

**BEFORE THE TENNESSEE STATE BOARD OF EDUCATION**

**2011 CHARTER SCHOOL APPEAL  
AAROW ACADEMY OF EXCELLENCE  
AURORA COLLEGIATE ACADEMY  
CITY UNIVERSITY SCHOOLS  
MEMPHIS GRIZZLIES PREPARATORY ACADEMY  
W.E.B. DUBOIS CONSORTIUM**

**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 Arrow Academy of Excellence, Aurora Collegiate Academy, City University Schools, Memphis Grizzlies Preparatory, and W.E.B. DuBois Consortium's appeal of the denial of their applications by the Memphis/Shelby County Unified Board of Education.

Based on the following procedural history and findings of fact, I believe that the decision to deny Arrow Academy of Excellence, Aurora Collegiate Academy, City University Schools, Memphis Grizzlies Preparatory, and W.E.B. DuBois Consortium's application was "contrary to the best interests of the pupils, the school district, and the community", and therefore recommend that the Board remand the decision back to Memphis/Shelby County Unified Board of Education with instructions to approve these applications. Due to the onerous delay that these applicants have endured, I am also recommending that the Board strongly encourage Memphis/Shelby County Unified Board of Education to approve the applications at their next regularly-scheduled board meeting.

## PROCEDURAL HISTORY

1. The Memphis City/Shelby County Unified School Board of Education denied the amended applications of Arrow Academy of Excellence, Aurora Collegiate Academy, City University Schools, Memphis Grizzlies Preparatory, and W.E.B. DuBois Consortium on October 25, 2011.

2. Arrow Academy of Excellence, Aurora Collegiate Academy, City University Schools, Memphis Grizzlies Preparatory, and W.E.B. DuBois Consortium amended and resubmitted their applications.

3. The Memphis City/Shelby County Unified School Board of Education denied the amended applications of Arrow Academy of Excellence, Aurora Collegiate Academy, City University Schools, Memphis Grizzlies Preparatory, and W.E.B. DuBois Consortium on November 22, 2011.

4. Because the denial was based solely on substantial negative fiscal impact, Memphis/Shelby County Unified Board of Education 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 Arrow Academy of Excellence, Aurora Collegiate Academy, City University Schools, Memphis Grizzlies Preparatory, and W.E.B. DuBois Consortium's chartering would not have a substantial negative fiscal impact.

6. The applicants then appealed the denial by email to the State Board in the following order: Memphis Grizzlies Preparatory- received April 4, 2012; Arrow Academy of Excellence, Aurora Collegiate Academy, and City University Schools- received April 5, 2012; and W.E.B. DuBois Consortium- received April 9, 2012.

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

## FINDINGS OF FACT

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

- a. David Stephens, Asst. Supt. Of Curriculum and Instruction, Shelby County Schools
- b. Karen Woodard, Director of Secondary Education, Shelby County Schools
- c. Tammy Mason, Director of Middle School Education, Shelby County Schools
- d. DeAnna McClendon, Director of Elementary Education, Shelby County Schools
- e. Anita Hays, Chief Financial Officer, Shelby County Schools
- f. Teresa Winter, Director of Finance, Shelby County Schools
- g. Joseph Anderson, Director of Purchasing, Shelby County Schools
- h. Marty Redding, Executive Director of Exceptional Children, Shelby County Schools
- i. Jeff Mayo, Director of Human Resources, Shelby County Schools
- j. Mike Tebbe, Chief of Staff, Shelby County Schools
- k. Mike Simpson, Asst. Supt. Of Operations, Shelby County Schools
- l. Herchel Burton, Asst. Supt. Of Student Services, Shelby County Schools
- m. Laura Link, Director of Professional Development, Shelby County Schools
- n. Marilyn Powell, Community Member
- o. Karen, Naccarato, Director of Employee Benefits, Shelby County Schools
- p. Shunji Brown, Director of Coordinated School Health, Shelby County Schools
- q. Michelle Beasley, Transportation Specialist, Shelby County Schools
- r. Sharon Farley, President, Shelby County Parent Teacher Association

2. The Shelby County Review Committee reviewed the following individual school applications: DuBois Middle School of Leadership and Public Policy and DuBois High School of Leadership and Public Policy.

3. The Memphis City 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. Trielle 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

4. The Memphis City Charter School Review Committee reviewed the following individual school applications: Arrow Academy of Excellence, Aurora Collegiate Academy, City University School of Independence, City University Girls Preparatory, DuBois Elementary School of Arts and Technology, DuBois Middle School of Arts and Technology, DuBois High School of Arts and Technology, DuBois Elementary School of Entrepreneurship, DuBois Middle School of Entrepreneurship, DuBois High School of Entrepreneurship, DuBois High School of Teacher Education, DuBois Middle School of Leadership and Public Policy, and DuBois High School of Leadership and Public Policy.

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

6. 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.

7. On the initial application, scores were labeled according to the scoring criteria developed and promulgated by the Tennessee Department of Education. The score distribution was as follows:

Arrow Academy of Excellence earned a total of 47 out of 100 possible points:

Mission	6 out of 10 possible (60%; considered "inadequate")
Education Plan	14 out of 40 possible (35%; considered "inadequate")
Founding Group	13 out of 20 possible (65%; considered "inadequate")
Business/Operations	14 out of 30 possible (47%; considered "inadequate")

Aurora Collegiate Academy earned a total of 71 out of 100 possible points:

Mission	5 out of 10 possible (50%; considered "inadequate")
Education Plan	22 out of 40 possible (55%; considered "inadequate")
Founding Group	18 out of 20 possible (90%; considered "excellent")
Business/Operations	26 out of 30 possible (87%; considered "excellent")

City University School of Independence earned a total of 77 out of 100 possible points:

Mission	6.5 out of 10 possible (65%; considered "inadequate")
Education Plan	28 out of 40 possible (70%; considered "inadequate")
Founding Group	17 out of 20 possible (85%; considered "moderate")
Business/Operations	25.5 out of 30 possible (85%; considered "moderate")

City University Girls Preparatory earned a total of 73.5 out of 100 possible points:

Mission	6.5 out of 10 possible (65%; considered "inadequate")
Education Plan	31 out of 40 possible (39%; considered "inadequate")
Founding Group	17 out of 20 possible (78%; considered "adequate")
Business/Operations	19 out of 30 possible (63%; considered "inadequate")

Memphis Grizzlies Preparatory earned a total of 79.5 out of 100 possible points:

Mission	5 out of 10 possible (50%; considered "inadequate")
Education Plan	29 out of 40 possible (73%; considered "inadequate")
Founding Group	19.5 out of 20 possible (98%; considered "excellent")
Business/Operations	26 out of 30 possible (87%; considered "excellent")

DuBois Elementary School of Arts and Technology earned a total of 56.5 out of 100 possible points:

Mission	5 out of 10 possible (50%; considered "inadequate")
Education Plan	16 out of 40 possible (40%; considered "inadequate")
Founding Group	16 out of 20 possible (80%; considered "adequate")
Business/Operations	19.5 out of 30 possible (65%; considered "inadequate")

DuBois Middle School of Art and Technology earned a total of 56.5 out of 100 possible points:

Mission	5 out of 10 possible (50%; considered "inadequate")
Education Plan	16 out of 40 possible (40%; considered "inadequate")
Founding Group	16 out of 20 possible (80%; considered "adequate")
Business/Operations	19.5 out of 30 possible (65%; considered "inadequate")

DuBois High School of Art and Technology earned a total of 56.5 out of 100 possible points:

Mission	5 out of 10 possible (50%; considered "inadequate")
Education Plan	16 out of 40 possible (40%; considered "inadequate")
Founding Group	16 out of 20 possible (80%; considered "adequate")
Business/Operations	19.5 out of 30 possible (65%; considered "inadequate")

DuBois Elementary School of Entrepreneurship earned a total of 56.5 out of 100 possible points:

Mission	5 out of 10 possible (50%; considered "inadequate")
Education Plan	16 out of 40 possible (40%; considered "inadequate")
Founding Group	16 out of 20 possible (80%; considered "adequate")
Business/Operations	19.5 out of 30 possible (65%; considered "inadequate")

DuBois Middle School of Entrepreneurship earned a total of 56.5 out of 100 possible points:

Mission	5 out of 10 possible (50%; considered "inadequate")
Education Plan	16 out of 40 possible (40%; considered "inadequate")
Founding Group	16 out of 20 possible (80%; considered "adequate")
Business/Operations	19.5 out of 30 possible (65%; considered "inadequate")

DuBois High School of Entrepreneurship earned a total of 56.5 out of 100 possible points:

Mission	5 out of 10 possible (50%; considered "inadequate")
Education Plan	16 out of 40 possible (40%; considered "inadequate")
Founding Group	16 out of 20 possible (80%; considered "adequate")
Business/Operations	19.5 out of 30 possible (65%; considered "inadequate")

DuBois High School of Teacher Education earned a total of 56.5 out of 100 possible points:

Mission	5 out of 10 possible (50%; considered “inadequate”)
Education Plan	16 out of 40 possible (40%; considered “inadequate”)
Founding Group	16 out of 20 possible (80%; considered “adequate”)
Business/Operations	19.5 out of 30 possible (65%; considered “inadequate”)

DuBois Middle School of Leadership and Public Policy earned a total of 57.5 out of 100 possible points:

Mission	5 out of 10 possible (50%; considered “inadequate”)
Education Plan	16 out of 40 possible (40%; considered “inadequate”)
Founding Group	16 out of 20 possible (80%; considered “adequate”)
Business/Operations	20.5 out of 30 possible (68%; considered “inadequate”)

DuBois High School of Leadership and Public Policy earned a total of 57.5 out of 100 possible points:

Mission	5 out of 10 possible (50%; considered “inadequate”)
Education Plan	16 out of 40 possible (40%; considered “inadequate”)
Founding Group	16 out of 20 possible (80%; considered “adequate”)
Business/Operations	20.5 out of 30 possible (68%; considered “inadequate”)

8. After the Memphis/Shelby County Unified School Board voted to deny Arrow Academy of Excellence, Aurora Collegiate Academy, City University Schools, Memphis Grizzlies Preparatory, and W.E.B. DuBois Consortium’s initial applications, Memphis City and Shelby County Schools sent the applicants the complete recommendation report of the committees, the average scores from the committees, and overall reasons for denying the applications.

9. On the amended applications, the score distribution was as follows:

Arrow Academy of Excellence earned a total of 88 out of 100 possible points:

Mission	9 out of 10 possible (90%; considered “excellent”)
Education Plan	35 out of 40 possible (90%; considered “excellent”)
Founding Group	18 out of 20 possible (90%; considered “excellent”)

Business/Operations 26 out of 30 possible (87%; considered "excellent")

Aurora Collegiate Academy earned a total of 89.5 out of 100 possible points:

Mission	9 out of 10 possible (90%; considered "excellent")
Education Plan	35.5 out of 40 possible (89%; considered "excellent")
Founding Group	18 out of 20 possible (90%; considered "excellent")
Business/Operations	27 out of 30 possible (90%; considered "excellent")

City University School of Independence earned a total of 94 out of 100 possible points:

Mission	9 out of 10 possible (90%; considered "excellent")
Education Plan	37 out of 40 possible (93%; considered "excellent")
Founding Group	20 out of 20 possible (100%; considered "excellent")
Business/Operations	28 out of 30 possible (93%; considered "excellent")

City University Girls Preparatory earned a total of 92 out of 100 possible points:

Mission	9 out of 10 possible (90%; considered "excellent")
Education Plan	37 out of 40 possible (93%; considered "excellent")
Founding Group	20 out of 20 possible (100%; considered "excellent")
Business/Operations	26 out of 30 possible (87%; considered "excellent")

Memphis Grizzlies Preparatory earned a total of 92 out of 100 possible points:

Mission	9 out of 10 possible (90%; considered "excellent")
Education Plan	37 out of 40 possible (93%; considered "excellent")
Founding Group	19.5 out of 20 possible (98%; considered "excellent")
Business/Operations	26.5 out of 30 possible (88%; considered "excellent")

DuBois Elementary School of Arts and Technology earned a total of 90 out of 100 possible points:

Mission	9 out of 10 possible (90%; considered "excellent")
Education Plan	36.5 out of 40 possible (91%; considered "excellent")
Founding Group	17.5 out of 20 possible (88%; considered "excellent")
Business/Operations	27 out of 30 possible (90%; considered "excellent")

DuBois Middle School of Art and Technology earned a total of 90 out of 100 possible points:

Mission	9 out of 10 possible (90%; considered "excellent")
Education Plan	36.5 out of 40 possible (91%; considered "excellent")
Founding Group	17.5 out of 20 possible (88%; considered "excellent")



Business/Operations 27 out of 30 possible (90%; considered "excellent")

DuBois High School of Art and Technology earned a total of 90 out of 100 possible points:

Mission	9 out of 10 possible (90%; considered "excellent")
Education Plan	36.5 out of 40 possible (91%; considered "excellent")
Founding Group	17.5 out of 20 possible (88%; considered "excellent")
Business/Operations	27 out of 30 possible (90%; considered "excellent")

DuBois Elementary School of Entrepreneurship earned a total of 90 out of 100 possible points:

Mission	9 out of 10 possible (90%; considered "excellent")
Education Plan	36.5 out of 40 possible (91%; considered "excellent")
Founding Group	17.5 out of 20 possible (88%; considered "excellent")
Business/Operations	27 out of 30 possible (90%; considered "excellent")

DuBois Middle School of Entrepreneurship earned a total of 90 out of 100 possible points:

Mission	9 out of 10 possible (90%; considered "excellent")
Education Plan	36.5 out of 40 possible (91%; considered "excellent")
Founding Group	17.5 out of 20 possible (88%; considered "excellent")
Business/Operations	27 out of 30 possible (90%; considered "excellent")

DuBois High School of Entrepreneurship earned a total of 90 out of 100 possible points:

Mission	9 out of 10 possible (90%; considered "excellent")
Education Plan	36.5 out of 40 possible (91%; considered "excellent")
Founding Group	17.5 out of 20 possible (88%; considered "excellent")
Business/Operations	27 out of 30 possible (90%; considered "excellent")

DuBois High School of Teacher Education earned a total of 90 out of 100 possible points:

Mission	9 out of 10 possible (90%; considered "excellent")
Education Plan	36.5 out of 40 possible (91%; considered "excellent")
Founding Group	17.5 out of 20 possible (88%; considered "excellent")
Business/Operations	27 out of 30 possible (90%; considered "excellent")

DuBois Middle School of Leadership and Public Policy earned a total of 89 out of 100 possible points:

Mission	10 out of 10 possible (100%; considered “excellent”)
Education Plan	35 out of 40 possible (85%; considered “excellent”)
Founding Group	18 out of 20 possible (90%; considered “excellent”)
Business/Operations	26 out of 30 possible (87%; considered “excellent”)

DuBois High School of Leadership and Public Policy earned a total of 89 out of 100 possible points:

Mission	10 out of 10 possible (100%; considered “excellent”)
Education Plan	35 out of 40 possible (85%; considered “excellent”)
Founding Group	18 out of 20 possible (90%; considered “excellent”)
Business/Operations	26 out of 30 possible (87%; considered “excellent”)

10. After review of the applications submitted to Memphis City Schools, though each application met the benchmarks established by the District, Memphis City Director of Schools recommended denial of the charter applications due to substantial negative fiscal impact.

11. After review of the applications submitted to Shelby County Schools, namely DuBois Middle School of Leadership and Public Policy and DuBois High School of Leadership and Public Policy, the committee unanimously recommended approving the amended applications.

12. Ultimately, the Unified Board denied all the charter applicants, determining that the authorization of the charters would have a substantial negative fiscal impact to the overall school district budget. Beyond fiscal impact, no other concerns were cited.

**CONCLUSION**

Pursuant to T.C.A. 49-13-108(b)(2), the State Treasurer, David Lillard, determined that the approval of Arrow Academy of Excellence, Aurora Collegiate Academy, City University Schools, Memphis Grizzlies Preparatory, and W.E.B. DuBois Consortium schools would not have a substantial negative fiscal impact on Memphis City and Shelby County 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> At the May 3 hearing, neither Memphis City nor Shelby County Schools raised concerns about the merits of the applications. Because of this, I believe that the decision to deny these applications was contrary to the best interests of the “students, school district, and the community.”

Therefore, based on the above findings, I recommend that the State Board of Education remand the decision back to Memphis/Shelby County Unified Board of Education with instructions to approve these applications. Due to the onerous delay that these applicants have endured, I am also recommending that the Board strongly encourage Memphis/Shelby County Unified Board of Education to approve the applications at their next regularly-scheduled board meeting.

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

5-11-12  
Date

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