

**BEFORE THE TENNESSEE STATE BOARD OF EDUCATION**

**2012 CHARTER SCHOOL APPEAL  
ADVANCED LEARNING ACADEMY**

**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 May 3, 2012, a hearing was held at the Shelby County Board of Education in Memphis, Tennessee, to consider Advanced Learning Academy'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 Advanced Learning Academy'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. The Memphis City/Shelby County Unified School Board of Education denied the amended application of Advanced Learning Academy on October 25, 2011.
2. Advanced Learning Academy amended and resubmitted its application.
3. On November 22, 2011, Memphis City/Shelby County Unified Board of Education voted to deny Advanced Learning Academy's amended application, following a unanimous recommendation of the review committee.

4. Because the denial was based, in part, on substantial negative fiscal impact, Memphis City/Shelby County Unified Board submitted documentation to the State Treasurer, David Lillard, on November 28, 2011.<sup>1</sup>

5. On April 4, 2012, the State Treasurer determined that Advanced Learning Academy's chartering would not have a substantial negative fiscal impact.

6. Advanced Learning Academy then appealed the denial by email to the State Board, received April 9, 2012.

### **FINDINGS OF FACT**

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

- a. Paul Cook, Research, Assessment, and Evaluation, Memphis City Schools
- b. John Nickey, Testing, Memphis City Schools
- c. Trikelles Salvant, Administration, Memphis City Schools
- d. Cathy Wood, Human Resources, Memphis City Schools
- e. Tracey Wilson, Research, Evaluation & Assessment, Memphis City Schools
- f. Sonja Sanes, Guidance, Memphis City Schools
- g. Suzanne Thomas, Curriculum & Instruction, Memphis City Schools
- h. Amelia Anglin, Special Education, Memphis City Schools
- i. Lischa Brooks, NE Regional Office Coordinator, Memphis City Schools
- j. Beth Stayton, Director of Instruction, Memphis Academy of Health Sciences
- k. Adrienne Robinson, Principal, Southern Avenue Elementary
- l. Jo Cunningham, Parent

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 four domains outlined

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<sup>1</sup> As provided in T.C.A. § 49-13-108 (b)(2).

on the TDOE scoring sheet: Mission, Education Plan, Founding Group, Business/Operations Plan.

4. To be recommended for approval to the Memphis/Shelby County Unified Board of Education, applicants must score at least 86% in each of the four domains.

5. On the initial application, Advanced Learning Academy's scores were labeled according to the scoring criteria developed and promulgated by the Tennessee Department of Education. Advanced Learning Academy Charter School earned a total of 28 out of 100 possible points:

Mission	0 out of 10 possible (0%; considered "inadequate")
Education Plan	0 out of 40 possible (0%; considered "inadequate")
Founding Group	10 out of 20 possible (50%; considered "inadequate")
Business/Operations	18 out of 30 possible (60%; considered "inadequate")

6. After the Memphis/Shelby County Unified Board of Education voted to deny Advanced Learning Academy's initial application, Memphis City Schools sent Advanced Learning Academy the recommendation report of the committee, the average scores from the committee, and overall reasons for denying the Advanced Learning Academy Charter School application.

7. Advanced Learning Academy's amended application earned a total of 29.5 out of 100 possible points:

Mission	0 out of 10 possible (0%; considered "inadequate")
Education Plan	0 out of 40 possible (0%; considered "inadequate")
Founding Group	10 out of 20 possible (50%; considered "inadequate")
Business/Operations	19.5 out of 30 possible (65%; considered "inadequate")

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 and would

have a substantial negative fiscal impact on the overall school district budget. The committee had the following specific concerns:

a. Mission- In evaluating the application, the committee noted that the academic goals did not reflect the stated mission.

b. Education Plan- Among the many deficiencies cited in this section, the committee cited that the assessment plan was lacking in detail and failed to make the connection between the assessment approach, instructional methods, and the school's mission. In addition, the committee noted incomplete behavior and discipline codes.

c. Founding Group- The review committee was not convinced by the submitted application that the rules and policies demonstrated a solid understanding of operational issues. They also believed that the decision-making process was inadequately described.

d. Business Operations- The review committee found weaknesses in the timetable section in that it failed to provide a clear and realistic timeline for operating. Additionally, they cited deficiencies in the employee qualifications, namely that they were not adequately defined.

### **CONCLUSION**

Pursuant to T.C.A. 49-13-108(b)(2), the State Treasurer, David Lillard, determined that the approval of Advanced Learning Academy Charter School would not have a substantial negative fiscal impact on Memphis City Schools. His determination is final, thus that issue will not be considered in my recommendation.

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>2</sup> In determining whether the decision meets the “best interest” test, I often review the scoring guide provided by the TN Department of Education, which provides a recommended rubric for scoring an application. The 2011 Scoring Guide, used by Memphis City Schools states, “[a]n element that is inadequate in all components would receive a “0;” and an element that is excellent in all components would receive the total possible points available. It is likely that most of the elements of each application will be scored somewhere between those two points.”<sup>3</sup> For example, according to the TDOE Scoring Guide, an inadequate Mission’s goals “are not clear or measurable, and demonstrate a lack of focus. [The Mission also] lacks coherence and is not persuasive.” Therefore, it is possible a “0” could be awarded in the Mission section.

At the May 3<sup>rd</sup> hearing, Mr. Jason Bolden, Advanced Learning Academy’s founder, raised concerns about the fact that in specific sections of his application, components were given zero points. He contended that the presence of documentation should warrant the awarding of some points. According to the TDOE scoring criteria, the committee was well within their bounds to award “0” in those categories they deemed to be inadequate. This also gives credence to the 29.5 points of 100 that the application received.

Based on the above findings, I do not believe that the decision to deny Advanced Learning Academy’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 Memphis City/Shelby County Unified School Board.

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<sup>2</sup> T.C.A. § 49-13-108(a)(3).

<sup>3</sup> 2011 Scoring Criteria for Narrative Application, Tennessee Department of Education Office of Charter Schools, p. 1

*Gary Nixon*

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

*5-11-12*

Date