education-Memphis 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 Pathways in Education-Memphis amended application. This review committee consisted of the following individuals:

<b>Name</b>	<b>Title</b>
Adam Aberman	External Reviewer
Halli Faulkner	External Reviewer
Serenity Greeno	External Reviewer
Melanie Harrell	Commission Staff
Maggie Lund	Commission Staff
Hillary Sims	External Reviewer

The review committee conducted an initial review and scoring of the Pathways in Education-Memphis 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 Pathways in Education-Memphis application was as follows:

<b>Sections</b>	<b>Ratings</b>
Academic Plan Design and Capacity	Partially Meets Standard
Operations Plan and Capacity	Does Not Meet Standard
Financial Plan and Capacity	Partially Meets Standard

The review committee recommends denial of the application for Pathways in Education-Memphis because the applicant failed to provide sufficient evidence in the academic, operational, and financial sections to demonstrate the application meets the required criteria of the rubric.

The academic plan presented by the applicant partially met the standard because the proposal lacked clarity surrounding the academic goals in alignment with the state’s accountability system, and there was not a clear plan outlined to address chronic absenteeism and attendance concerns. The academic plan included discrepancies in the school calendar and schedule, and the proposed services to special populations and enrollment plans did not meet the standard for approval. While the applicant was able to demonstrate strong community support and demand within the application, the academic plan fell short in demonstrating alignment with the State Board of Education rule on virtual education programs and the specific instructional time and instruction type requirements. Further, the applicant stated with full confidence that it would be able to meet the state’s accountability requirements with the proposed academic model, but accountability and performance concerns were one of the reasons the previous contract schools with the Achievement School District (ASD) were closed. There was insufficient evidence that the sponsor had significantly amended their plan and model to avoid these issues with a new charter school.

The applicant’s operations plan does not meet the standard because of a lack of clear governance and oversight from the governing board, the lack of detail regarding operational plans, and significant deficiencies with the outlined staffing and professional development plans. The proposed governing board only consists of three

members, and the individuals lack experience in academics, law, and real estate. Additionally, it is not clear why the charter management organization (CMO) was chosen, or how the board would hold the CMO accountable. The staffing model and outlined salaries did not align with the proposed year-round calendar in the application, and given the high variance in enrollment, it is unclear how the school will remain fully staffed and compliant with the required ratios to serve students from special populations. Finally, the professional development plans were inconsistent in the application, school calendar, and capacity interview, and the school's facility lacks significant detail particularly given if it will be able to accommodate the number of students who may be in the building at any one time per the outlined academic model.

The financial plan partially met the standard because the applicant lacked an understanding of school funding and the financial implications of variable enrollment. The school's provided budget contained multiple errors including within the TISA funding projections and projected federal revenue assumptions. Additionally, the school's budget projections rely on student-generated funding through student enrollment, and the school did not provide sufficient evidence to determine how it could maintain financial stability while operating year-round with highly variable enrollment. Though the applicant plans to contract with a CMO that is in a strong financial position and the applicant has secured a loan from the CMO that will support their operations, there were significant concerns regarding understated expenses, unclear revenue assumptions, and a lack of understanding regarding year-round enrollment funding implications.

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

For additional information regarding the review committee's evaluation of the Pathways in Education-Memphis amended application, please see **Exhibit A** for the complete Review Committee Recommendation Report, which is fully incorporated herein by reference.

### **Public Hearing**

Pursuant to statute<sup>5</sup> and Commission Policy 2.000, a public hearing chaired by the Executive Director was held on August 29, 2023. MSCS's presentation at the public hearing focused on the application review process details, chosen review committee members, and the outcome of the review of the application. Representatives from MSCS indicated that the Pathways in Education-Memphis amended application was denied based on only partially meeting expectations on the Charter Application Scoring rubric in all three sections completed.

In the sponsor's opening statement, the sponsor and proposed school leader spoke about the need to have alternative methods and options for at-risk high school students to complete coursework. Pathways intends to serve students who are disconnected from their school experience or those who dropout and plan to rethink a traditional education pathway for high school. The applicant intends to reach out to local high schools to identify students who are recent dropouts and intends to re-engage them as currently there are limited options for students who are over age and under-credited. The sponsor claims that the options that do exist for students are not adequately meeting the needs of the 20% of high schoolers who are dropping out of Memphis high schools. The sponsor provided details regarding the academic model featuring five days of in-person and online learning with low student-to-teacher ratios as well as experiential learning and career and technical education opportunities. The applicant also mentioned that after the closure of their previous schools in Memphis, contracted with ASD, they continue to receive numerous

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<sup>5</sup> T.C.A. § 49-13-108

inquiries about enrollment. The school would be supported by a CMO, Pathways Management Group, which has provided similar services to schools around the country for 15 years and serves over 10,000 students.

During questioning by the Commission, representatives from MSCS described the make-up of the review committee including both internal and external experts that participate in the review of the application and capacity interview. MSCS representatives also cited the reasons for denial for the school including that although the model is unique, the applicant did not provide a strong recruitment plan outside of the Whitehaven neighborhood. Additionally, MSCS stated that the district already offers similar programs through local, district-managed schools. Representatives from MSCS also voiced concerns about the model itself and its alignment with state law and State Board rule. The district stated that the applicant did not provide consistent or detailed information regarding how they would ensure attendance for the virtual portion of the day given the sponsor changed their academic plan between the initial and amended applications in an attempt to further align to state regulations. Finally, there were concerns about the governing board being able to hold the CMO accountable, and that the applicant did not address past performance or lessons learned from their two previous ASD-contracted schools in Memphis.

The Commission then questioned the sponsor. Regarding the oversaturation of seats where the applicant intends to locate, the applicant responded that the students they are looking to recruit are no longer in seats at local high schools as they have most likely already dropped out, so the seat analysis conducted by Memphis-Shelby County Schools does not necessarily apply to the population they intend to serve. The applicant also spoke to enrollment stating they based their enrollment projections on previous experience running a school in Memphis and that they have a flexible staffing plan to be able to adjust to actual enrollment as needed. The applicant clarified their instructional model fulfills the required 6.5-hour school day with four hours of in-person instruction and 2.5 hours online, and they intend to take attendance both in person and online. They also highlighted that they believe they could qualify as an alternative school in the state of Tennessee by intending to serve students who have previously been expelled or suspended. The applicant stated that they would work to be successful under the Tennessee Accountability Framework as there are no alternative charter school frameworks that would be available to them. Finally, the sponsor explained that the primary reason the previous schools' contracts were revoked by the ASD was due to serving non-priority students and that this issue would not be present as an open-enrollment charter school. They have also hired a proposed school leader with an understanding of the state's performance framework, and the sponsor believes they will be successful in terms of academic growth and progress due to their high expectations and internal assessments.

The public hearing concluded with closing statements by both parties and the receipt of six in-person comments, all speaking in support of Pathways in Education-Memphis. The Commission also accepted written comments, and the Commission received twenty-five written comments, with zero writing in support of MSCS and twenty-five writing in support of Pathways in Education-Memphis.

### **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 and<sup>6</sup>," whether "approval of the application is in the best interests of the students, LEA, or community<sup>7</sup>." 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

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<sup>6</sup> T.C.A. § 49-13-108(5)(D)

<sup>7</sup> *Id.*

received upon appeal. In making my recommendation to the Commission, I have considered the Review Committee's Recommendation Report, the documentation submitted by both the sponsor and MSCS, the arguments made by both parties at the public hearing, and the public comments received by Commission staff and conclude as follows:

The Review Committee's report and recommendations are thorough, citing specific examples in the 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 Pathways in Education-Memphis amended application did not rise to the level of meets or exceeds standard required for approval.

Before I provide further detail about the deficiencies identified within the sponsor's amended application that support my recommendation to the Commission, I want to commend the sponsor for the community support that it has for this proposed model. I agree with the sponsor and the members of the community who provided oral and written comments in support of another option for students who have dropped out or are at risk of not graduating high school. These students desperately need individualized, tailored academic support, and these students are being left behind in our current educational system. I recognize and value the student success stories shared at the public hearing about Pathway's previously operated schools, and I believe that this is an area where the educational system can and must do better.

While I believe that the sponsor of this application proposes a unique model for a severely underserved population both within the Memphis area and statewide, there are significant deficiencies within the amended application that lead me to my recommendation. There is an overall lack of detail within the academic plan to determine that the proposal aligns with state regulations for charter school virtual education programs. While I appreciate that the sponsor changed their academic model between the initial and amended application to try to satisfy the state requirements around instructional time and instructional type for virtual education programs, additional planning is needed by the sponsor to demonstrate that it can start and remain in compliance with its amended academic plan. I commend the sponsor for wanting to serve students who are at the highest risk of not graduating high school. Within the correct regulatory and accountability landscape and with the right academic model, I am confident that a public charter school model like the one proposed by Pathways would fill a need not currently being addressed within the education system. However, several deficiencies in the amended application were not clarified in the public hearing and/or capacity interview. The proposed academic plan still lacks detail surrounding tracking student attendance, monitoring chronic absenteeism, and how the in-person and virtual components would be implemented. The sponsor's model is unclear on how students with disabilities and English Learners would be served, how the school would hire appropriately licensed teachers across the core content areas, and how students would take required state assessments.

I have significant concerns about how the sponsor's academic plan would comply with Tennessee law and regulations. The sponsor's previous schools under the ASD were contract schools, not charter schools, and therefore, these schools were not held to the same statutory requirements as charter schools. Charter schools in Tennessee have specific statutory requirements that they must follow and have strict accountability requirements. As currently proposed, I have doubts as to whether the sponsor's proposed plan could meet all requirements of charter schools and be successful under the current school accountability framework. Many of the other states where the operator works have alternative performance frameworks that are used to better measure schools serving a high-need population such as students who are under-credited. Currently in Tennessee, there is no alternative performance framework available for non-traditional charter schools, and all public charter schools are held accountable to the state's accountability system. Moreover, T.C.A. § 49-13-122 requires charter school authorizers to revoke the charter agreements of any charter school identified as a priority school, based on the state's accountability system, after two

cycles of identification. Based on the previous academic data from the contract schools under the ASD, the school would likely not meet the current performance framework expectations or the state's accountability expectations. While I appreciate the sponsor stating that they understand the performance expectations and will meet these requirements, there is little evidence within the record to demonstrate this.

Moreover, I am deeply concerned about the statement in the public hearing from the sponsor that the school would also serve as an alternative school/alternative program specifically for students who have been suspended or expelled. The amended application does not speak to this approach, and alternative schools are regulated under a separate statute from charter schools and have separate accountability structures as alternative schools.<sup>8</sup> There is a lack of evidence that the sponsor understands that "alternative program," "alternative school," and "alternative education" hold specific definitions under Tennessee regulation. Without further evidence of how the school would meet both the requirements of a charter school and an alternate program, it is not clear how the school will operate successfully within the current regulatory environment.

The proposed operational plan within the amended application also did not rise to the level of meets or exceeds standard for approval. Proposing to establish a public charter school must be supported by a strong governing board as it is that board that holds the charter agreement with the authorizer. The sponsor proposes to open Pathways in Education-Memphis with three (3) board members. For a school with such a unique model, I still have outstanding questions as to whether this makeup is sufficient for the establishment of effective governance. Additionally, I am concerned that none of the board members were able to provide evidence of strong knowledge of Tennessee education and charter law in a manner that would support opening a new charter school. While I appreciate the experience of the proposed school leader, the school will need a strong governing board to be operationally successful, particularly given the past challenges under the ASD, and the record did not provide sufficient evidence that the board can successfully hold the school and CMO accountable in the current structure. The review committee cited specific concerns regarding the school's recruitment and staffing plan and its plan for professional development. This unique model requires a specialized recruitment and retention plan to be successful, and the operations plan lacked evidence to meet the standard of approval.

Finally, I do believe that the underlying CMO for this sponsor does have the financial backing to support the opening of a new charter school. However, I have concerns about the named financial plan and capacity in the amended application. Although conservative, the applicant's budget contains mistakes and inconsistencies that were not clarified through the capacity interview. The student-based revenue projections were inaccurate or missing, and it was not clear if the sponsor understood school-based funding in Tennessee. Additionally, the sponsor failed to articulate how the school would manage funding shifts caused by the school's likely fluctuating enrollment. I believe that Pathways Management Group is experienced and can provide significant back-office financial services. However, in evaluating the budget included as a part of the amended application, the sponsor has presented a financial plan that does not rise to the level of meeting or exceeding the standard.

Any authorized public charter school is entrusted with the great responsibility of educating students and a significant amount of public funds. For these reasons, the Commission expects that only those schools that have demonstrated a high likelihood of success and meet or exceed the required criteria in all areas will be authorized.

For the reasons expounded on in this report, I recommend that the Commission deny the Pathways in Education-Memphis amended application.

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<sup>8</sup> T.C.A. §§ 49-6-3401-3405



## 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 Pathways in Education-Memphis was contrary to the best interests of the students, the LEA, or community. Therefore, I recommend that the Commission affirm the decision of the MSCS Board of Education to deny the amended application for Pathways in Education-Memphis.

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

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Tess Stovall, Executive Director  
Tennessee Public Charter School Commission

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10/2/23

Date



## EXHIBIT A

### Charter Application Review Committee Recommendation Report

October 6, 2023

School Name: Pathways in Education-Memphis

Sponsor: Pathways Management Group

Proposed Location of School: Memphis-Shelby County Schools

Evaluation Team:

- Adam Aberman
- Halli Faulkner
- Serenity Greeno
- Melanie Harrell
- Maggie Lund
- Hillary Sims

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.
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.

**Summary of the Application**

School Name: Pathways in Education-Memphis

Sponsor: Pathways Management Group

Proposed Location of School: Memphis-Shelby County Schools

Mission:<sup>1</sup> Pathways in Education-Memphis equips our students with the academic and personal skills necessary to graduate with a high school diploma prepared for postsecondary education in a 21<sup>st</sup> century workforce.

Number of Schools Currently in Operation by Sponsor: The sponsor currently has eight (8) operating charter schools authorized in Arizona, Idaho, Illinois, and Louisiana.

Proposed Enrollment:<sup>2</sup>

Grade Level	Year 1: 2024-2025	Year 2: 2025-2026	Year 3: 2026-2027	Year 4: 2027-2028	Year 5: 2028-2029	At Capacity:
9	35	40	45	45	55	55
10	50	60	85	85	105	105
11	75	80	95	95	100	100
12	65	70	75	75	90	90
Totals	225	250	300	300	350	350

Brief Description of the Application:

The sponsor, Pathways Management Group (PMG), is proposing to open a charter school in Shelby County, Tennessee to serve students in 9<sup>th</sup> through 12<sup>th</sup> grades upon opening. The school, Pathways in Education-Memphis (PIE or “Pathways”), is a new-start school and would be the ninth school for the sponsor. The school intends to operate in the Whitehaven community of Shelby County to “provide a comprehensive high school education program to at-risk students through a blended learning model, which leads to the attainment of a high school diploma and acceptance to college and/or career pathways for prospective students.”<sup>3</sup> The school proposes to offer an alternative education program for students who are truant, under-enrolled, or have dropped out and provide an opportunity for students in the Whitehaven area additional school options.

The proposed school will be governed by an autonomous, independent Board of Directors who will contract with a CMO, Pathways Management Group. In Year 0, Pathways projects \$0 in revenue and will fund operations through a loan from the CMO. Pathways projects the school will have \$2,336,868 in revenue and \$2,316,659 in expenses in Year 1, resulting in a balance of \$479,907. By Year 5, the school projects to have \$3,632,039 in revenue and \$2,751,453 in expenses, resulting in a positive ending fund balance of \$1,315,442.<sup>4</sup> The school anticipates that 96% of the student population will qualify as economically disadvantaged, 10% of the student population will be students with disabilities, and 2% of the student population will be English Learners.<sup>5</sup>

<sup>1</sup> Amended Application, pg. 13

<sup>2</sup> Ibid, pg. 25

<sup>3</sup> Ibid, pg. 9

<sup>4</sup> Amended Budget, Summary

<sup>5</sup> Amended Application, pg. 25

## Summary of the Evaluation

The review committee recommends denial of the application for Pathways in Education-Memphis because the applicant failed to provide sufficient evidence in the academic, operational, and financial sections to demonstrate the application meets the required criteria of the rubric.

The academic plan presented by the applicant aims to be a flexible model for at-risk students to complete the required high school coursework to obtain a diploma. However, the proposed model of hybrid instruction lacked clear and detailed plans regarding attendance, particularly during the virtual portions of the school day, such that it would satisfy mandatory law and State Board rule surrounding instructional time and attendance. While the application contained demonstrated support for the model and previous contract schools in Memphis operated by the CMO, the applicant did not provide a clear plan surrounding achieving the outlined enrollment projections within the budget, particularly given that students may enroll at any time and leave as they finish coursework. Finally, there were discrepancies within the application regarding the school calendar including when scheduled breaks would take place and when the school would hold professional development for teachers.

The applicant's operations plan did not meet standard in alignment with the scoring rubric as the operations plan lacked a detailed staffing model that would align adequately to proposed enrollment and service of special populations. Additionally, the outlined teacher salaries within the budget did not appear to be adjusted for the proposed twelve-month school year, making them underestimated and difficult for the applicant to attract and retain teachers. The proposed governance structure did not meet the requirements of the rubric to demonstrate that the board could effectively govern and manage not only the school, but also the relationship with the CMO. Finally, the facility plan outlined within the application may be inadequate given the outlined enrollment projections as, if enrollment materializes as planned, there will be an excess of 50 students in the building at any given time, and it is unclear if the facility can accommodate this.

Though the applicant plans to contract with a CMO who is in a strong financial position and has financial expertise, the financial plan partially met standard due to errors and lack of clarity in both the outlined revenue and expense assumptions. The outlined budget had multiple errors in student-based revenue assumptions, and the applicant failed to provide clarity as to how the school would adjust 10-month school year student-based revenue allocations over a proposed twelve-month school year. Finally, the budget included unrealistic expense assumptions for service of special populations of students and lacked detail regarding the outlined teacher incentives and student field trips budgets. Due to the totality of this evidence, the review committee could not determine if the proposed school would be fiscally viable based on the budget provided within the application.

### 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 approval<sup>6</sup> 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:

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<sup>6</sup>Tennessee Charter School Application Evaluation Rubric – Ratings and Scoring Criteria, pg. 1



Sections	Rating
Academic Plan Design and Capacity	Partially Meets Standard
Operations Plan and Capacity	Does Not Meet 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 clarity surrounding academic goals in alignment to state performance frameworks and a clear plan to address chronic absenteeism, attendance, and services to special populations. Additionally, the application contained discrepancies in the school calendar and schedule and a lack of evidence regarding stability in enrollment.

Within the application, the proposed academic model is to offer a hybrid instructional program, featuring both in-person learning and virtual learning, to students who are under-credited or otherwise at risk of not graduating high school. The applicant described a 6.5-hour school day with 4 hours taking place in person at the school facility and 2.5 hours of online instruction, and the applicant states that this will comply with the State Board's Virtual Education Program rule. While it is clear within the application how the school will take attendance during the in-person portions of the day, there is a lack of clarity of both how the school will take attendance during the virtual portion of the day and if the overall plan meets the requirements of the State Board's rule with regard to instruction method and instructional time.

Additionally, within the application, there are many references to the previous schools operated in Memphis by Pathways Management Group (PMG), which were operated on a contract basis with the Achievement School District. The applicant stated that failure to meet academic performance standards was one of the reasons their previous schools were revoked by the Tennessee Department of Education. While the CMO has adjusted its academic model to better align the requirements of Tennessee charter law, there is a lack of evidence both within the application and gathered in the capacity interview that the academic progress will result in student success and be aligned to all state requirements. There was insufficient information contained within the application to determine that the model proposed would meet Tennessee accountability standards, particularly around chronic absenteeism, TCAP EOC assessments, and Ready Graduate indicators. While the review committee appreciated the CMO's vision of serving at-risk, high-need high school students, there was a lack of available documentation to determine that this proposed model would meet state requirements.

Moreover, the application lacked clarity regarding the proposed enrollment plan and services to special populations. The application states that the school projects to have 225 students in Year 1, and the school will offer enrollment on a rolling basis based on student need and capacity. When asked by the review committee how the school would implement its proposed academic plan based on a significantly fluctuating enrollment, there was a lack of clarity provided of how the school would ensure it has sufficient staff, funding, and scheduling to implement the academic model with fidelity. With the constant fluctuation in enrollment, the school also did not clearly articulate how services to special populations, including students with disabilities and English Learners, would be delivered within the model with appropriately licensed staff.

Finally, the school calendar provided within the application was inconsistent with what was described within the capacity interview, and therefore, it is unclear what the proposed school year calendar will be for the school. Within the capacity interview, the applicant stated that the school will have a spring break, winter break, and summer break, which is not reflected within the provided school calendar in the application. Overall, there is a lack of clarity of what the actual school calendar is, when teachers and students will receive breaks, and when teachers will have scheduled professional development time.



### **Strengths Identified by the Committee**

Though the applicant's Academic Plan and Capacity partially met standard, there were some noted strengths found by the review committee. First, the applicant clearly demonstrated community support within the application for the proposed model. Many of the letters of support included were from students and parents of the previous Pathways schools in Memphis that were contracted by the Achievement School District. Many of these letters spoke to the importance of the unique model and the success students found within this model in finishing high school at their own pace. There is clear demand for a school focused on supporting students who have dropped out or are at risk of not graduating on time. Additionally, during the capacity interview, the applicant spoke to the amount of enrollment interest they have received, even after their previous contract was terminated.

## **Analysis of the Operations Plan and Capacity**

*Rating: Does Not Meet Standard*

### **Weaknesses Identified by the Committee**

The applicant's Operations Plan and Capacity does not meet the standard because of the lack of clear governance and oversight from the governing board, the lack of detail regarding operational plans, and significant deficiencies within the staffing and professional development plans.

The governance plan for the school does not meet the standard for approval because of the current composition of the governing board and lack of clear accountability for the school. Currently, the proposed board only has three members, and the areas of expertise on the board are limited as proposed board members lack clear experience in academics, law, and real estate. The application did not provide significant detail about why the governing board selected the CMO and how the governing board will hold the CMO accountable. The application contained little information to demonstrate that PMG will be a strong partner in creating a high-performing charter school, particularly given the challenges the operator previously faced in Memphis. When asked about accountability for the CMO in the capacity interview, the governing board did not provide clear metrics of how they planned to hold PMG accountable. Overall, the application lacks a strong governance model for the proposed school.

The proposed staffing model and outlined salaries for teachers do not align with the year-round school calendar proposed in the application. The applicant proposes to pay teachers the same market-rate salaries as teachers with traditional ten-month school years, and there was a lack of a clear recruitment and retention plan to overcome the tight labor market and rampant teacher shortages. The applicant also proposes a staffing plan that is flexible to student enrollment and need; however, the proposed enrollment structure for the school could be highly variable resulting in teachers needing to be hired at very short notice to provide adequate services to students and/or to be in compliance with required ratios. There was little detail within the application and the capacity interview about how the school would staff up or staff down quickly with a highly variable enrollment.

The applicant's plans for professional development are vague and inconsistent. For example, the application states that professional development days will take place on Fridays, but there are no professional development days marked on the academic calendar submitted in the application. The proposed school operates on a year-round model, but the applicant did not provide an adequate plan to provide professional development for teachers hired mid-year which is likely given the staffing plan. During the capacity interview, the applicant stated that they would provide professional development videos to watch as teachers had free time, which may not be adequate given the professional development plan outlined within the application. It is also unclear what the coaching cycles are for teachers, which leadership team members are providing coaching, and what topics the school would cover during professional development. Because professional development is an indispensable part of any high-performing school and the school's model is unique and requires distinct training, there is a lack of evidence that the plan will attract and retain high-performing teachers without adequate plans for professional development.

Finally, the facility plan lacks sufficient detail to determine that it would meet the needs of the academic model. While the applicant has a facility identified that it plans to use, applicant did not clearly demonstrate that the proposed school facility has capacity for the number of enrolled students projected in the application. The application states that only 50 students will be in the building at a time, although this would not be possible with the enrollment projections provided of 225 students given students are to spend 4 hours on site per day. While the review committee appreciates the identification of a facility, significant questions remain if the facility can accommodate the new academic model and in-person instruction time that the applicant proposes in the application.

## **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 applicant lacked an understanding of school funding and the financial implications of a variable enrollment. Additionally, the committee found that the budget provided incomplete TISA projections, lacked federal revenues, and insufficient explanations within the budget narrative.

The budget contained within the application included multiple errors in revenue projections that left the review committee unable to determine the viability of the proposed plan. The school plans to rely on revenue generated through student enrollment; however, the applicant did not provide any federal revenue projections within the budget. The explanation of the lack of federal funding signaled an overall lack of understanding in how federal funding works, and there was a lack of evidence to determine if the school would be staffed with the personnel necessary to oversee the school's budget. Additionally, the applicant provided incomplete student-based revenue projections, as it did not include the additional local contribution portion of funding within the revenue projections, and the review committee was unable to fully assess the proposed budget because of these errors.

Since the school's budget projects to rely on student-generated funding through student enrollment, the review committee asked questions during the capacity interview of how the school would account for variable enrollment throughout the school year and budget for a 12-month, rather than a 10-month, school year. The applicant's response lacked a clear plan to address variable enrollment and how the allocated per pupil funding, which is based on 10 months of payments, would be sufficient to cover year-round operating expenses. The applicant simply stated that they would work within Tennessee's funding system to ensure they are fiscally viable. Despite the fact that PMG operated two schools within the Achievement School District, the applicant did not demonstrate expertise regarding funding projections, enrollment assumptions, and revenue generation for a year-round model.

Finally, within the budget provided, there were several unrealistic or unclear expense assumptions including contracted services for students and the budget to serve special populations of students. The applicant's budgeted staffing for special populations did not align to outlined enrollment projections. While there were large amounts of funds allocated for teacher incentives and experiential learning within the budget, the budget lacked detail surrounding these items, particularly in how teacher incentives are designed and allocated such that the committee could confirm that the amounts were reasonable and accurate. The applicant spoke to the experiential learning component within the capacity interview stating that this line item funds trips for students to Washington, D.C. or even abroad as a part of their model. However, there was a lack of detail about these learning opportunities, how students participate, and their alignment to the academic model.

### **Strengths Identified by the Committee**

Though the applicant only partially met the standard for the Financial Plan and Capacity section of the application, there were some strengths outlined within the application and budget. The applicant plans to contract with a CMO that is in a strong financial position per the most recent audit. The applicant included within their budget a loan from the CMO that will support operations in the initial years and ensure fiscal solvency. The applicant also outlined sound financial oversight procedures within the application.



## Evaluation Team

**Adam Aberman** is the CEO and Founder of The Learning Collective. Adam has a 25+ year track record in numerous educational venues from traditional public schools to school district administration trainings. Since establishing The Learning Collective in 2003, Adam has assessed over 250 current, and 100 proposed, charter schools nationally (California, Colorado, Illinois, Indiana, Michigan, Minnesota, Nevada, New Jersey, New York and Washington), including as lead writer for charter renewal inspection visits, charged with evaluating the school and writing the report that is submitted to authorizers. In 2022 Adam led a team of reviewers conducting 20 renewal visits for Chicago Public Schools. Adam has led teams of reviewers of charter school applications, submitting the finalized application reviews to boards of education. Recently, Adam worked with the Tennessee State Board of Education to lead its strategic planning and goal-setting process AND is currently leading the New Orleans Public Schools charter application evaluation process. In 2022 Adam co-authored a report of findings and recommendations, supported by Central Michigan University, to inform 57 charter schools across Michigan how to effectively and strategically plan for the 2022-23 school year <https://bit.ly/TLCVennCMUActionPlanningReport>. Adam has also worked with the National Association of Charter School Authorizers (NACSA) and other organizations on evaluation and strategic planning projects regarding Florida, Idaho, Minnesota, New York, Oklahoma and Ohio authorizers. Other TLC clients have included Alliance College-Ready Public Schools, College Board, Inglewood Unified School District, Tiger Woods Foundation and UCLA. Adam is also the founder, former acting board member and current board member emeritus of [www.icouldbe.org](http://www.icouldbe.org), the non-profit Internet-based career mentoring program that has served over 25,000 students, and hundreds of schools, nationally since 2000. Adam began his career in education as a Spanish bilingual public school teacher in Los Angeles. Adam earned a B.A. from Vassar College and Master in Public Policy, with an emphasis on Education, from Harvard University's Kennedy School of Government.

**Halli Faulkner** is a seasoned education policy professional and a former middle school English teacher. Most recently, as the Senior Director of State and Federal Policy for the American Federation for Children, Halli supported education leaders in 18+ states in creating high-quality law and policies to empower students and families. Halli earned her law degree from the George Washington University Law School and master's degree in secondary education from Loyola Marymount University's Graduate School of Education.

**Serenity Greeno** is an educator with over 15 years of expertise in a variety of educational settings. As a public classroom teacher at the elementary and middle school levels, she has guided countless students to educational success. After serving as an online teacher at a public charter school, she transitioned into leadership roles within the school. Outside of her formal roles in education, she continues to pursue academic success for students through private tutoring. Mrs. Greeno holds a Masters of Education in Educational Leadership and is a certified to teacher and administrator in California and Tennessee.

**Melanie Harrell** is the Director of Finance and Operations for the Tennessee Public Charter School Commission. Prior to working at the Commission, Melanie worked as a fiscal consultant for RePublic Charter Schools, and as the Charter School Program manager at the Tennessee Department of Education. She was a Teach For America corps member and spent three years as a classroom teacher at a charter school in Dallas County, TX where she also served as the Humanities Department Chair. She received her M.P.P in Education Policy from Vanderbilt University, and her B.A. in Political Science and Philosophy from TCU.

**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 a school administrator at a Nashville public charter school. Maggie was a Teach for America corps member and served as an 8<sup>th</sup> grade teacher in a charter school for four years. Maggie holds a B.A. 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.

**Hillary Sims** has been a founding school leader of several Tennessee Charter Schools beginning shortly after the passing of Chapter 13. Ms. Sims holds BS degrees in both Psychology & Sociology from East Tennessee State University, a MS in Holistic Teaching and Learning & History, and an EdS in Comprehensive and Modified, K-12 Special Education from UTK. Ms. Sims has current licensure in seven subject areas in Tennessee to include an administrator's license. Having taught in traditional public and private schools as well as served as a school administrator for greater than 10 years, Ms. Sims brings a broad scope of school academics, culture, operations, and governance as a reviewer. Ms. Sims has contributed to charter school improvement across the United States while working at a global charter management organization. Ms. Sims has served on the Governor's Advisory Council for Students with Disabilities, served as a charter review team member for the State Board of Education for six years, and is now reviewing for a third year with the TPCSC. Areas of expertise are Students with Disabilities, Adolescent Mental Health, Special Populations, Compliance, Holistic Learning Strategies/Universal Design Learning, Culturally Responsive Pedagogy, Discipline/Culture, and School Leadership. Ms. Sims currently serves as an Exceptional Education Coach for Metropolitan Nashville Public Schools.