

BEFORE THE TENNESSEE STATE BOARD OF EDUCATION

2014 CHARTER SCHOOL APPEAL

Piperton Charter 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 Wednesday, October 1, 2014, a hearing was held at the Fayette County Courthouse in Somerville, Tennessee, to consider Piperton Charter Academy's appeal of the denial of its amended application by Fayette County Schools.

Based on the following procedural history and findings of fact, I believe that the decision to deny Piperton Charter Academy's application was not "contrary to the best interests of the pupils, the school district, and the community." Therefore, I recommend that the Board affirm the decision of the Fayette County Board of Education.

PROCEDURAL HISTORY

1. On June 25, 2014, the Fayette County Board of Education voted 8 to 1 to deny Piperton Charter Academy's initial application based on the recommendations from the Fayette County Director of Schools, Assistant Director of Schools, the School Board attorney, and members of the School Board.
2. Piperton Charter Academy amended and resubmitted its application on July 31, 2014.
3. On August 25, 2014, the Fayette County Director of Schools, Assistant Director of Schools, the School Board attorney, and members of the School Board recommended denial of Piperton Charter Academy's amended application. Subsequently, the Fayette County Board of Education voted 6 to 2 with one abstention to deny the amended application of Piperton Charter Academy.
4. Piperton Charter Academy then appealed the denial in writing to the State Board, received September 4, 2014.
5. On September 29, 2014, the State Board Charter Application Review Committee interviewed the sponsor, rated its application, and provided the attached recommendation report. [See Exhibit 1]

FINDINGS OF FACT

1. The Piperton Charter Academy application was reviewed by the following individuals from Fayette County Schools:
 - a. James Teague, Director of Schools
 - b. Dr. Lonnie Harris, Assistant Director of Schools
 - c. Thomas M. Minor, Board Attorney
 - d. James Garrett, Fayette County Schools Board Chairman
 - e. Dana Pittman, Fayette County Schools Board Member
 - f. Marandy Wilkerson, Fayette County Schools Board Member
 - g. Robert Reditt, Fayette County Schools Board Member
 - h. Ronnie McCarty, Fayette County Schools Board Member
 - i. Sally Spencer, Fayette County Schools Board Member
 - j. Tom Fleps, Fayette County Schools Board Member
 - k. Wendell Wainwright, Fayette County Schools Board Member
 - l. Evangeline Shaw, Fayette County Schools Board Member
2. Using the Tennessee Department of Education's (TDOE) scoring rubric as a guide for evaluating the application, Dr. Lonnie Harris scored the application in three main domains: Academic Plan Design and Capacity, Operations Plan and Capacity, and Financial Plan and Capacity.
3. On the initial application, the Piperton Charter Academy's application was recommended for denial by the Fayette County Board of Education for the following specific reasons, copied in its entirety from the Resolution presented to the Fayette County Board of Education on June 25, 2014:
 - a. The application fails to adequately address the existence of the Federal Desegregation Consent Order under which the District is currently subject or the means and methods to be employed by the Applicant in order to comply with the terms of said Consent Order. Further, the Application fails to discuss whether the existence of Piperton Charter Academy (PCA) would alter the racial balance achieved under the Consent Order or whether PCA's attendance zone boundary lines could or would be restricted to an area less than the entire District or if so, whether such a restriction could or would allow PCA to achieve the mandatory racial enrollment percentages set forth in the current Consent Order.
 - b. Assuming a Charter School is permitted by law to establish an attendance zone which is defined as a geographic subset of the entire district, the Applicant has failed to provide the Board a map of its proposed attendance zone and an analysis/census detailed by race, age/grade and willingness to attend, of all non-district K-8 students residing within the proposed attendance zone.
 - c. The application fails to provide for a transportation plan in its six (6) year projected plan of operation which is needed due to the Applicant's projection of

having a 35 – 74% Title I student population. Due to Title I students' limited economic status, real concerns exist relative to the ability of the parents/guardians of said students to have funds and means to transport students to and from school each day and therefore maintain a high attendance rate.

- d. The application fails to adequately discuss or develop a crisis plan for the safety of the students.
- e. The Applicant's Core Knowledge standards listed in its application are not in alignment with the State Department's Common Core standards in all subject areas and physical education has been omitted from the curriculum.
- f. A technology position is not budgeted in the first year of operation which leaves the teachers burdened with technology troubleshooting in a technology focused learning environment.
- g. There is no specific plan outlined for student achievement gains.
- h. There is no plan for formal student intervention or a student response team for student progress monitoring and identification of student needs.
- i. The Kindergarten curriculum is not in alignment with Tennessee State standards.
- j. There is no achievement plan if achievement scores are not met.
- k. Although the application addresses student discipline with progressive consequences, many items detailed as (sic) progressive consequences appear to be more reflective of a high school discipline plan rather than a K – 3 (opening) and K – 8 (capacity) school.
- l. There is no positive behavioral system plan in place or plan to work with students who have special needs related to their behavior.
- m. The plan for bullying is inadequate as there are no clear procedures, guidelines or progressive discipline consequences noted in the application and there are unrealistic reporting requirements by the student-victim.
- n. The application fails to adequately address students with behavioral needs and only states that they will be sent to an alternative school. However, there is no mention of where such a school is to be located or how much it will cost to operate.
- o. The application fails to budget for a school nurse or for a speech and language pathologist.
- p. The budget is not consistent with the budget narrative in Attachment 10 of the application, nor is it consistent with the various statements and charts in the application, and/or with obviously required expenditures. Additionally, the budget does not reflect actual costs in some cases, e.g., (1) Principal (not Asst Principal) at \$80,000 for Y1 and Y2 is not in the budget, (2) Asst Principal at \$80,000 beginning in Y3 is not shown in the budget, (3) no employer Medicare costs in budget, (4) no Operation and Maintenance of Plant costs for utilities, janitorial services, etc. in budget after Y2, (5) \$1,500 contract technology costs is buried in

- teacher salaries in Y1 per the explanation giving by representatives of the Applicant at the June 13 meeting instead of being specifically itemized.
- q. There is no evidence noted in the application that the curriculum selected, such as Singapore Math, Macmillan/McGraw-Hill Science, and Core Knowledge will promote or align with state standards.
 - r. Professional development has not been articulated for training teachers to integrate the subject areas seamlessly through the curriculum as stated will be done according to the application.
 - s. The salary scale is not in alignment with the expertise and experience of teachers who will be needed to teach the curriculum as outlined in the application.
 - t. The application fails to adequately address the cafeteria food requirements associated with a total student enrollment of 35-74% free and reduced lunch students.
 - u. The application fails to adequately address the development of food plans for students particularly in the area of special and particular needs.
 - v. The application fails to identify the land for the permanent school building or the manner in which it will be acquired and financed.
 - w. The application fails to address the disposition of land and facility to be constructed thereon in the event PCA ceases operations. The application further fails to address how the District is to absorb PCA students if the school ceases operations and the facility and land are not thereafter surrendered to the District. The application should include language to the effect that “at any time after PCA begins operations in its permanent facility and thereafter ceases operations, the land and facilities shall be surrendered to the District for use as a regular public school”.
 - x. The application’s proposal for the instruction of English Language Learners is inadequate and will serve as a barrier for those students’ desired enrollment and success at PCA.
 - y. The application fails to address a safe and secure arrival and dismissal procedure into and out of both the temporary and permanent school site.
 - z. The application fails to provide sufficient financial data relative to whether the creation and operation of PCA will produce a substantial negative fiscal impact on the District such that authorization of the school would be contrary to the best interest of pupils attending district schools.
 - aa. The application appears to base its school plan on a grades 6-8 middle school building instead of a primarily elementary school building.
4. After the Fayette County Board of Education voted to deny Piperton Charter Academy’s initial application, Fayette County Schools sent Piperton Charter Academy the overall reasons for denying the application.

5. Piperton Charter Academy's amended application was scored as follows by Dr. Lonnie Harris, Assistant Director of Schools:

Academic Plan Design and Capacity	<i>Does Not Meet</i>
Operations Plan and Capacity	<i>Does Not Meet</i>
Financial Plan and Capacity	<i>Does Not Meet</i>

6. After review of the application, the Fayette County Director of Schools, Assistant Director of Schools, the School Board attorney, and members of the School Board recommended denial of Piperton Charter Academy's amended application. Ultimately, the Board determined that the authorization of the charter would be contrary to the best interests of the students of Fayette County Schools for the following specific reasons, copied in its entirety from the Resolution presented to the Fayette County Board of Education on August 25, 2014:

- a. As with the initial application, the amended application fails to adequately address the existence of the Federal Desegregation Consent Order under which the District is subject or the means and methods to be employed by the Applicant in order to comply with the terms of said Consent Order. Specifically, but not intended as an exhaustive list, the Applicant's stated intentions to, if necessary, meet the requirements of said Consent Order are deficient in the following manner:
 - i. The Applicant states that it will not provide transportation to students unless directed by a Special Education IEP notwithstanding the fact that the District is required by Federal Court Order to provide transportation in order to further and/or maintain a diverse and racially integrated school system.
 - ii. The Applicant, although well informed of the terms of the July 12, 2013 desegregation Consent Order to which the District is obligated, is aware that the District's new \$13 million elementary school in Somerville, Tennessee, (opening in January, 2015) was constructed by Order of the Court in order to comply with a previous Court Order which mandated the closure of Somerville Elementary School by 1975. The amended application at page 65 implies that the opening of this school and the closure of the other elementary schools will create an additional burden for students in the Applicant's target area which is patently untrue.
 - iii. The amended application has failed to address the means and methods PCA will employ to achieve a total student enrollment which is within +/- 15% of the District-wide elementary enrollment percentage by race.
 - iv. The amended application fails to provide data or an analysis thereof of the number of elementary school age children by race, age and grade living within the boundaries of its stated target area of Piperton and Rossville, Tennessee, with further analysis of the number of those children by race,

age and grade who are not currently enrolled in the District's school system and would be interested in attending PCA; and that Applicant is aware that such data can be obtained and provided to District staff for their analysis.

- v. The Applicant fails to discuss with any degree of specificity areas within the District where recruitment of African American students could be targeted notwithstanding suggestions from the District's attorney of certain neighborhoods, streets and roads in reasonable proximity to the Applicant's stated target area which could possibly be recruited without materially jeopardizing the District's racial enrollment percentages at Southwest Elementary School and LaGrange-Moscow Elementary School.
 - vi. The Applicant fails to address how its overall operation with respect to student, faculty, and staff assignments, as well as student extracurricular activities, transportation program and facilities would meet overall desegregation requirements as set forth under *Green v. County School Board of New Kent*, 391 U.S. 340 (1968) and its progeny.
 - vii. The amended application fails to affirmatively state its willingness to immediately confer with District staff (legal and otherwise), the United States Department of Justice and the NAACP Legal Defense Fund regarding means and methods to achieve a diverse student enrollment and operation which addresses all of the factors enumerated in *Green v. County School Board of New Kent*.
- b. The amended application fails to address with any specificity how the temporary placement of PCA in a church would not violate the establishment clause as required by the First and Fourteenth Amendments of the United States Constitution.
 - c. The amended application fails to specifically state where the permanent school building site will be located other than referring to a potential donation of 100 acres of land, which is substantially more land than is necessary for the construction of an elementary school with an 860 student capacity. Moreover, said application references no specific source or sources of funding for construction of the permanent building. Finally, the amended application fails to address the disposition of the land and facility to be constructed thereon should PCA cease operations and the facility and land are not thereafter surrendered to the District. The amended application should include language to the effect that "at any time after PCA begins operations in its permanent facility and thereafter ceases operation, the land and facilities shall be surrendered to the District for use as a regular public school."
 - d. The amended application fails to address how homeless students are to be accommodated, including but not limited to their transportation needs.

- e. The statement on page 65 of the amended application that the closing by the District of four (4) elementary schools in January, 2015 will create challenges for “students who currently reside in the perimeter of the county such as the southwest corner [by having] their transportation times increased substantially”, is patently false and misleading. Contrary to this statement, the District’s rezoning plan set forth in its July 12, 2013 Consent Order will substantially shorten the transportation time for Pre-K through 3 students in the Applicant’s target area who will no longer be required to be transported to Oakland Elementary School but will instead attend Southwest Elementary School, which in 2014/2015 was returned to a Pre-K through 5 school.
- f. The amended application fails to provide specific information related to the District’s stated concern that the use of e-books instead of traditional text books will pose problems, hardships and inconvenience to Title I students, their parents and/or guardians. The amended application further fails to provide specific information as to how families of Title I students can obtain subsidized internet service in rural areas of the county.
- g. The amended application fails to adequately address student discipline and bullying issues. The amended application provides no indication of how student behavior will be managed other than it “being positive” and “having consequences”. There is a concern that a student with chronic misbehavior will be dismissed from the school or that students K – 2 will be “prosecuted”. There is no positive behavioral system plan in place or plan to work with students who have special needs related to their behavior. The amended application simply states that PCA understands how behavior relates to the manifestation of the disability however there is a lack of planning should K – 2 students have behaviors that cannot be met with a regular class load and there is no additional staff to reduce the ratio of student learners.
- h. The amended application fails to address the training and instruction which is to be provided to school personnel who will handle all bullying incidents.
- i. There is a concern that two (2) of the charter schools cited by the Applicant as using Core Knowledge, namely, Southern Avenue Charter School (Shelby County) and Arlington Elementary School (Madison County) have an “F” in valued added in Reading in 2013. There is concern that the amended application fails to address the student/teacher ratio of 1:45 (sic) with regard to ESL students although the Applicant expects a 35-75% diversity enrollment.
- j. There is a concern that there is no plan for an alternative school and that Lakeside is considered an option with no associated costs. Moreover, there is no plan except expulsion and Lakeside or other out-sourcing for student behavioral needs. The Applicant does not expect discipline problems in K-2 and there is no teaching

staff available with any planning periods with would make the use of such staff feasible.

- k. There is concern that special needs personnel are to be in large measure outsourced such as school nurses and speech and language pathologists.
 - l. There is concern that the budget does not reflect actual costs, particularly in year 3 when the school will be operating in a permanent facility.
 - m. The amended application fails to address the District's stated concern that the cafeteria food requirements associated with a total school enrollment of 35-74% free and reduced lunch students with require specific and substantial cafeteria food commitments. The amended application is totally silent as to this concern.
 - n. The amended application is silent as to the District's concern in paragraph 22 of its original Resolution with regard to the development of food plans for students particularly in the area of special and particular needs.
 - o. The amended application continues to fail to provide sufficient financial data relative to whether the creation and operation of PCA will produce a substantial negative fiscal impact on the District such that authorization of the school would be contrary to the best interests of pupils attending District schools.
7. At the public hearing on October 1, 2014, the representatives from Fayette County Schools stated that they were concerned that Piperton Charter Academy did not sufficiently address how the proposed school would ensure that the District would continue to comply with the Federal Desegregation Consent Order issued in July 2013. Representatives from Piperton Charter Academy stated that they were fully aware that they must comply with all federal, state, and local laws, and they were willing to work out the details to ensure the District maintained its compliance with the Federal Desegregation Consent Order upon approval of the charter application by the Fayette County Board of Education.
8. The State Board Charter Application Review Committee evaluating the Piperton Charter Academy application included the following individuals:
- a. Harry Allen, Senior Vice President, Senior Commercial Relationship Manager, Avenue Bank
 - b. Rich Haglund, General Counsel and COO, Achievement School District
 - c. Dr. Ally Hauptman, Assistant Professor, Lipscomb University
 - d. Dr. Kimberly King-Jupiter, Dean of the College of Education, Tennessee State University
 - e. David Mansouri, Executive Vice President, SCORE
 - f. Dr. Alice Patterson, Director of the Doctor of Education Program, Trevecca University
 - g. Hillary Sims, School Director, STEM Preparatory Academy
 - h. Tess Stovall, Coordinator of Charter School Accountability and Policy, State Board of Education

9. At the time of appeal to the State Board, Piperton Charter Academy did not submit additional amendments as allowed under T.C.A. §49-13-108(a)(4)(C).
10. The State Board Charter Application Review Committee* scored Piperton Charter Academy's amended application as follows:
 - a. Academic Plan Design and Capacity *Partially Meets*
 - b. Operations Plan and Capacity *Partially Meets*
 - c. Financial Plan and Capacity *Partially Meets*
 - d. Additional Attachments: Facilities, Transportation Plan, Food Service, Insurance, Waivers, etc. *Partially Meets*

**A copy of the State Board Charter Application Review Committee's recommendation and committee composition is attached.*

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.”¹ The State Board is also empowered with the authority to become the authorizer for applicants denied by an LEA that contains at least one (1) priority school on the current or last preceding priority school list.² Approval of a public charter school 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.”³ This means that when the authorizer 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.⁴ 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.

Public Chapter 850 (2014) required the State Board of Education to adopt national standards of authorizing. One such standard is to maintain high standards for approving charter applications. To that end, the State Board employed a team of qualified individuals to independently score the application using the Tennessee Department of Education’s scoring rubric. The team also conducted capacity interviews of the sponsor to determine whether the school and its leadership would be likely to succeed upon opening. The application review and interview process were rigorous. I would like to thank the review committee for lending their expertise in helping us meet the challenge of becoming a quality authorizer. To that end, I recommend that you adopt the findings of the review committee.

¹ T.C.A. § 49-13-108(a)(3).

² T.C.A. § 49-13-108(a)(4).

³ T.C.A. § 49-13-110(a).

⁴ 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).

For these reasons, I do not believe that the decision to deny Piperton Charter Academy's 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 Fayette County Board of Education.



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

10-13-14

Date

Exhibit 1

Piperton Charter Academy

Charter Application Review Committee - Summary Report and Scoring

The State Board of Education's Charter Application Review Committee is made up of experts in the fields of curriculum, instruction, special populations, operations, finance, and charter schools. Members of the 2014 Charter Application Review Committee are:

1. Harry Allen, Senior Vice President, Senior Commercial Relationship Manager, Avenue Bank
2. Rich Haglund, General Counsel and COO, Achievement School District
3. Dr. Ally Hauptman, Assistant Professor, Lipscomb University
4. Dr. Kimberly King-Jupiter, Dean of the College of Education, Tennessee State University
5. David Mansouri, Executive Vice President, SCORE
6. Dr. Alice Patterson, Director of the Doctor of Education Program, Trevecca University
7. Hillary Sims, School Director, STEM Preparatory Academy
8. Tess Stovall, Coordinator of Charter School Accountability and Policy, State Board of Education

The committee completed an initial review and scoring of the application based on the scoring rubric developed and promulgated by the Tennessee Department of Education and, as a committee, discussed strengths, weaknesses, and concerns of the application prior to the capacity interview with the applicant. The committee drafted questions based on these concerns and weaknesses to be addressed with the applicant at the capacity interview. At the conclusion of the capacity interview, the committee submitted revised scoring rubrics and developed a consensus report on the overall ratings of the application.

The evaluators used the following criteria and guidance from the TDOE's scoring rubric¹ to rate applications:

Rating	Characteristics
Meets or Exceeds the Standard	The response reflects a thorough understanding of key issues. It clearly aligns with mission and goals of the school. The response includes specific and accurate information that shows thorough preparation.
Partially Meets Standard	The response meets the criteria in some aspects, but lacks sufficient detail and/or requires additional information in one or more areas.
Does Not Meet Standard	The response is significantly incomplete; demonstrates lack of preparation; is unsuited to the mission and vision of the district or other raises significant concerns about the viability of the plan or the applicant's ability to carry it out.

¹ Tennessee Department of Education, "Tennessee Charter School Application Evaluation – Ratings and Sample Scoring Criteria," September 2013, available at http://www.state.tn.us/education/schools/charter_school_application.shtml, pg. 1.

Summary Analysis

The committee is recommending that the application from Piperton Charter Academy be denied because the application needs additional details and information in all of the sections in order to meet or exceed standards. The sponsor and proposed governing board demonstrated that they are a very engaged committee of individuals interested in starting a charter school in Piperton, Tennessee, and the application sufficiently lays out the need for a school in their area of Fayette County. However, the application lacks many academic, operational, and financial details necessary to implement the school's design and plan. The sponsoring group does not contain individuals with experience in school design and implementation, and the lack of critical details outlined in the scoring rubric led to the committee's overall recommendation of denial.

Based on the review of the written application and the capacity interview, the committee rated the Piperton Charter Academy's application as the following:

- | | |
|--------------------------------------|------------------------|
| A. Academic Plan Design and Capacity | <i>Partially Meets</i> |
| B. Operations Plan and Capacity | <i>Partially Meets</i> |
| C. Financial Plan and Capacity | <i>Partially Meets</i> |
| D. Additional Attachments | <i>Partially Meets</i> |

The committee has summarized the evidence used to determine these ratings based on the scoring rubric below.

Academic Plan Design and Capacity – Partially Meets

The academic plan design contains some areas that meet or exceed the standards outlined in the scoring rubric. The school development section clearly outlines how the school was developed and the roles and responsibilities of the design team (pp. 12-13). The school calendar and schedule meet the minimum Tennessee requirements and are aligned with the educational plan (pp. 128-131), and the academic focus and plan is grounded in research and references specific schools that have utilized the curriculum. However, the committee found several deficiencies in the academic plan design and capacity:

- 1) Academic Focus and Plan: The academic focus and plan do not contain any “reasonable evidence,” as outlined in the scoring rubric, that the curriculum would “be appropriate and effective with the targeted population of students.”² The application does not contain any student achievement data from the proposed enrollment area to demonstrate that the curriculum is appropriate for the projected student body, and the application lacks any measureable goals for student achievement. When asked in the capacity interview about specific achievement goals, the sponsors only stated that they want all students to meet or exceed state standards. When asked if the sponsors looked at any baseline achievement data for the proposed enrollment area when developing the academic plan, the sponsors stated that they did not have any student data from the proposed enrollment area because most of the students currently attend private schools or are homeschooled. The plan does not contain any specific instructional strategies to implement the curriculum with the

² Ibid, pg. 3.

targeted population or any effective methods for providing differentiated instruction (pp. 34-35).

- 2) Assessments: The scoring rubric states that the applicant should include “interim assessments and articulation of how they align with the school’s chosen curriculum, performance goals and State standards.”³ However, the application does not contain a clear articulation of the assessments that it will use throughout each school year and in the K-8 grade span. The application states that the school will utilize the STAR assessment for reading and math (pg. 57), but there is no additional information provided to explain how the assessment lines up with the identified curriculum or state standards. When asked in the capacity interview about assessments, the sponsors stated that much of the assessments would be left up to the individual teachers, but there was no information provided about how the school would ensure that the assessments lined up with the curriculum or any professional development that would be used to ensure high quality assessments and the use of data to inform instructional practice.

- 3) School Culture: The scoring rubric states that the application should contain a “coherent plan for creating and sustaining the intended school culture for students, teachers, administrators, and parents from the school’s inception.”⁴ The application cites the research behind the development of the school culture (pp. 62-63), but it does not contain a plan for development and implementation of the culture in the school at its opening. When asked in the capacity interview about school culture, the sponsors responded that they wanted to leave much of the actual implementation up to the school leader, teachers, and students in the school and allow the culture to build from there rather than dictate a school culture in the application.

- 4) Student Discipline: The student discipline section of the rubric states that the discipline policy should “provide for appropriate and effective strategies” and include “thoughtful consideration of how the discipline policies protect the rights of students with disabilities.”⁵ However, the discipline policy is not differentiated for age-appropriate consequences for the large proposed grade span of K-8, and the policy does not include specific consideration of application of the policy to students with disabilities beyond stating that it would comply with the “mandates of Tennessee and federal laws” (pg. 133). When asked for an explanation behind the development of the discipline plan in the capacity interview, the sponsors were unable to go into deep detail about how the discipline plan was developed. When asked about differentiating the discipline plan for the wide grade span, the sponsors stated that the discipline plan was only a draft or outline of a plan, and they want to leave much of the implementation details to the principal and the teachers.

³ Ibid, pg. 4.

⁴ Ibid.

⁵ Ibid, pg. 5.

- 5) Student Marketing, Recruitment, and Enrollment: The scoring rubric states that the application should contain a “well thought out and articulated student recruitment and marketing plan, timeline, and enrollment policy.”⁶ The application contains a very limited marketing plan (pg. 64) with no clear timeline, designated roles and responsibilities, or compelling plan for student outreach. When asked about the marketing plan in the capacity interview, the sponsors stated that they plan to put ads in the local newspaper, try to get on agendas at local meetings, and make their contact information available for interested parents. The sponsors did not articulate a clear plan for marketing and recruitment for the targeted enrollment area and to meet a projected enrollment of 860 students.

Operations Plan and Capacity – Partially Meets

The operations plan contains sections that meet or exceed the standards outlined in the scoring rubric. The application has bylaws in place and have filed for 501(c)(3) designation with the IRS, and the sponsor has engaged with legal counsel to prepare the necessary documentation to run a charter school. The sponsoring group has a proposed governing board in place and a plan to transition to a founding governing board. The application has a plan to have a voting member of the governing board be a parent in compliance with state law. However, the committee found deficiencies in the following areas:

- 1) Start-up plan: The scoring rubric states that the application should contain a “detailed start-up plan specifying tasks, timelines, and responsible individuals” and “individual and collective qualifications for implementing the Operations plan successfully.”⁷ The application’s start-up plan assigns a lot of the start-up duties including all curricular preparation, operation, and financial tasks to the school leader who is not proposed to start until January 2015 (pp. 85-86). The governing board (pg. 70) lacks significant operational experience to ensure that the start-up tasks are completed.
- 2) Governing Board and Governing Documents: The scoring rubric states that the application should contain an “effective governance structure and planned board size, powers, duties, and current and desired composition.”⁸ The application provides inconsistent information about the proposed size of the governing board. On page 70, it states that the proposed governing board is between 7 and 9 members, but on page 93, it states they will have between 5 and 7 members. The governing board documents reference salaries of board members (pg. 97) and a reference to voting stock (pg. 102). When asked about these discrepancies in the application, the sponsors stated that they took a template set of bylaws, but they did not intend to pay board members or include any reference to stock. Additionally, the governing board committees described on pages 103 and 104 do not match the governing board organizational chart on page 108.

⁶ Ibid.

⁷ Ibid, pg. 7.

⁸ Ibid.

The rubric states that the application should demonstrate “evidence the proposed board members will contribute the wide range of knowledge, skills, and commitment to oversee a successful charter school.”⁹ However, the committee found that the governing board outlined on page 70 lacked any academic or operational experience. The sponsors stated that they would like to recruit more school-based expertise, business expertise, and financial expertise to the board, but the committee was not convinced that this expertise would be available immediately upon approval to begin completing the start-up tasks outlined in the application.

- 3) Personnel/Human Capital: The rubric states that the application should contain a “recruitment and hiring strategy, criteria, timeline, and procedures that are likely to result in a strong staff.”¹⁰ Although the sponsors expect to put a significant amount of implementation responsibility on the principal and teachers, the committee did not find a compelling plan for hiring of the school leader, the mentor, or the school staff contained within the application (pp. 74-76) or the capacity interview. When asked in the capacity interview about a hiring process for a school leader and teachers, the sponsor stated that they had put out feelers among Memphis area teachers and hope to hire teachers two to three years out of school to lessen the learning curve with the focus on technology within the curriculum. Additionally, the staffing chart on page 78 does not match the positions outlined in the budget contained with the application materials. For example, the mentor position (pg. 77) is a paid position according to the sponsors in the capacity interview and will report to the governing board, but this salary is not included in the budget.

Financial Plan and Capacity – Partially Meets

The committee found the financial plan contains some parts that meet or exceed the standard outlined in the rubric. It does contain a budget narrative that outlines the expected revenues and expenses, and the plan outlines the school’s process for handling accounting, payroll, and an independent audit. Additionally, one member of the governing board possesses some financial experience, and the sponsors plan to engage with a CPA for additional financial support. However, the committee found the following deficiencies in the plan.

- 1) Lack of “complete, realistic, and viable start-up plan and five year operating budgets.”¹¹ On page 84 of the application, the applicant states that “budget shortfalls in Years 3-5 are estimated to total \$5.1 million. PCA’s business supporters are aware of this and have pledged financial support to take up the short fall.” While the application does contain letters of support from local developers and businesses, none of the letters contain sufficient and detailed plans to give the committee full confidence in meeting this significant fundraising goal. As mentioned in the Operations section, the staffing described in multiple parts of the application does not match the detailed budget documents provided by the sponsor so the committee could not determine if the budget is realistic to meet the staffing needs of the school. For example, the mentor position is to

⁹ Ibid.

¹⁰ Ibid, pg. 8.

¹¹ Ibid, pg. 11.

be a paid position, but this is not included in the budget. Additionally, the assistant principal is slated to start in Year 3, but this is also not included in the budget. In Year 1, there is conflicting information presented in the application and then in the capacity interview as to whether the special education teacher will be part-time (pg. 34) or full-time (pg. 47 and in capacity interview), and what is reflected in the budget. On pages 30 and 31, the application states that the school will hire and/or utilize consultants to help teachers with the teaching of visual art, music education, and physical education in the beginning of the school's existence, but this information is not clearly reflected in the budget narrative or in the budget.

- 2) Lack of "sound contingency plan."¹² The application lacks a clear contingency plan if the fundraising targets are not met or if the school has an unanticipated high needs student. On page 148, the application states that the school will continue to rely on private fundraising and outside donations to meet any budget shortfall, but this does not provide a sufficient contingency plan for a budget that already is based on significant private fundraising. Additionally, the application states on page 149 that if the school enrolls a high needs student, "PCA will work closely with the LEA and other nearby school districts to determine what already established programs may be available to best serve the unanticipated high needs students should needs exceed available PCA services" (pg. 149). When asked about the enrollment of high needs students during the capacity interview and how the school would handle a higher than average caseload of students with disabilities, the sponsors stated that it would hold an annual meeting of the board each year to determine needs and hire additional staff, if necessary. With the substantial need for private fundraising outlined in the application, the committee did not find a sufficient contingency plan in place beyond a plan to raise more money through fundraising.

Additional Attachments - Facilities, Transportation Plan, Food Service, Insurance, Waivers, etc.
- Partially Meets

The application contains some areas that meet or exceed standard in this section. The application contains a plan for a facility suitable for opening of the school and a renovation budget is contained within the application. The application does state that they will provide transportation as required to students with disabilities, but they currently do not plan to provide transportation for the school. The application does contain a plan for food service and does contain a plan for obtaining insurance. The committee noted the following deficiencies in this area:

- Lack of a clear "understanding of procedures required by USDA for the school to receive reimbursement."¹³ Although the application states that the school will comply with all applicable rules, regulations, and laws around food service, it does not clearly articulate who on the staff will be responsible for the day-to-day operations of the food service and the maintenance of the documentation required by the USDA. The school states that it

¹² Ibid.

¹³ Ibid, pg. 13.

plans to utilize the start-up phase to become knowledgeable around the policies and procedures for food service (pg. 146).

- Lack of “a demonstrated understanding of the rules and statutes that cannot be waived.”¹⁴
The applicant only requested one waiver with regard to the required qualifications of the principal. The applicant then states that it will comply with all applicable policies, regulations and federal, state, and local laws. The applicant does not demonstrate that it understands that statutes and policies that can be waived for charter schools and those that cannot be waived for charter schools.

Summary of Recommendation

Since the Piperton Charter Academy’s application did not receive “Meets or Exceeds” ratings in all sections, the Charter Application Review Committee is recommending the application be denied.

¹⁴ Ibid.