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STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
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PENNY SCHWINN
COMMISSIONER

January 9, 2023

SENT VIA ELECTRONIC MAIL TO rich@rh3consulting.com AND USPS

Dr. Nickalous Manning c/o Rich Haglund
Journey Community Schools
802 Rozelle Street
Memphis, TN 38104

Mr. Manning and Mr. Haglund,

I am in receipt of your January 5, 2023, letter requesting a waiver from state statute to allow Journey Handley School ("JHS") to remain in the Achievement School District ("ASD") for an additional school year through an extension of the ASD charter authorizing agreement with JHS. Additionally, your letter also requests a waiver from the application timeline requirements of the Tennessee Public Charter Schools Act to allow JHS to apply to Memphis Shelby County Schools ("MSCS") on February 1, 2023, for operation in the 2023-2024 school year if the request by JHS to remain in the ASD is denied.

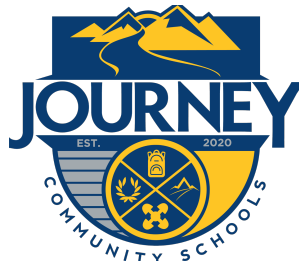
The first waiver request made by JHS is a waiver from the requirements of Tenn. Code Ann. § 49-1-614(k)(1)(A), which states that "a school shall not remain in the ASD for more than a ten-year period." JHS is requesting to remain in the ASD, through an extension of the charter authorizing agreement with Journey Community Schools, for an eleventh school year. The statutory language of Tenn. Code Ann. § 49-1-614(k)(1)(A) is not permissive and clearly states that a school may not remain in the ASD for more than ten years. For this reason, your waiver request to allow JHS to remain in the ASD is hereby denied.

The second waiver request made by JHS is a waiver from the application timeline requirements of Tenn. Code Ann. § 49-13-107 to allow JHS to apply to MSCS in February 2023 to operate in the 2023-2024 school year. State Board Rule 0520-14-02-.01(3) specifically disallows waiver requests from the requirements in the charter school statute, Tenn. Code Ann. Title 49, Chapter 13, or State Board of Education rules and regulations specific to charter schools. For this reason, your waiver request to allow JHS to remain in the ASD is hereby denied.

Thank you for providing feedback and outlining your concerns about the transition framework. Our staff are ready to assist in this process and look forward to working with all parties to make this a successful transition for JHS families and students.

Sincerely,

Penny Schwinn, PhD
Commissioner



January 5, 2023

Commissioner Penny Schwinn
Tennessee Department of Education
Via email: Commissioner.Schwinn@tn.gov

Re: Waiver request of application timeline in T.C.A. § 49-13-107 to allow Journey Hanley School to transition from ASD to MSCS oversight beginning with the 2023-24 school year

Dear Commissioner Schwinn:

Journey Community Schools hereby requests a waiver of the timeline in T.C.A. § 49-13-107, so that Memphis Shelby County Schools (MSCS) can review Journey Hanley School's application to transition to MSCS oversight beginning with the 2023-24 school year.

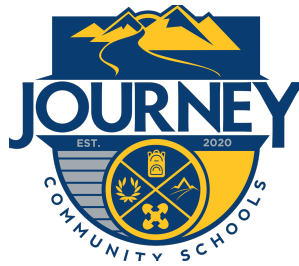
Journey is requesting this waiver because Journey relied on published guidance from the Achievement School District (ASD) stating that this timeline was allowed. And, most importantly, Journey is requesting this waiver because granting it is in the best interests of the students, the community, and the school district.

T.C.A. § 49-13-107 requires new charter school applications to be submitted in the calendar year prior to the intended school opening. Thus, sponsors submitting applications to open a *new* charter school in the 2023-24 school year should have submitted their applications to the local school district in February 2022.

T.C.A. § 49-13-107 originally had a shorter timeline, requiring sponsors to apply and be approved only months before the school would open. However, the statute was amended to lengthen the time between application and school opening specifically because new nonprofit organizations would still need to build their governing boards, find facilities, secure additional financing, hire staff, recruit families, etc.

An ASD school, in contrast to the new charter schools contemplated by T.C.A. § 49-13-107, is not a *new* school. It is an established nonprofit entity, with a mature board, up to 10 years of operating experience, community ties, a facility, staff, and an established educational program.

In 2021, the ASD published its [Transition Framework](#) to guide schools transitioning away from ASD oversight. The framework states that ASD schools may apply to have the local school district become a school's authorizer during the ninth *or* the tenth year of the charter agreement (see pages 10, 11, 15, 16). That direction contradicts the statutory timeline cited in



the framework, T.C.A. § 49-13-107. As noted above, to adhere to the timeline in that statute, an application from an ASD operator would have to be submitted in February of the school's *ninth* year of operation.

Journey relied on the Framework's guidance and began developing an application for Hanley, which it plans to submit to MSCS in February 2023. However, in the fall of 2022, Journey was abruptly told it was too late to apply to MSCS and that the ASD and MSCS would soon meet with Journey to develop a plan to transition Hanley to become an MSCS operated school.

Journey believes that the simplest solution to this situation would be for the ASD to extend the charter agreement between the ASD and Journey Hanley School by one year, given the conflicting guidance and actions by the ASD (the ASD should also amend its Transition Framework to align with T.C.A. § 49-13-107). Extending Hanley's charter would eliminate the need for a waiver from T.C.A. § 49-13-107 or for MSCS to waive its charter application policy which is tied to that statute.

If the ASD is unwilling to extend the charter agreement, however, Journey requests that the Commissioner waive the application of the timeline in T.C.A. § 49-13-107 so that MSCS can review the charter application which will be submitted by Journey Hanley School on February 1, 2023. If MSCS approves that application, the school could continue operating as a public charter school and transition from ASD to MSCS oversight beginning with the 2023-24 school year.

If this request is not approved and MSCS deems the application untimely filed, Journey Hanley School would cease operation as a public charter school at the end of the 2022-23 school year.

Journey's track record of successful operation of charter schools in both the ASD and MSCS, the ASD's own guidance, and the best interests of the students, the community, and the school district support granting this waiver request. Allowing MSCS to weigh the merits of Hanley's continued operation as a public charter school, run by a community based nonprofit, is best for the district as well as the community.

Rich Haglund
Legal Counsel
Journey Community Schools

Cc: Nick Manning, Executive Director, Journey Community Schools
Lauren Bush, Deputy General Counsel, Tennessee Department of Education