

**BEFORE THE TENNESSEE STATE BOARD OF EDUCATION**

**2013 CHARTER SCHOOL APPEAL**

**Impress Charter 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 Monday, September 30, 2013, a hearing was held at the Shelby County Board of Education (SCBE) in Memphis, Tennessee, to consider Impress Charter School's appeal of the denial of its application by the Shelby County Board of Education.

Based on the following procedural history and findings of fact, I believe that the decision to deny Impress Charter 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 Shelby County Board of Education.

**PROCEDURAL HISTORY**

1. On June 25, 2013, Shelby County Board of Education unanimously denied Impress Charter School's initial application, following the unanimous recommendation of the Shelby County Schools (SCS) charter school review committee.
2. Impress Charter School amended and resubmitted its application on July 25, 2013.
3. On August 20, 2013, the Shelby County Schools charter school review committee recommended denial of the Impress Charter School's amended application. Subsequently, the Shelby County Board of Education unanimously voted to deny the amended application of Impress Charter School.
4. Impress Charter School then appealed the denial by email to the State Board, received August 28, 2013.

**FINDINGS OF FACT**

1. The Shelby County Schools charter school review committee team evaluating the Impress Charter School application included the following individuals:
  - a. Alicia Lindsey – Budget
  - b. Amelia Anglin – Special Education
  - c. Angela Carr – Finance

- d. Brenda Miller – Human Resources – Compliance
- e. Carla Smith – Finance
- f. Florence Calaway – Research and Assessment
- g. Latasha Gentry Holmes – Human Resources - Staffing
- h. Sandra Johnson – Principal
- i. Shelia Gatson – Finance
- j. Susan Dold – Curriculum and Instruction
- k. Suzanne Thomas – Curriculum and Instruction
- l. Toni Jones – Human Resources – Compliance
- m. Jo Cunningham – Parent
- n. Tim Ware – Charter School Founder/Executive Director
- o. Dedric McGhee – Curriculum and Instruction
- p. Regina Payne – Human Resources
- q. Melissa McConnell – Professional Development
- r. Todd Goforth – Curriculum and Instruction
- s. Angela Hargrave – Student Services
- t. Bill Morris – Federal Programs
- u. Kristy Ford - Curriculum and Instruction
- v. Andrea Crafford - Curriculum and Instruction
- w. Michael Lowe – Regional Superintendent
- x. Teresa Winter – Budget

2. Shelby County 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 TN Department of Education’s (TDOE) scoring rubric as a guide for evaluating the application, the review committee scored the application into four domains: Academic Plan Design and Capacity, Operations Plan and Capacity, Financial Plan and Capacity, and Application – Additional Attachments.
4. To be recommended for approval to the SCBE, applicants must meet or exceed the criteria in all four areas.
5. On the initial application, Impress Charter School’s application was labeled according to the scoring criteria developed and promulgated by the Tennessee Department of Education. Impress Charter School’s initial application scored as follows:
 

Academic Plan Design and Capacity	Does Not Meet the Standard
Operations Plan and Capacity	Does Not Meet the Standard
Financial Plan and Capacity	Does Not Meet the Standard

6. After the Shelby County Board of Education voted to deny Impress Charter School's initial application, the Shelby County Schools review committee sent Impress Charter School the overall reasons for denying the Impress Charter School application.
7. Impress Charter School's amended application scored as follows:
- |                                      |                            |
|--------------------------------------|----------------------------|
| Academic Plan Design and Capacity    | Does Not Meet the Standard |
| Operations Plan and Capacity         | Does Not Meet the Standard |
| Financial Plan and Capacity          | Does Not Meet the Standard |
| Application - Additional Attachments | Does Not Meet the Standard |
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 Shelby County Schools. The committee had the following specific concerns:
- Academic Plan Design and Capacity – The committee was concerned that the application discussed therapeutic modalities as a key component of the program, but did not adequately explain how they would be integrated into the curriculum, or how they would affect the plan for SPED or ELL students.
  - Operations Plan and Capacity – The committee felt that the application lacked a clearly defined strategy for transitioning the founding board into its role as the governing board. Additionally, the committee concluded that the plan for evaluating teachers lacked sufficient detail.
  - Financial Plan and Capacity – The committee cited the financial plan section of the application as an area of concern, stating that it was “unclear if the school will have the necessary cash or assets to operate on an ongoing and sound financial basis.” This finding was partly based on the fact that the budget narrative did not detail all related expenses, such as the provision of special education.
  - Application - Additional Attachments – The committee noted that the application did not provide draft policies or adequate waiver requests. Moreover, the committee indicated that the transportation plan was not in compliance with current district or state practices.

### 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 interests of the students, school district, and the community.”<sup>1</sup> Approval of a public charter school must be

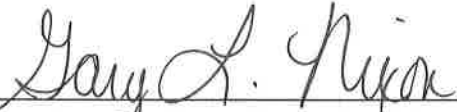
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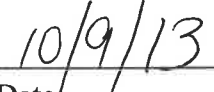
<sup>1</sup> T.C.A. § 49-13-108(a)(3).

“in the form of a written agreement signed by the sponsor and the chartering authority, which shall be binding upon the governing body of the public charter school.”<sup>2</sup> The 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>3</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.

Through their application materials and presentation at the September 30 hearing, the Impress Charter School’s organizers demonstrated great dedication to improving the lives of an under-served population. However, despite the application’s compelling mission statement, the deficiencies in the application are too significant to ignore. After reading the application, reviewing the recommendation of the committee, and hearing the evidence presented by the Shelby County Board of Education, it appears there are a number of key pieces missing from the application. For example, the application discusses therapy as an integral part of serving its target population; yet, it fails to adequately address how therapy will fit into the curriculum and how the program will provide for these services. Without a class schedule, clear staffing plan for counselors and social workers, or discussion of therapy-related expenses in the budget, the application does not provide a clear picture of how it will deliver these services. The application also fails to sufficiently account for a number of other fundamental expenses, including books, supplies, special education, and transportation. Moreover, the academic plan needs considerable revision, as it contains flaws such as conflicting promotion criteria and an accountability plan that is not in line with current Tennessee measures.

Overall, the missing pieces and inconsistencies in the application call into question the program’s readiness to open its doors. For this reason, I do not believe that the decision to deny Impress Charter 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 Shelby County Board of Education.

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

  
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Date

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<sup>2</sup> T.C.A. § 49-13-110(a).

<sup>3</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 Sept. 25, 2013).