

**BEFORE THE TENNESSEE STATE BOARD OF EDUCATION**

**2013 CHARTER SCHOOL APPEAL  
CESAR CHAVEZ CHARTER ELEMENTARY SCHOOL**

**FINDINGS AND RECOMMENDATION**

Pursuant to Tenn. Code Ann. § 49-13-108, sponsors proposing to open new charter schools may appeal the denial of their amended applications by a local board of education to the State Board of Education (State Board).

On January 16, 2013, a hearing was held at the Shelby County Board of Education in Memphis, Tennessee, to consider Cesar Chavez Charter Elementary School's appeal of the denial of its application by the Memphis City/Shelby County Unified Board of Education.

Based on the following procedural history and findings of fact, I believe that the decision to deny Cesar Chavez Charter Elementary School's application was not "contrary to the best interests of the pupils, the school district, and the community", and therefore recommend that the Board affirm the decision of the Memphis City/Shelby County Unified Board of Education.

**PROCEDURAL HISTORY**

1. On October 30, 2012, the Memphis City/Shelby County Unified Board of Education unanimously denied Cesar Chavez Charter Elementary School's initial application, following the unanimous recommendation of the Memphis City Schools charter school review committee.

2. Humanitarian Outreach Development Group amended and resubmitted its application.

3. On December 18, 2012, the Memphis City/Shelby County Unified Board of Education voted to deny Cesar Chavez Charter Elementary School's amended application, following another unanimous recommendation of the review committee.

4. Humanitarian Outreach Development Group then appealed the decision to deny Cesar Chavez Charter Elementary School's application by email to the State Board, received December 27, 2012.

### **FINDINGS OF FACT**

1. The Memphis City Schools Charter School Review Committee included the following individuals, who reviewed the application submitted during this application window:

- a. Latasha Gentry Holmes, Human Resources, Memphis City Schools
- b. Brenda Miller, Human Resources, Memphis City Schools
- c. Toni Jones, Human Resources, Memphis City Schools
- d. John Nickey, Assessment, Memphis City Schools
- e. Flo Calaway, Research, Memphis City Schools
- f. Suzanne Thomas, Curriculum and Instruction, Memphis City Schools
- g. Susan Dold, Curriculum and Instruction, Memphis City Schools
- h. Sandra Johnson, Principal, Memphis City Schools
- i. Amelia Anglin, Special Education, Memphis City Schools
- j. Jo Cunningham, Parent
- k. Tim Ware, Charter School Representative, Memphis City Schools
- l. Angela Carr, Finance, Memphis City Schools
- m. Sheila Gatson, Finance, Memphis City Schools
- n. Carla Smith, Finance, Memphis City Schools
- o. Alicia Lindsey, Budget, Memphis City Schools

2. Memphis City Schools employs a rigorous screening process based on the Principles for Quality Authorizing of the National Association of Charter School Authorizers (NACSA).

3. Using the Tennessee Department of Education's (TDOE) scoring criteria for the application, the review committee scored the application in each of the fourteen domains outlined on the TDOE scoring sheet: Vision and Mission Statements, Academic Program, Assessment and Evaluation, Students with Special Needs, Budget and Finance, Operations

and Governance, Student Discipline, Personnel, Transportation and Food Service, Facilities, Waivers, Insurance Coverage, Parent and Community Involvement, and Final Evaluation.

4. To be recommended for approval to the Memphis/Shelby County Unified Board of Education, applicants must score at least “meets” or “exceeds” in twelve (12) of the fourteen (14) domains.

5. On the initial application, Cesar Chavez Charter Elementary School’s scores were labeled according to the scoring criteria developed and promulgated by the State Department of Education. Cesar Chavez Charter Elementary School earned “partially meets” in nine (9) domains and “does not meet” in five (5) domains:

Vision and Mission Statement	Partially Meets
Academic Program	Partially Meets
Assessment and Evaluation	Does Not Meet
Students with Special Needs	Does Not Meet
Budget and Finance	Partially Meets
Operations and Governance	Partially Meets
Student Discipline	Does Not Meet
Personnel	Partially Meets
Transportation and Food Service	Partially Meets
Facilities	Does Not Meet
Waivers	Partially Meets
Insurance Coverage	Partially Meets
Parent and Community Involvement	Does Not Meet
Final Evaluation	Partially Meets

6. After the Memphis/Shelby County Unified Board of Education voted to deny Cesar Chavez Charter Elementary School’s initial application, Memphis City Schools review committee County sent Humanitarian Outreach Development Group the recommendation report of the committee, the average scores from the committee, and overall reasons for denying the Cesar Chavez Charter Elementary School application.

7. Cesar Chavez Charter Elementary School’s amended application earned “partially meets” in eleven (11) domains, and “does not meet” in three (3) domains :

Vision and Mission Statement	Partially Meets
Academic Program	Partially Meets
Assessment and Evaluation	Partially Meets
Students with Special Needs	Partially Meets
Budget and Finance	Partially Meets
Operations and Governance	Partially Meets
Student Discipline	Partially Meets
Personnel	Partially Meets
Transportation and Food Service	Partially Meets
Facilities	Does Not Meet
Waivers	Does Not Meet
Insurance Coverage	Partially Meets
Parent and Community Involvement	Does Not Meet
Final Evaluation	Partially Meets

8. After review of the application, the committee unanimously recommended denying the amended application. Ultimately, the Board determined that the authorization of the charter would be contrary to the best interests of the students of Memphis City Schools. Overall, the committee noted that the application did not meet the benchmarks in any of the fourteen areas.

The committee had the following specific concerns:

a. Academic Program- In evaluating the application, the committee noted the proposed school's stated focus on educating students who were English language Learners; however, there was no curriculum identified in the application that focused on educating that population. The committee also noted the application's failure to address the implementation of Common Core standards in its curriculum.

b. Assessment and Evaluation- Among the many deficiencies cited in this section, the committee noted the absence of plans related to assessing English-As-A-Second-Language (ESL) students, which is a key component of the school's mission.

c. Students with Special Needs- The committee noted that the plans related to identifying students with special needs were not sufficient to meet requirements of the

Individuals with Disabilities in Education Act (IDEA)<sup>1</sup> and Section 504 of the Rehabilitation Act<sup>2</sup>.

d. Budget and Finance- The committee found that the budget narrative did not contain sufficient detail to assess the ability to operate a successful charter school. In some areas where a particular curriculum or a program was utilized, it was not reflected in the budget. Additionally, the budget failed to include a salary for the executive director and health insurance for employees.

e. Student Discipline- The review committee was not convinced by the submitted application that procedures for student discipline were sufficient and clear enough to be effective. They also found the discipline plan to be inconsistent in some areas.

f. Personnel- Of major concern to the committee was the failure to include ESL teachers in its hiring plan, seeing that ESL instruction is the focus of the school. Additionally, the personnel plan did not outline the responsibilities of the employees.

g. In key areas such as Transportation and Food Service, Facilities, and Parent and Community Involvement, little or no plans were given.

### **CONCLUSION**

State law requires the State Board of Education to review the decision of the local board of education and determine whether the denial of the charter school was in the “best interest of the students, school district, and the community.”<sup>3</sup> Approval of public charter schools must be “in the form of a written agreement signed by the sponsor and the chartering authority, which shall be

---

<sup>1</sup> 20 U.S.C.A. § 1400 et. seq.

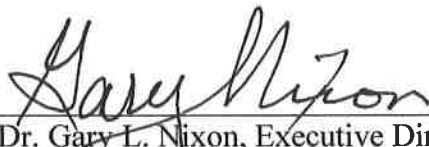
<sup>2</sup> 29 U.S.C.A. § 701 et seq.

<sup>3</sup> T.C.A. § 49-13-108(a)(3).

binding upon the governing body of the public charter school.”<sup>4</sup> This means that when the local board of education votes to approve a charter school, it must be ready to sign that binding document at the same time, just as it would any other contract it approves.<sup>5</sup> Because of the important nature of such a contract, the charter sponsor must take care to include details with enough specificity that an authorizer can measure, with confidence, the school’s likelihood of success upon approval.

After reading the application, reviewing the scoring rubric, and hearing the evidence presented by Memphis City Schools, it is evident that Cesar Chavez Charter Elementary School’s application had many critical deficiencies and failed to demonstrate its likelihood of operating a successful charter school.

Based on the above findings, I do not believe that the decision to deny Cesar Chavez Charter Elementary School’s charter application was contrary to the best interests of the students, the school district, and the community. Therefore, I recommend that the State Board of Education affirm the decision of the Memphis City/Shelby County Unified Board of Education.



Dr. Gary L. Nixon, Executive Director  
State Board of Education

1-28-2013

Date

<sup>4</sup> T.C.A. § 49-13-110(a).

<sup>5</sup> The Tennessee Attorney General recently confirmed that this is what the statutory language means. See Op. No. 10-45, available at <http://www.tn.gov/attorneygeneral/op/2010/op/op10-45.pdf> (last viewed July 21, 2010).