



## **American Classical Academy Rutherford - Commission Appeal Statement**

Pursuant to Tenn. Code Ann. § 49-13-105 and 49-13-108, we, the board members of American Classical Education (ACE), ask the Tennessee Public Charter School Commission (Commission) to follow the decision-making principles in its own [Policy 2.000](#) and overturn the July 18th decision by the Board of the Rutherford County Schools (RCS) to deny the application of American Classical Academy Rutherford (ACAR). We ask the Commission to do what the Board did not: keep politics out of the process, conduct a rigorous application review, and--if the application meets the standard and authorization is in the best interests of the students, district, or community--to approve the charter.

### ACAR's academic plan and capacity meet the standards for authorization.

The RCS review committee's concerns, including those about the academic plan and capacity, were unfounded based on the requirements and colored by politics. The committee's analysis suggests an expectation that ACAR not only meet the legal requirements and the application standards, but that ACAR also delivers its educational program and support services to students in the exact same manner as RCS does. ACAR is committed to supporting all students in ways that comply with the law and are designed to work well within its academic program design.

The review committee initially praised ACAR's "clear mission and vision" and a "K-12 curriculum and instructional model [that] has been implemented in schools across the country with varying levels of success." The committee said that ACAR provided "examples of curricular cross walks to the Tennessee Academic Standards." That exceeds the rubric's standard: "explain how the academic plan aligns with Tennessee's academic standards" ("a full adaptation" or "crosswalk" is not required).

The application also meets the standard by "describ[ing] [ACAR's] approach to helping remediate students' academic underperformance and learning loss, including plans for Response to Instruction and Intervention (RTI<sup>2</sup>) that aligns with Tennessee guidelines." On pages 52-54, ACAR explains how its literacy program selections and schedules will address achievement gaps, how it will use Tennessee's RTI<sup>2</sup> framework "to accommodate, modify or scaffold instruction as deemed necessary and appropriate," and how its School Accountability Committee (SAC) ensures appropriate teams of parents, teachers, and staff provide intervention, remediation, and tutoring. Plans for provision of special education services, beginning with identification of needs, are detailed on pages 80-89.

Emboldened by its newfound opposition to Hillsdale College, the committee mischaracterized statements in the amended application to support its unfounded ratings. The committee claimed ACAR wasn't prepared to serve students in need of remediation or special education services, by stating, "the application suggests that students who struggle in core content may instead be successful in art, music, or PE and therefore feel supported." In fact, in a long section detailing how ACAR will foster a culture of support, the application includes this element as one way to engage students based on their personal interests: "The breadth of study represented by our core program (math, literacy, literature, science, and

history) and essential secondary classes in physical education, art, and music are designed to engage the interests of all students and provide a comprehensive educational experience. Many students who struggle in core classes may find their voice in art, music, and PE.”

This is just one example of how the committee’s ratings were colored by a political response to unrelated statements made by Hillsdale College’s president, Dr. Larry Arnn, instead of being based on the merits of the application and its promise to serve Rutherford County students well.

ACAR’s operations plan and capacity meet the standards required for authorization.

ACE meets the Tennessee legal requirements and has the necessary experience and competency to serve as a charter school sponsor and governing body. RCS’ denial was not based on the proposed governing body lacking experience or competency to effectively oversee the school. Instead, the committee rated the governing body as “partially meets” solely because of the affiliation of some of its members with Hillsdale College.

In its initial review, the committee highlighted the *benefits* of those connections: “the affiliation with Hillsdale and BCSI provides a pipeline for employee recruitment as well as staff training and development.” ACAR plans to apply for the free training and curricular resources Hillsdale offers to enable teachers to provide an excellent ELA education built around the Core Knowledge curriculum (used by thousands of public schools across the country), a strong math education based on Singapore Math (used around the world), and proven curricula for all the other subjects Tennessee students are required to master during elementary and secondary school.

The committee’s initial concerns were whether ACE’s then-governing board would suffer from a limited “diversity of viewpoint and experience.” There was no concern about religious affiliation.

In its review of the amended application, however, published shortly before the Board met and after the Hillsdale president made comments having nothing to do with ACAR, the committee suddenly raised concerns with “the applicant’s indisputable ties with Hillsdale College, a self-described conservative, Christian institution.” Denying a charter school application because some of the members of the proposed governing body attended or are affiliated with a “conservative, Christian institution” has nothing to do with the legal requirements or best practices in charter school authorizing.

A search of the backgrounds of current board members, staff, and faculty in Rutherford County Schools would reveal degrees and training received from “conservative, Christian institution[s].” Those individuals are affiliated with institutions of various political leanings and religious influences. Tennessee law prohibits charter schools being sponsored by a religious or church school. But, a government agency denying a charter school application made by a legally independent nonprofit organization in part because some of its board members have exercised their rights of free association by affiliating with a “conservative, Christian institution” could be construed as a violation of the Tennessee and United States Constitutions.

Since submitting its application, ACE has continued its stated intention to transition governance of its proposed charter schools to parents and community members. ACE first diversified the gender and racial diversity of its board, reduced the number of individuals with Hillsdale connections, and added Tennessee residents (thereby addressing the initial concerns raised by RCS’ committee). Since filing its amended

application, those individuals have formed a Tennessee nonprofit organization with a board composed entirely of Tennessee residents and chaired by Dolores Gresham. Several other Tennessee public charter schools, including Commission-authorized schools, have made this transition from being sponsored and governed by a national nonprofit organization to being governed by a board of Tennessee community members. If authorized, we will work with the Commission to execute charter agreements with the Tennessee governing body.

The Board's decision is politically motivated instead of being grounded in the best interests of the students, district, and community.

The committee's recommendation was admittedly colored by political issues. The report notes that Dr. Arnn's comments "were not directly considered in the review committee's individual scores," but it also says, contrary to the benefits extolled in the initial review, "The ties to Hillsdale have become increasingly problematic and heightened our review committee's concerns of applicant intent due to comments recently made by Hillsdale's president, Larry Arnn." Of greater concern, emails viewed by ACAR show that, before the Board's vote, senior RCS staff emailed Board members to let them know that RCS could "not vote for ACE because of its political nature."

To demonstrate the likely success of students who choose to attend ACAR, the application included achievement data from classical public schools and teachers implementing ACAR's planned curricula and teaching strategies with fidelity. That data shows students scoring proficient in ELA and math at rates between 55 and 80 percent. According to RCS data available at the time of ACAR's application (2018-19), 41 percent of ACAR students were proficient in ELA and 42 percent in math. Pre-pandemic, ACAR was rated Level 5 on TVAAS for ELA and Level 3 in math. Because the success of ACAR's students will be included in the district's results, the success of ACAR's students will contribute to a virtuous cycle of increasing student performance in all district schools.

Many families in the community expressed an interest in ACAR's school model, as demonstrated by letters of support and in community meetings facilitated by ACAR. Offering parents a wider range of educational options will make Rutherford County a more attractive place for tax-paying families to live. Authorizing ACAR will further diversify and enhance the cadre of educators in the community.

Authorizers are to act in the best interests of students, districts, and communities, and make decisions based on the quality of sponsors' plans and capacities. We ask the Commission to disavow the partisan nature of the Rutherford County Board's decision and instead to rigorously evaluate this appeal consistent with the Commission's policy and exemplary authorizing standards. We are confident that such a review, based on the merits of ACAR's application and the best interests of the students, the district, and the Rutherford County community, will result in authorization of ACAR's charter.

Sincerely,

SIGNED by ALL BOARD MEMBERS

Dolores Gresham      Dennis Pearson      Michelle Garcia      Rick Kucera