



TENNESSEE
STATE BOARD OF EDUCATION

RECOMMENDATION OVERVIEW

SOUTHWEST EARLY COLLEGE HIGH SCHOOL

REVOCATION APPEAL

JANUARY 6, 2020

STATUTORY CHARGE

REVOCATIONS AND REVOCATION APPEALS

THE REVOCATION DECISION

- Pursuant to T.C.A. § 49-13-122(b), a charter school authorizer may revoke a charter agreement if it determines one of the following:
 - The charter school committed a material violation of any conditions, standards, or procedures set forth in the charter agreement;
 - The charter school failed to meet or make sufficient progress toward the performance expectations set forth in the charter agreement; or
 - The charter school failed to meet generally accepted standards of fiscal management.
- In the case of the charter agreement for Southwest Early College High School (SECHS), Shelby County Schools (SCS) cited the first reason, “committed a material violation of the charter agreement”, in the revocation decision.

STATE BOARD'S PROCESS

- Pursuant to T.C.A. § 49-13-122, a charter school that has its charter agreement revoked may appeal the decision to the State Board.
- Pursuant to T.C.A. § 49-13-122 and State Board policy 6.110, the State Board staff conducted the following process:
 - Requested documentation on two different occasions from SCS and SECHS to gather evidence regarding the allegations cited by SCS in the revocation decision;
 - Held a public hearing on December 4, 2019 and accepted both written and oral public comment; and
 - Conducted a complete review of the record.

STANDARD OF REVIEW

- In order to overturn a local board of education's decision to revoke a charter agreement, the State Board must find that the local board of education's decision was contrary to T.C.A. § 49-13-122.

RECOMMENDATION

RECOMMENDATION

- Based on the procedural history, findings of fact, and analysis of the issues, the Executive Director of the State Board believes that the decision to revoke the charter agreement was not contrary to T.C.A. § 49-13-122.
- Therefore, the Executive Director recommends that the State Board uphold the decision of SCS to revoke Southwest Early College High School's charter agreement.

RECOMMENDATION

- It was determined that SCS's decision to revoke the charter agreements was not contrary to T.C.A. § 49-13-122 because:
 - SECHS continued its failure to meet several special education requirements, originating in the 2018-19 school year and continuing into the current year, and has only been able to come into compliance with the direction and intensive support of SCS.
 - Southwest Tennessee Community College (STCC) terminated its partnership with SECHS in response to SECHS's leadership failing to fulfill their agreement. This partnership is integral to the SECHS's academic plan and school design and is a material violation of the charter agreement.

STATEMENTS FROM PARTIES

BACKGROUND INFORMATION

OVERVIEW OF TIMELINE

TIMELINE OVERVIEW

- August 2019 – SCS receives two written parent complaints and hears complaints from 3 students, 2 parents and 1 former staff member at a SCS Board meeting, which prompts SCS to initiate an investigation into SECHS.
- September 10, 2019 – The President of STCC issues a letter to SECHS terminating their partnership, effective at the end of the 2019-20 school year.
- September 18, 2019 – SCS notifies SECHS of their plan to recommend revocation of the charter agreement.
- October 28, 2019 – SCS holds a public hearing for SECHS.
- October 29, 2019 – SCS Board of Education votes to revoke the charter agreement of SECHS, effective at the end of the 2019-20 school year.

QUALITY AUTHORIZING STANDARDS

ANALYSIS OF SCS'S PRACTICES

ALIGNMENT TO QUALITY AUTHORIZING STANDARDS

- T.C.A. § 49-13-108(f) requires local boards of education to align their practice to the State Board's Quality Authorizing Standards.
- SCS provided evidence of alignment to the following standards:
 - Adoption of a performance framework;
 - Clear and accurate communication to the schools of their evaluation results based on the performance framework; and
 - Only revoking a charter agreement if there is clear evidence of violation of the law.

DISCUSSION AND QUESTIONS

BACKGROUND INFORMATION

FACTS AND ANALYSIS

REASONS FOR REVOCATION: ALLEGED MATERIAL VIOLATIONS

- Failure to ensure special education students receive services required by their Individualized Education Programs (IEPs) and to otherwise comply with requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973.
 - Facts:
 - SECHS received a score of a 1 out of 5 in 6 of 10 areas related to special education on the SCS Operations Scorecard during the 2018-19 school year.
 - The special education issues worsened at the start of the 2019-20 school year, warranting immediate and intense intervention from SCS.
 - There is no clear evidence that the Governing Board or leadership of SECHS attempted to remedy the issues identified in the 2018-19 school year or had the capacity to remedy the issues in the 2019-20 school year on their own.
 - Analysis:
 - The non-compliance issues related to special education were significant and systemic, worsened over time, and required intense interventions from SCS to remedy.
 - The continued failure to meet compliance in special education is a material violation and merits revocation of the charter agreement.

REASONS FOR REVOCATION: ALLEGED MATERIAL VIOLATIONS

- The termination of the partnership between STCC and Artesian Schools, Inc.
 - Facts:
 - STCC met with SECHS in spring 2019 to discuss their concerns with the partnership, and SECHS continued to fail to fulfill its agreement, which resulted in STCC terminating the partnership on September 10, 2019.
 - At the public hearing, SECHS presented a new MOU with Bethel University, but the agreement does not provide the same approved provisions of the academic plan contained within the charter agreement.
 - Analysis:
 - SECHS's failure to fulfill its MOU with STCC resulted in the loss of its partnership with the college. Over the summer of 2019, STCC attempted to work with SECHS to rectify issues, but the school continued to struggle to meet the expectations under the MOU.
 - While SECHS did attempt to find a new post-secondary partner, the leadership failed to provide a clear plan to avoid the same problems and provide the same approved academic plan included in the charter agreement.
 - Therefore, the termination of the partnership is a material violation and merits the revocation of the charter agreement.

REASONS FOR REVOCATION: ALLEGED MATERIAL VIOLATIONS

- Failure to ensure that only licensed teachers are employed or otherwise utilized in instructional positions.
 - Facts:
 - During its first two years in operation, SECHS earned a perfect score of 5 on SCS Operations Scorecards for having 100% of teachers licensed in the appropriate content.
 - SECHS experienced three unexpected teacher departures in late-summer 2019 and struggled to find replacements.
 - SECHS took several steps to correct the issue as quickly as possible and is currently in compliance.
 - Analysis:
 - This is not an on-going issue for the school, and SECHS has demonstrated its ability to remedy the issue of unlicensed teachers as quickly as possible.
 - This issue, while substantiated, does not rise to the level of an emergency and therefore does not merit revocation of the charter agreement.

DISCUSSION AND QUESTIONS

RECOMMENDATION

- SECHS received notification of its failure to meet the federal requirements for special education services in the 2018-19 school year and did not effectively remedy those issues in the new school year. As a result, the situation worsened and required the intense and immediate intervention from SCS to ensure students were receiving their required services.
- Additionally, SECHS failed to maintain a strong working relationship with STCC and therefore lost its partnership with the college as a result of its own actions. While a new MOU with a new entity is in place, SECHS leadership lacks a clear plan to ensure the success of this new partnership and to meet the same academic provisions of its charter agreement.
- Based on the following procedural history, findings of fact, and analysis of the issues, the Executive Director of the State Board believes that the decision to revoke the charter agreement was not contrary to T.C.A. § 49-13-122.
- Therefore, the Executive Director recommends that the State Board uphold the decision of SCS to revoke the Southwest Early College High School charter agreement.

QUESTIONS?



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