

BEFORE THE TENNESSEE STATE BOARD OF EDUCATION

**2013 CHARTER SCHOOL APPEAL
MOVING AHEAD SCHOOL OF SCHOLARS**

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 Moving Ahead School of Scholars' 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 Moving Ahead School of Scholars' 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 Moving Ahead School of Scholars' initial application, following the unanimous recommendation of the Memphis City Schools charter school review committee.
2. MASS Foundation amended and resubmitted its application.
3. On December 18, 2012, the Memphis City/Shelby County Unified Board of Education voted to deny Moving Ahead School of Scholars' amended application, following another unanimous recommendation of the review committee.

4. MASS Foundation then appealed the decision to deny the application of Moving Ahead School of Scholars by email to the State Board, received December 18, 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, Moving Ahead School of Scholars’ scores were labeled according to the scoring criteria developed and promulgated by the State Department of Education. Moving Ahead School of Scholars earned “partially meets” in twelve (12) domains and “does not meet” in two (2) domains:

Vision and Mission Statement	Partially Meets
Academic Program	Partially Meets
Assessment and Evaluation	Partially Meets
Students with Special Needs	Does Not Meet
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	Partially Meets
Insurance Coverage	Partially Meets
Parent and Community Involvement	Partially Meets
Final Evaluation	Partially Meets

6. After the Memphis/Shelby County Unified Board of Education voted to deny Moving Ahead School of Scholars’ initial application, Memphis City Schools review committee sent MASS Foundation the recommendation report of the committee, the average scores from the committee, and overall reasons for denying the Moving Ahead School of Scholars application.

7. Moving Ahead School of Scholars’ amended application earned “meets” in three (3) domains, “partially meets” in nine (9) domains, and “does not meet” in two (2) domains :

Vision and Mission Statement	Partially Meets
Academic Program	Partially Meets
Assessment and Evaluation	Partially Meets
Students with Special Needs	Does Not Meet
Budget and Finance	Meets

Operations and Governance	Meets
Student Discipline	Partially Meets
Personnel	Partially Meets
Transportation and Food Service	Partially Meets
Facilities	Does Not Meet
Waivers	Partially Meets
Insurance Coverage	Meets
Parent and Community Involvement	Partially Meets
Final Evaluation	Partially Meets

8. After review of the application, the committee unanimously recommended denying the amended application. Ultimately, the Board determined that authorization of the charter would be contrary to the best interests of the students of Memphis City Schools. The committee had the following specific concerns:

a. Mission and Vision Statements- The review committee found that the vision and mission lacked specificity and did not demonstrate a compelling need for the program.

b. Academic Program- In evaluating the application, the committee noted that the program in foreign language was insufficient to accomplish the goals stated in the application. The committee also found that the Atkins Life Skills Program proposed as the school's management system is currently only being used in adult populations. The application failed to explain its appropriateness for use in a elementary setting nor did it explain what modifications would be needed in the system to make it compatible.

c. Students with Special Needs- Among the many deficiencies cited in this section, 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)¹ and Section 504 of the Rehabilitation Act².

¹ 20 U.S.C.A. § 1400 et. seq.

² 29 U.S.C.A. § 701 et seq.

d. 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. Further, the committee found and that the budget was insufficient to reflect the costs of implementing the program as described in the application.

e. Facilities- While the committee noted that the facility was identified in the document, they found that the facility was not adequately described. Additionally, the school budget did not reflect reasonable costs associated with the development and operation of the facility.

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.”³ 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 binding upon the governing body of the public charter school.”⁴ 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.⁵ 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.

³ T.C.A. § 49-13-108(a)(3).

⁴ T.C.A. § 49-13-110(a).

⁵ 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/op10-45.pdf> (last viewed July 21, 2010).

After the January 16th hearing, I have no doubt that MASS Foundation has the passion and community support for their proposed charter school. However, after reading the application, reviewing the scoring rubric, and hearing the evidence presented by Memphis City Schools, it appears that the application lacked critical elements required to operate a successful charter school.

Based on the above findings, I do not believe that the decision to deny Moving Ahead School of Scholars' 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. At the same time, the Board should encourage the leaders of MASS Foundation to take the passion and community support, coupled with a solid application and consider applying in the future.



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

1-28-2013

Date