



**TENNESSEE**  
STATE BOARD OF EDUCATION

# **RECOMMENDATION OVERVIEW**

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INTREPID COLLEGE PREP'S AMENDMENT APPEAL

FEBRUARY 4, 2021

# STATUTORY CHARGE

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AMENDMENT APPEALS

# ABILITY TO AMEND CHARTER AGREEMENTS

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- Pursuant to T.C.A. § 49-13-110(d), the governing body of a charter school may petition the authorizer to amend the original charter agreement. Timelines for approval and the appeal process will be determined by the State Board.
- In the case of the Intrepid College Prep (Intrepid), Metro Nashville Public Schools (MNPS) denied the amendment petition request by Intrepid on November 24, 2020.

# STATE BOARD'S PROCESS

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- Pursuant to State Board rule 0520-14-01-.06, a charter school that has its amendment application denied by an authorizer may appeal the decision to the State Board.
- State Board staff conducted the following process:
  - Requested documentation from MNPS and Intrepid to gather evidence regarding the reasons cited by MNPS in the denial decision;
  - Held a virtual public hearing on January 12, 2021 and accepted public comment; and
  - Conducted a complete review of the record.

# STANDARD OF REVIEW

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- In order to overturn a local board of education's decision to deny a charter amendment petition, the State Board must find that the local board's decision to deny the charter amendment petition was **contrary to the best interests of the students, LEA, or community**.

# RECOMMENDATION

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- 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 deny the charter amendment petition was not contrary to the best interests of the students, the LEA, or the community.
- Therefore, the Executive Director recommends that the State Board **uphold the decision of MNPS** to deny Intrepid's amendment petition.

# BACKGROUND INFORMATION

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OVERVIEW OF TIMELINE



# TIMELINE OVERVIEW

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- Intrepid opened in the 2013-14 school year, serving grade 5 and growing by one grade level each year through grade 12.
- On September 1, 2020, Intrepid submitted a letter of intent to MNPS to amend its charter agreement, and on October 1, 2020 submitted its application to the district.
- On November 24, 2020, the MNPS Office of Charter Schools presented its findings to the MNPS Board of Education, stating that Intrepid met the criteria for approval. The MNPS Board of Education voted to deny the amendment application of Intrepid.
- Intrepid appealed this denial to the State Board on December 4, 2020.

# BACKGROUND INFORMATION

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FACTS AND ANALYSIS

# FINDINGS OF FACT

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- Intrepid submitted an amendment application to gradually expand its enrollment maximum by a total of 96 seats by the 2023-24 school year.
- Intrepid based its rationale for the amendment on the need to expand programmatic offerings at the high school and to accommodate increased demand for its middle and high school program.
- During the public hearing, Intrepid stated that the amendment would allow the school to accept a larger 5<sup>th</sup> grade and 9<sup>th</sup> grade class. Without the amendment, the school would have to accept a smaller 5<sup>th</sup> grade class next school year to stay within its enrollment cap.

# FINDINGS OF FACT

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- MNPS's Board of Education voted to deny Intrepid's amendment application based on three key factors:
  - MNPS stated that it plans to build a new middle school in the Antioch community within the next 2-3 years and to expand Cane Ridge High School with an additional 480 seats and the amendment would undermine their long-term planning.
  - MNPS expressed concern that Intrepid has seen a downward trend in its academic data over the past 3 years in its ELA and math scores and TVAAS.
  - MNPS stated that Intrepid did not demonstrate any material change in circumstance to justify the increase and allowing the amendment request would reward Intrepid's failure to properly anticipate and manage its enrollment according to the charter agreement.

# ANALYSIS OF FACTS

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- While Intrepid presented evidence that its students are out-performing the district schools on state assessments in math and English language arts, as well as strong ACT scores from its first senior class, their assessment scores have been on a steady decline for the last three years, especially in math.
- Intrepid has increased instructional supports and undergone leadership changes but without data, we cannot determine if the adjustments have been effective.
- Intrepid will begin their renewal process in 2 years which may be a better time to address an enrollment increase.
- In 2 years, there will be more academic data to confirm the interventions have been effective and MNPS's new middle school will be complete and provide a clearer picture of seat capacity in the area.

# QUALITY AUTHORIZING STANDARDS

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ANALYSIS OF MNPS'S PRACTICES & DECISION-MAKING

# ALIGNMENT TO QUALITY AUTHORIZING STANDARDS

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- T.C.A. § 49-13-108(f) requires local boards of education to align their practice to the State Board's Quality Authorizing Standards.
- MNPS provided evidence of alignment to the following standards:
  - Provided its charter schools with an application and process to amend their charter agreements; and
  - Based its decision on academic performance, allowing the school additional time to turn around its declining academic scores before granting a request to expand enrollment.

# RECOMMENDATION

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# RECOMMENDATION

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- While Intrepid is attempting to amend its enrollment cap to respond to community demand, MNPS presented evidence of school's declining academic achievement over the past three (3) years.
- MNPS would prefer to consider granting Intrepid additional seats at the renewal stage in 2023, after which more information will be available regarding the school's continued performance, and seat capacity in the area.
- Waiting to see if the school is able to turn around its declining TN Ready scores before granting a request to expand enrollment is in keeping with the State Board's Quality Charter Authorizing Standards.
- Therefore, the Executive Director recommends that the State Board uphold the decision of MNPS to deny the amendment petition of Intrepid College Prep.

# DISCUSSION AND QUESTIONS

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