



**TENNESSEE**  
STATE BOARD OF EDUCATION

# **AUTHORIZER CONNECT**

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JANUARY 12, 2022

APPLICATIONS, APPEALS & AMENDMENTS

# OUR PURPOSE

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- Create a reoccurring time and space for Tennessee's authorizers to **share resources, successes and lessons learned** with each other.
- Provide **professional development** opportunities for authorizers which centers around high-quality authorizing.
- **Build a community** of authorizers who share the same goal of providing high-quality public school options to students across Tennessee.

# AGENDA

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- Welcome and Whip Around
- Charter School Applications
  - Debrief of SchoolWorks Modules
  - Break Out Groups
- The Appeals Process
- Amendments to the Charter Agreement
- Resources and Wrap Up

# INTRODUCTIONS

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Please unmute yourself to share the following:

- Name, District and Role
- What are you looking forward to in 2022?

# CHARTER SCHOOL APPLICATIONS

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DEBRIEF OF SCHOOLWORKS MODULES

# 3.1: NEW SCHOOL REQUEST FOR PROPOSALS (RFP)

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## Key Points:

- The RFP sets the authorizing priorities based on the needs of the district.
  - Our quality authorizing standards require authorizers to go beyond simply utilizing the state's application to solicit and encourage charter school applications.
- The application requires applicants to provide details about their mission, academic plan, operations plan, and financial plan as well as evidence of demand and a past performance record (for existing operators).
- Evidence of demand is often demonstrated by academic need and willingness of parents to enroll their student(s) in the school.
- The application also requires use of a budget template to streamline long term financial information.

# 3.1: NEW SCHOOL REQUEST FOR PROPOSALS (RFP)

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## Key Points (continued):

- Potential Red Flags:
  - Academics – program and goals are not rigorous enough to meet the expectations for performance
  - Operations – sponsor's plan isn't cohesive or does not appear to have capacity or understanding of how important the operations plan is to ensure the school's success
  - Finance – budget that's heavily reliant on fundraising or philanthropic dollars without letters of commitment; no evidence of applying for grants
  - Demand – lacks intent to enroll forms or letters of support from community
  - Past Performance – existing schools are struggling with performance, enrollment and/or capacity

# 3.1: NEW SCHOOL REQUEST FOR PROPOSALS (RFP)

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## Takeaways:

- Consider your chartering priorities and how that information is relayed to the public (e.g., posted on your website, shared at a board meeting, etc.).
- Set submission requirements for applicants and communicate them publicly.
  - Is there an application fee?
  - Are hard copies required?
  - What time and where are applications submitted?
  - How is this information shared?

# 3.2: APPLICATION REVIEW PROCESS & PROTOCOL

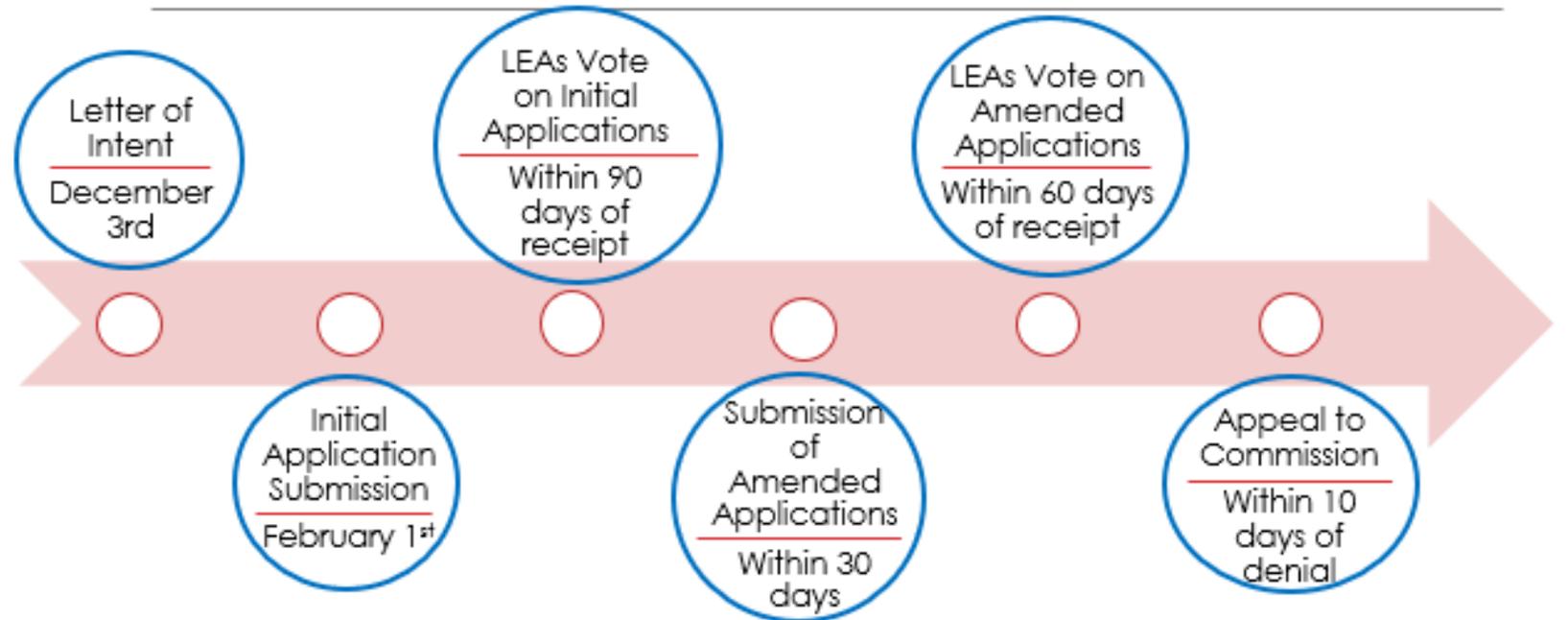
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## Key Points:

- Set clear timelines for application review and transparent scoring criteria.
- State law dictates the timeline for application review and use of the state's scoring rubric.

## APPLICATION TIMELINE

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# 3.2: APPLICATION REVIEW PROCESS & PROTOCOL

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## Key Points (continued):

- Enlist the help of a review committee comprised of internal and external reviewers to evaluate each application against the state's scoring rubric.
- Consider what expertise is needed to review applications – at a minimum this should include academics, operations, finance, governance.
  - Pro-Tip: Review committees should include individuals with experience working in or with charter schools (e.g., charter school leaders from existing schools)
- Consider how reviewers will complete the rubric; evaluative comments should justify ratings and clearly state any missing elements.
- Hold a reviewer training which covers review criteria and norming as well as provides guidance on writing evaluative comments.

# 3.2: APPLICATION REVIEW PROCESS & PROTOCOL

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## Key Points (continued):

- The capacity interview is designed to probe more deeply and ask clarifying questions of the applicant group.
- The capacity interview may include performance tasks which allows the authorizer to assess the capacity of the group and how the group works together to address a practical dilemma.
- The process for conducting a capacity interview, including the length of time and number of people involved, should be described in an evaluation protocol document.

# 3.2: APPLICATION REVIEW PROCESS & PROTOCOL

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## Takeaways:

- Provide reviewers with criteria and norming training to ensure alignment within a team and to the state's scoring rubric.
- Recruit internal and external reviewers with relevant expertise.
- Consider how you'll conduct capacity interviews.
- Develop an evaluation protocol document that clearly outlines all parts of the application process from timeline and application submission to review teams and scoring on the rubric.

# 3.3: APPLICATION DECISION- MAKING AND COMMUNICATION

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## Key Points:

- Our state scoring rubric sets the approval threshold for applicants: must meet the standard in each main section to be recommended for approval.
  - Academics
  - Operations
  - Finance
  - Past Performance (if applicable)



### Tennessee Charter School Application Scoring Criteria

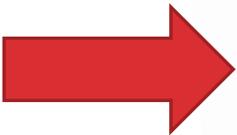
#### Ratings and Criteria

State law and regulation require the Tennessee Department of Education to provide "a standard application format" ([TCA 49-13-116](#)), and "scoring criteria addressing the elements of the charter school application" ([SBE Rule 0520-14-01-.01\(1\)](#)).

This scoring rubric is divided into subsections that correspond to the subsections of the charter application. Each subsection of the rubric identifies the characteristics of a strong response that would qualify as "Meets or Exceeds the Standard." Evaluators will rate the responses by applying the following guidance:

Rating	Characteristics
Meets or Exceeds the Standard	The response reflects a thorough understanding of key issues. It clearly aligns with the mission and vision of the school. The response includes specific and accurate information that shows thorough preparation.
Partially Meets Standard	The response meets the criteria in some respects, but lacks sufficient detail and/or requires additional information in one or more areas.
Does Not Meet Standard	The response is incomplete; demonstrates lack of preparation; does not align with the mission and vision of the school; or otherwise raises significant concerns about the viability of the plan or the applicant's ability to carry it out.

The State Board of Education has adopted Quality Charter Authorizing Standards in [Policy 6.111](#). Standard 2(c) addresses rigorous approval criteria for the application process and decision making. This Standard provides that a quality authorizer "[r]equires all applicants to present a clear and compelling mission, a quality educational program, a demonstration of community support, a solvent and sustainable budget and contingency financial plans, a clear demonstration of the effectiveness of the model for the target student population, effective governance and management structures and systems, founding team members demonstrating diverse and necessary capabilities in all phases of the school's development, and clear evidence of the applicant's capacity to execute its plan successfully." An application that merits a recommendation for approval should satisfy each of these criteria.



“ [r]equires all applicants to present a clear and compelling mission, a quality educational program, a demonstration of community support, a solvent and sustainable budget and contingency financial plans, a clear demonstration of the effectiveness of the model for the target student population, effective governance and management structures and systems, founding team members demonstrating diverse and necessary capabilities in all phases of the school’s development, and clear evidence of the applicant’s capacity to execute its plan successfully.” **An application that merits a recommendation for approval should satisfy each of these criteria.**

# 3.3: APPLICATION DECISION- MAKING AND COMMUNICATION

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## **Key Points (continued):**

- Consider any due diligence about the applicant group.
- Present your review committee's report to your board. The report should summarize the model, outline strengths and concerns, and include ratings based on the scoring rubric.
- Provide your board with an evidence-based recommendation that considers the review committee's report and any due diligence necessary to decide.
- The module mentioned the option to approve, approve with conditions or deny. Our state does not allow for approval with conditions.

# SMALL GROUP DISCUSSION

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- The quality authorizing standards state, “a quality authorizer implements a comprehensive application process that includes clear application questions and guidance; follows fair, transparent procedures and rigorous criteria; and grants charters only to applicants who demonstrate strong capacity to establish and operate a quality charter school.”
- We will split into two small groups based on experience with charter applications. Your facilitator will ask guiding questions. For those who completed the module, please have out your [Companion Guide](#) reflections.

# GROUP 1: EXPERIENCED

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- **Clear application questions and guidance**
  - When and how are you communicating with applicants?
  - What application information is currently included on your website?
- **Follows fair, transparent procedures and rigorous criteria**
  - Describe your capacity interview process.
  - Have you required applicants to participate in a performance task or are you considering it?
- **Grants charters only to applicants who demonstrate strong capacity to establish and operate a quality charter school**
  - What information do you include in your recommendation report for each application?
  - How and when is this information shared with your board?

# GROUP 2: NOVICE

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- **Clear application questions and guidance**
  - Communicate early and transparently with applicants.
    - Application fee
    - Application submission
    - Hard copies
    - Overview of process
- **Follows fair, transparent procedures and rigorous criteria**
  - Build a review committee of internal and external reviewers who are trained on the scoring criteria.
- **Grants charters only to applicants who demonstrate strong capacity to establish and operate a quality charter school**
  - Present an evidence-based recommendation to your board.



**TENNESSEE**  
PUBLIC CHARTER SCHOOL COMMISSION

**AUTHORIZER CONNECT  
APPEAL OVERVIEW**

**JANUARY 2022**

# CHARTER COMMISSION

- The Tennessee Public Charter School Commission was created by Public Chapter 219 of the 111th General Assembly. The Commission assumed appeal responsibilities on January 1, 2021 and authorization responsibilities on July 1, 2021.
- The Commission is made up of 9 appointed members, three from each Grand Division. The Commission hired an Executive Director, and it currently has 12 employees.
- The Commission is an independent state agency that creates its own policies and rules to oversee its work, and its work is separate from the State Board of Education and the Tennessee Department of Education



# CHARTER COMMISSION

As a body, the Charter Commission has three key responsibilities:

- Hears new start, revocation, renewal and amendment charter school appeals from across the state
- Receives applications from schools petitioning to exit the Achievement School District
- Serves as the LEA and authorizer to any charter schools that it approves



# CHARTER COMMISSION

- The Commission's mission statement:
  - The mission of the Charter Commission is to provide positive academic and life outcomes for Tennessee's students through access to high-quality public charter schools. The effectiveness of these schools will be ensured through approval and support using rigorous oversight, transparency, and accountability.
- Our work is guided by the following three core authorizing principles:
  - Maintaining High Standards
  - Upholding School Autonomy
  - Protecting Student and Public Interests



# CHARTER COMMISSION

Schools currently authorized by the Charter Commission:

- Bluff City High School
- Cornerstone Prep (opening in SY22-23)
- KIPP Antioch College Prep Elementary School
- KIPP Antioch College Prep Middle School
- KIPP Antioch College Prep High School (opening in SY23-24)
- Nashville Collegiate Prep
- Rocketship Nashville #3 (opening in SY22-23)



# APPEAL PROCESS

- T.C.A. 49-13-108(b)(5)
  - Allows a Sponsor to appeal the denial of an amended application by a local board of education to the Commission within 10 calendar days of the denial
- The Commission is charged with:
  - Conducting a de novo, on the record review of the amended application
  - Holding a public hearing in the district in which the school proposes to locate
  - Making a decision on an appeal within 75 days
  - Approving the amended application if it is found to meet or exceed the standards of the state's scoring rubric and the school is in the best interests of the students, the LEA, or the community



# APPEAL PROCESS

- [Commission Rule 1185-01-01 - Charter School Appeals](#)
- [Commission Policy 2.000](#)
- [Commission New Start Appeal Guidance](#)
  - Set out what is required in a notice of appeal
  - What information will be collected from a district
  - The use of a review committee to review the amended application
  - The hosting of a public hearing
  - Commission's decision-making process

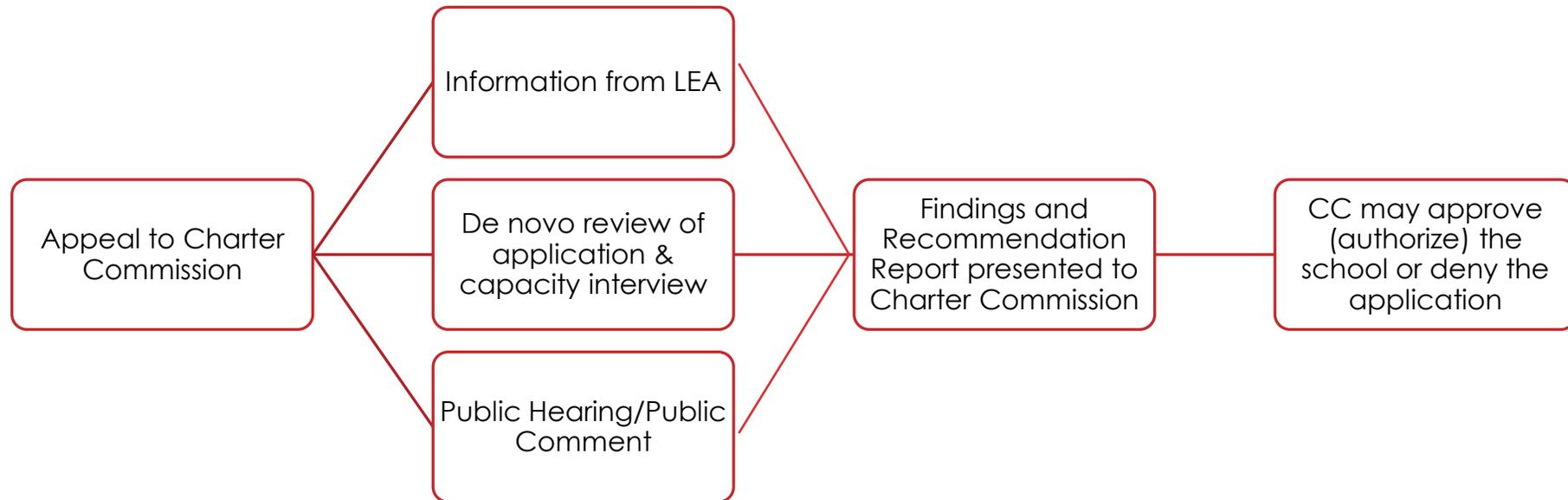


# FISCAL IMPACT

- T.C.A. 49-13-108(c)
  - An LEA may deny on the basis that the opening of the charter school will cause a substantial negative fiscal impact on the district
- Commission Rule 1185-01-01 and Policy 2.000
  - The information that, at a minimum, the Commission will collect is listed
  - The burden is on the district to provide substantial negative fiscal impact
- Previous fiscal impact analyses are available on the Commission's website and the State Board of Education's website



# APPEALS PROCESS



# WHAT TO PREPARE FOR

- Documentation collection from LEA (Policy 2.000)
  - Commission will notify the district that an appeal was received and will ask for:
    - Who reviewed the applications
    - Notes, minutes, or presentations used during team meetings, capacity interview, or local board meetings
    - Completed scoring rubrics
    - Reports presented to local board
    - Letters stating the reasons for denial
  - Districts must return documentation within five calendar days but no more than seven days following the request



# WHAT TO PREPARE FOR

- Public Hearing (Policy 2.000)
  - Commission staff will work with both parties to identify a date/time/location for the public hearing
  - Agenda will include:
    - Opening statements from both parties
    - Questions from Executive Director
    - Public Comment
    - Closing statement from both parties
  - Commission staff will schedule a preparation call with each party in advance of hearing
  - Both oral public comment and written public comment are accepted



# WHAT TO PREPARE FOR

- Commission Decision-Making (Policy 2.000)
  - Commission will decide on the appeal within 75 calendar days of receipt
  - The meeting is open to the public, and it may be in-person (if it is a regular meeting) or virtual (if it is a special-called meeting)
  - Each party is allowed to either make a public comment or submit a written statement
  - Each Commission meeting allows for up to 30 minutes of public comment



# WHAT TO PREPARE FOR

- Post Commission Decision-Making
  - If application is approved:
    - The district and the sponsor have 30 calendar days to mutually agree for the district to be the authorizer
      - If this is the mutual agreement, the Commission has no further oversight or jurisdiction over the charter school
    - If no agreement is made, the Commission remains the authorizer
  - If application is denied:
    - Sponsor may submit letter of intent/application for next application cycle
  - The Commission's decision is final



# ADDITIONAL RESOURCES

- [Visit the Commission's website](#) for:
  - Charter School Appeal Rules and Policies
  - Guidance Documents and FAQs
  - Previous Public Hearing Agendas
  - Previous Executive Director Recommendations
- Reach out to the Commission staff:
  - We are happy to answer questions about the appeal process either via phone or email.
  - Tess Stovall, Executive Director: [Tess.Stovall@tn.gov](mailto:Tess.Stovall@tn.gov) or (615) 202-0672
  - Ashley Thomas, General Counsel: [Ashley.Thomas2@tn.gov](mailto:Ashley.Thomas2@tn.gov) or 615-289-5367





**THANK  
YOU!**

# AMENDMENTS TO THE CHARTER AGREEMENT

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NATE PARKER

DIRECTOR OF CHARTER SCHOOLS, DEPARTMENT OF EDUCATION

# CHARTER AGREEMENT AMENDMENT UPDATES

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- The Commission's permanent rule on amendment petitions and amendment appeals is effective February 14, 2022, and its updates include:
  - To allow grade expansion/enrollment changes through the fall window and emergency petitions
  - Further defines emergency petitions to be used in unanticipated or extraordinary circumstances
  - Requires the school to provide a written explanation of the need for an emergency petition
- Changes made to the amendment application:
  - Allow grade level/enrollment amendments by emergency petition
  - Additional language adding "goals" to subpart F – Academic Focus

# CHARTER AMENDMENT SCORING RUBRIC

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- **Scoring Best Practices**

- Evaluate amendment applications against provided criteria:
  - The response thoroughly addresses key issues.
  - The proposed amendment clearly aligns with the mission and goals of the school.
  - The response includes specific, evidence-based information that shows thorough preparation and viability of the plan.
- If an emergency petition, is there compelling evidence of unanticipated extraordinary circumstances supporting the filing of an emergency amendment application?
- **Discussion:** What scoring best practices does your authorizer employ when reviewing charter agreement amendment applications?

# CHARTER AMENDMENT SCORING RUBRIC

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- **Independent Due Diligence**

- “Recommendations for approval or denial of each amendment requested in an amendment application will be based on the materials submitted as well as the authorizer’s ***independent due diligence***.”
- Due diligence for charter agreement amendments includes using the data and information you have as an authorizer beyond what is provided in the application (e.g., annual audit reports, monitoring, enrollment data, etc.)
- **Discussion:** How does your authorizer incorporate due diligence in its review of charter amendment applications? What best practices do you have to share?

# RESOURCES & WRAP UP

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# NACSA FILE SHARE

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- **NACSA Capacity Interview Resources**

- Opening Script Template
- Interview Prep Form
- Question Bank
- Sample Questions
- Training Reviewers for the Capacity Interview
- Fine Tuning

- **NACSA Sample Performance Tasks**

- 9 different scenario documents that cover topics within academics, operations and finance

# QUALITY AUTHORIZING SERIES

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- Part I: You've Received an LOI – Now what? (January 2022)
- Part II: Application Review 101 (February 2022)
- Part III: The Appeal Process (July 2022)
- Part IV: The Charter Agreement (August 2022)
- Part V: Effective Authorizing (October 2022)

# UPCOMING MEETINGS

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DATE	TOPIC
March 9, 2022	Renewal Applications
May 18, 2022	Performance Framework Evaluations & Intervention



**TENNESSEE**  
STATE BOARD OF EDUCATION

**THANK YOU!**