

Executive Director's Recommendation

Fairley High School Appeal

Pursuant to Tennessee Code Annotated (T.C.A.) § 49-13-108, sponsors proposing to open a new charter school may appeal the denial of their amended application by a local board of education to the Tennessee Public Charter School Commission ("Commission"). On July 28, 2023, the sponsor of Fairley High School ("sponsor") appealed the denial of its amended application by the Memphis-Shelby County Schools (MSCS) Board of Education to the Commission.

Based on the procedural history, findings of fact, analysis, and Review Committee Report, attached hereto, I believe that the decision to deny the Fairley High School amended application was not contrary to the best interests of the students, the LEA, or the community. Therefore, I recommend that the Commission uphold the decision of MSCS Board of Education to deny the amended application for Fairley High School.

STANDARD OF REVIEW

Pursuant to T.C.A. § 49-13-108 and Commission Policy 2.000, Commission staff and an independent review charter application review committee conducted a de novo, on the record review of the Fairley High School amended application. In accordance with the Tennessee Department of Education's charter application scoring rubric, "[f]or an application to be deemed eligible for approval, the summary ratings for all applicable categories must be "Meets or Exceeds the Standard." In addition, the Commission is required to hold a public hearing in the district where the proposed charter school seeks to locate.³

In order to overturn the decision of the local board of education, the Commission must find that the application meets or exceeds the metrics outlined in the department of education's application-scoring rubric and that approval of the amended charter application is in the best interests of the students, local education agency (LEA), or community.⁴ If the local board of education's decision is overturned, then the Commission can approve the application, and thereby authorize the school, or affirm the local board's decision to deny.

PROCEDURAL HISTORY

- 1. In 2013, the Tennessee Department of Education assigned Fairley High School, previously operated by Memphis-Shelby County Schools, to the Achievement School District because of its designation as a priority school in the bottom 5% of academic achievement of public schools in Tennessee.
- 2. Since 2014, Green Dot Public Schools Tennessee (GDPST), the charter management organization, has operated Fairley High School within the Achievement School District.
- 3. Pursuant to T.C.A. § 49-1-614(k)(3), on November 21, 2022, the sponsor submitted a letter of intent to MSCS expressing its intention to file a charter school application under T.C.A. § 49-13-108.

¹ T.C.A. § 49-13-108

² Tennessee Charter School Application Evaluation Rubric – Ratings and Scoring Criteria

³ T.C.A. § 49-13-108

⁴ *Id*.



- 4. On February 6, 2023, the sponsor submitted its initial application for Fairley High School to MSCS.
- 5. MSCS assembled a review committee to review and score the Fairley High School initial application.
- 6. On March 8, 2023, MSCS's review committee conducted a capacity interview with representatives of Fairley High School.
- 7. The MSCS review committee scored the Fairley High School initial application and recommended to the MSCS Board of Education that the initial application be denied, indicating it does not meet standard in Portfolio Review and Performance Record and it partially meets standard in Academic Plan Design and Capacity, Operations Plan and Capacity, and Financial Plan and Capacity.
- 8. On April 25, 2023, the MSCS Board of Education voted to deny the Fairley High School initial application based on the review committee's recommendation.
- 9. On May 25, 2023, the sponsor amended and resubmitted its application for Fairley High School to MSCS.
- 10. The MSCS review committee scored the Fairley High School amended application based on the charter application scoring rubric.
- 11. The MSCS review committee rated each section of the Fairley High School amended application as meets the standard in Academic Plan Design and Capacity, Operations Plan and Capacity, and Financial Plan and Capacity, and does not meet the standard in Portfolio Review and Performance Record and recommended denial to the local board of education.
- 12. On July 18, 2023, the MSCS Board of Education voted to deny the amended application of Fairley High School.
- 13. On July 28, 2023, the sponsor appealed the denial of the Fairley High School amended application in writing to the Commission, including submission of all required documents per Commission Policy 2.000.
- 14. The Commission's review committee independently analyzed and scored the Fairley High School amended application using the Tennessee Department of Education's charter school application scoring rubric.
- 15. On August 30, 2023, the Commission staff held a public hearing at the Memphis Teaching and Learning Academy Auditorium in Memphis, Tennessee. At the public hearing, the Executive Director, sitting as the Commission's Designee, heard presentations from the sponsor and MSCS, and took public comment regarding the Fairley High School amended application.
- 16. The Commission's review committee conducted a capacity interview with key members of the Fairley High School leadership team on September 1, 2023, via Microsoft Teams.
- 17. After the capacity interview, the Commission's review committee determined a final consensus rating of the Fairley High School amended application, which served as the basis for the Review Committee Recommendation Report, attached hereto as **Exhibit A**.
- 18. The Commission staff conducted a full review of the record which includes the initial and amended applications submitted by the sponsor, documentation submitted by MSCS, and the findings of the public hearing and public comment. The Commission's General Counsel conducted a full review and legal analysis of the record.



FINDINGS OF FACT

District Denial of Initial Application

The review committee assembled by MSCS to review and score the Fairley High School initial application consisted of the following individuals:

Name	Title		
Angela Askew	MSCS Career & Technical Education		
Jessica Benson	MSCS Office of Charter Schools (Lead Reviewer)		
Samuel Beyhan	Charter Leader Reviewer		
Michelle Brown	MSCS Nutrition Services		
LaKira Elliott	MSCS Safety & Security		
Erica Evans	MSCS Office of General Counsel		
Angela Hodges	MSCS Community Outreach & Parental Engagement		
Eric Hosman	MSCS Research Planning & Improvement		
Stephanie Hurt	MSCS Exceptional Children		
Sean Isham	MSCS Facilities Planning		
Arby Martin*	MSCS Human Resources		
Jarita Mitchell	MSCS Office of Assistant Superintendent of Schools		
Mark Modrcin	Expert External Reviewer		
Cassandra Moore	MSCS Curriculum & Instruction		
Anthony Oliver	Expert External Reviewer		
Stacie Payne	MSCS Professional Learning & Support		
Donna Rice*	MSCS Exceptional Children		
Thomas Rodgers*	MSCS I-Zone & Priority Schools		
Virginia Rodgers	MSCS Finance & Accounting		
Deanna Tatum-Cross	MSCS English Language Learners		
LaTonia Valentine	Parent/Community Reviewer		

^{*}Did not submit feedback in the amended application round

The Fairley High School initial application received the following ratings from the MSCS review committee:

Sections	Ratings		
Academic Plan Design and Capacity	Partially Meets Standard		
Operations Plan and Capacity	Partially Meets Standard		
Financial Plan and Capacity	Partially Meets Standard		
Performance Record	Does Not Meet Standard		

After the MSCS review committee completed its review and scoring of the initial application, its recommendation was presented to the MSCS Board of Education on April 20, 2023. Based on the review committee's recommendation, the MSCS Board of Education voted to deny the initial application of Fairley High School.



District Denial of Amended Application

The review committee assembled by MSCS to review and score the Fairley High School amended application mirrored that of the committee that reviewed the initial application. Upon resubmission, the MSCS review committee conducted a review of the amended application, and the amended application received the following ratings from the MSCS review committee:

Sections	Ratings
Academic Plan Design and Capacity	Meets or Exceeds Standard
Operations Plan and Capacity	Meets or Exceeds Standard
Financial Plan and Capacity	Meets or Exceeds Standard
Performance Record	Does Not Meet Standard

After the MSCS review committee completed its review and scoring of the amended application, its recommendation was presented to the MSCS Board of Education on July 18, 2023. At the board meeting, the MSCS Board of Education voted to deny the amended application of Fairley High School.

Commission Review Committee's Evaluation of the Application

Following the denial of the Fairley High School amended application and subsequent appeal to the Commission, Commission staff assembled a diverse review committee of internal and external experts to independently evaluate and score the Fairley High School amended application. This review committee consisted of the following individuals:

Name	Title	
DreJean Cummings	Commission Staff	
Ashley Davis	External Reviewer	
Nancy DiNunzio	External Reviewer	
Whitney O'Connell	External Reviewer	
Gomer Pasqual	Commission Staff	
Hillary P. Sims	External Reviewer	

The review committee conducted an initial review and scoring of the Fairley High School amended application, a capacity interview with the sponsor, and a final evaluation and scoring of the amended application, resulting in a consensus rating for each major section. The review committee's consensus rating of the Fairley High School application was as follows:

Sections	Ratings
Academic Plan Design and Capacity	Partially Meets Standard
Operations Plan and Capacity	Partially Meets Standard
Financial Plan and Capacity	Meets or Exceeds Standard
Performance Record	Does Not Meet Standard

The review committee recommends denial of the application for Fairley High School because the applicant did not provide sufficient evidence in the academic, operations, and performance record sections of the application to demonstrate the application meets or exceeds the required criteria of the rubric.



The applicant's Academic Plan Design and Capacity partially meets the standard. While there is demonstrated support from the local community and engagement at the school, several areas of concern were identified by the review committee. Most notably, the operator has not demonstrated increased student academic outcomes over the last ten years of operation in terms of TVAAS, chronic absenteeism, and graduation rates. The academic plan, while updated to address current challenges, lacks clarity on plans regarding service of special populations, RTI², and MTSS. While the GDPST team demonstrates a strong commitment to their students, there is a lack of evidence that adjustments to the academic plan will translate into student academic success.

The applicant's Operations Plan and Capacity partially meets the standard. Clarity is needed in the partnership between GDPST, the School Advisory Council, and Fairley High School. There is a lack of evidence that professional development investments have translated into increased student achievement, or that the operator has a staffing recruitment and retention plan to ensure high-quality teachers to meet student needs. However, the applicant's forward-thinking approach is evident in their contingency plan for facility acquisition and in their track record of efficiently overseeing construction projects.

The Financial Plan and Capacity meets or exceeds standard, showcasing a sound operating budget and strong financial health. GDPST's fundraising expertise, along with financial experts on the regional board and staff members at regional and national levels, ensure effective fiscal planning. The applicant's ability to project budgets effectively, manage costs, and utilize surplus funds is evident. The applicant's financial position is strong, with a positive balance. Clear policies and procedures govern financial systems, and contingency plans are in place for adaptability.

The applicant's Portfolio Review and Performance Record does not meet the standard due to the school's inability to effectively address achievement gaps during GDPST's management of the school over the charter term. During the capacity interview, the applicant struggled to provide compelling data on student academic success. Measures such as TVAAS scores, graduation rates, and success rates did not convincingly demonstrate student success or the closing of achievement gaps. Overall, Fairley High School's performance data does not effectively demonstrate the network's support in turning around the school's academic performance over the charter term.

For the aforementioned reasons, the review committee found that the sponsor did not meet or exceed the standard for approval based on the state's scoring rubric.

For additional information regarding the review committee's evaluation of the Fairley High School amended application, please see **Exhibit A** for the complete Review Committee Recommendation Report, which is fully incorporated herein by reference.

Public Hearing

Pursuant to statute⁵ and Commission Policy 2.000, a public hearing chaired by the Executive Director was held on August 30, 2023. MSCS's presentation at the public hearing focused on the review process followed by the district and why the applicant was denied by the MSCS Board of Education. Representatives from MSCS shared that they assembled a charter application review committee that was comprised of individuals with diverse backgrounds, including expert reviewers, parents and community members, and charter leaders. The review committee found that the academic, operations, and finance sections of the amended application met the standard but found that the Portfolio Review and Performance Record did not meet the standard. Representatives from MSCS indicated that the Fairley High School amended application was denied based on the applicant's portfolio review and past performance, namely, the lack of a detailed strategy of how the applicant will ensure success, the noted probation of another school

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⁵ T.C.A. § 49-13-108



under the Commission's authorization, and Fairley's past performance and status as a priority school. MSCS explained that Fairley's achievement data, including the fact that they have been on the priority school list during their entire charter term, was part of the reason why Green Dot Public Schools Tennessee's ("Green Dot Tennessee" or "Green Dot") performance as an ASD operator was not successful. They also shared that four of five GDPST schools are designated as priority schools, and one school is currently on probation for academics, speaking to their struggles as an operator in the Memphis area.

In the sponsor's opening statement, GDPST explained their mission and vision for the school and how they have worked to create success for students over their charter term. They also shared information about the school's current challenges, which they identified as deficits in Math and ELA for incoming students, teacher hiring and retention, chronic absenteeism, and enrollment trends. GDPST shared their plan and focus on teacher hiring and their commitment to hiring and retaining effective teachers. They noted that they are fully staffed for the 2023-24 school year and have achieved an 83% retention rate for teachers that are TVAAS level 3 or higher, even with the noted national teacher shortage. They also shared that they offer high-quality professional development and support to all educators. The sponsor discussed their data, explaining that the feeder schools for Fairley High School provide them with students who are not performing well. GDPST stated that moving to be an open-enrollment school would help them recruit students who are performing well and would boost their academic data. GDPST also shared that, with new effective leadership, they are confident that they can make progress.

During questioning by the Commission, MSCS provided information about its charter application review process, highlighting the involvement of subject matter experts and reviewers knowledgeable about the charter process. The review involves consensus rubrics, lead reviewers, and recommendations to the superintendent and board. They also mentioned conducting due diligence by analyzing publicly available achievement and growth data for the school to come to their conclusions. MSCS shared that the most recent seat analysis (from December 2022) demonstrates that there are currently more seats than students in the area where Fairley is located. In response to facility acquisition by an operator, MSCS stated that if an operator wanted to remain in their current facility, they must engage with the real estate and planning team, submit a letter of interest, undergo saturation analysis, and receive a recommendation from the board.

MSCS stated that the review committee found the amended application lacked clarity in the relationship between GDPST, the board, and advisory councils. They explained that the application did not sufficiently emphasize the importance of board governance in running a charter school. In addition, they found that GDPST's board lacked legal expertise, plans for handling employee complaints, and an appellate process for the advisory council. When questioned by the Executive Director about plans for Fairley High School should GDPST end its term with the ASD, MSCS stated that the plan is to move Fairley High School into the I-Zone support structure, focusing on priority school criteria. MSCS would collaborate with the Tennessee Department of Education on various aspects of this transition, including facility, personnel, and planning.

The Commission then questioned the sponsor. In summary, GDPST, during questioning, emphasized its commitment to operating its school and ensuring parental support. They conducted surveys, with 377 parents expressing a desire for GDPST to continue running the school. The organization has engaged with various stakeholders, including a supportive alumni association, and invested over \$1 million in building improvements. GDPST stated that they currently serve 500 families at Fairley but acknowledged that the school is looking to increase academic outcomes. They aim to expand open enrollment opportunities to attract students from outside the priority school zone, allowing for more diverse programming. GDPST stated that they have implemented academic initiatives,



including RTI² interventions and summer boost programs, are continuously adapting curriculum based on data analysis, and providing teacher support.

When asked about the facility plan should MSCS not allow them to remain in the building, GDPST stated it would consider relocating within the Lakeview Gardens community, and they are currently exploring options, such as commercial properties and the former Manor Lake Elementary School. GDPST stated that they are aligning their strategic priorities with academic frameworks and analyzing data to improve proficiency. Despite some setbacks, they are confident that their efforts are effective and have fully staffed their school for the first time in years.

The public hearing concluded with closing statements by both parties and the receipt of nine in-person comments, with none speaking in support of MSCS and nine speaking in support of GDPST continuing to operate Fairley High School. The Commission also accepted written comments, and the Commission received 272 written comments, with two writing in support of MSCS and 270 writing in support of GDPST continuing to operate Fairley High School.

ANALYSIS

State law requires the Commission to review the decision of the local board of education and determine if the application "meets or exceeds the metrics outlined in the department of education's application-scoring rubric and⁶," and whether "approval of the application is in the best interests of the students, LEA, or community.⁷" In addition, pursuant to T.C.A. § 49-13-108, the Commission adopted the State Board of Education's quality public charter schools authorizing standards set forth in State Board Policy 6.111 and utilizes these standards to review charter applications received upon appeal. In making my recommendation to the Commission, I have considered the Review Committee's Recommendation Report, the documentation submitted by both the sponsor and MSCS, the arguments made by both parties at the public hearing, and the public comments received by Commission staff and conclude as follows:

The Review Committee's report and recommendations are thorough, citing specific examples in the application and referencing information gained in the capacity interview in support of its findings. For the reasons explicated in the report, I agree that the Fairley High School amended application submitted by Green Dot Tennessee did not rise to the level of meeting or exceeding the standards required for approval. It is evident from the support and partnerships that Green Dot is committed to the Fairley community and strives to provide choice for the students. However, the amended application does not show a clear path to tangible growth, achievement, and success for the Fairley students such that a new, ten (10)-year charter should be granted.

Before I detail my reasons for my recommendation to deny the amended application for Fairley High School and uphold the Memphis-Shelby County Board of Education's decision, I first must acknowledge the deep community support for Fairley High School. Throughout this process, I have seen countless members of the community, alumni, families, and current students come forward to express their love and support for Fairley High School. I take this support seriously, and I want to clarify the basis of my recommendation and ultimately the Commission's decision. My recommendation is not based on the question of whether Fairley High School should continue to exist and operate in Memphis. My recommendation is based on the question of whether Green Dot Public Schools Tennessee, as a charter management organization, should remain as the operator of Fairley High School for a new, ten (10)-year charter term under a new authorizer. I am confident in MSCS's statement in the public hearing that, if the school is returned to MSCS, Fairley High School will remain open and in operation under the I-Zone. Therefore, the focus of my

⁶ T.C.A. § 49-13-108(5)(D)

⁷ *Id*.



recommendation is whether Green Dot Tennessee has demonstrated a strong academic, operational, and financial model such that it should continue to operate Fairley for another ten (10) years.

I will now move into evidence in support of my recommendation. I agree with the review committee's finding that the applicant has a strong mission and vision for Fairley High School. I commend Green Dot for taking on the challenge of turning around Fairley High School under the Achievement School District. School turnaround work is difficult and both resource and time consuming. Green Dot has spent ten (10) years working towards achieving its mission and has continued to grow community buy-in and support. However, despite the strong mission and vision at Fairley High School, at the end of the initial ten (10)-year charter term with the Achievement School District, the graduation rate remains at 75.5%, a slight decrease from its starting point of 75.7% in the 2014-2015 school year. I cannot ignore that this figure falls below the local district's graduation rate of 80.1%. Additionally, overall academic achievement remains low, with less than 5% of students proficient on currently available math and ELA TNReady results. While I understand the challenges that Green Dot has faced in working at Fairley High School, the amended application, capacity interview, and public hearings did not elicit a clear plan for student academic success if granted a new ten (10)-year term.

Throughout this process, Green Dot did acknowledge the academic challenges faced by the students at Fairley High School. There was testimony in several avenues explaining that many of the students enter Fairley High School far behind grade level. The sponsor stated that, while Fairley and Green Dot work as hard as possible, many of those students will not test proficient on year-end assessments. Green Dot alleges that, if provided a ten (10)-year charter, they will be able to accept students beyond the currently zoned neighborhoods and will not be limited to other priority schools. However, there was no testimony given or evidence provided that would indicate that a change in the student population entering Fairley High School would improve the academic success of the school. Any charter application that the Commission approves must be grounded in an academic plan that will provide a high-quality choice for students.

The community ties that exist amongst the Fairley High School community are too strong to be ignored. This appeal received more written public comments than any application this cycle. Additionally, the impassioned comments at the public hearing were demonstrative of the deep community connection between the students, alumni, and community partners. Green Dot deserves a lot of the credit for reinvigorating the pride much of the alumni spoke of during the public hearing. I am confident that those connections, ties, and commitment will remain with Fairley High School without regard to the authorizer and/or district providing administrative oversight. The community connection will continue to be imperative to Fairley High School's future success.

Operationally, Green Dot Tennessee brought significant operational expertise to Tennessee when they were granted a charter ten (10) years ago. Green Dot testified during the public hearing of the many ways they have increased teacher and staff retention at Fairley High School, and the school is fully staffed in the 2023-24 school year. However, I agree with the review committee's noted concerns about whether the operator's academic and operational plans will translate into different outcomes for students with a new charter term. I was particularly concerned with the fact that Green Dot noted regular vacancies and low teacher quality in core, tested subjects, such as math, and how this directly impacts student achievement. While I appreciate that the school stated it is fully staffed this year, it is concerning that the school has not sufficiently addressed its staffing challenges throughout its charter term.

My largest barrier to recommending approval of the amended application is the past performance of this operator. Fairley High School has been a part of the Achievement School District for ten (10) years. For ten (10) years,



Fairley has been designated a priority school by the Department of Education. In accordance with T.C.A. § 49-1-614, ASD schools that achieve priority exit status (which designates a higher-than-average student achievement and growth) can apply directly to the Commission for continued operation. Fairley High School, under the operation of Green Dot Tennessee, has not achieved this status. As of the 2022-23 school year, five (5) charter schools under the ASD have achieved this status and transitioned to the Commission. Unfortunately, Green Dot has yet to demonstrate the ability to move any of its ASD-operated schools into priority exit status, and as such, it is difficult to determine the evidence available to recommend that Green Dot continue to operate Fairley High School. While I recognize the diligence and dedication shown over the past ten (10) years, that cannot serve as the reason to disregard the statutory charge of the Commission. As the review committee noted, the application does not meet and/or exceed the standards of the Department of Education's scoring rubric. Even though there was great effort by Green Dot Tennessee to be a viable high-quality choice for the Fairley community, I do not believe it would not be in the best interest of the students, the LEA, or the community to grant Green Dot Tennessee a new ten (10)-year charter.

Any authorized public charter school is entrusted with the great responsibility of educating students and a significant amount of public funds. Green Dot was given this trust first over ten (10) years ago. For me to recommend that Green Dot receive an additional charter agreement to operate Fairley High School, I need to see evidence of achievement and growth, even minimal, to demonstrate that it is providing a higher quality option than MSCS offers for students. Based on the totality of the evidence within this appeal, I cannot make this determination.

For the reasons expounded on in this report, I recommend that the Commission deny Green Dot Public School Tennessee's application to continue operating Fairley High School. With this recommendation, I also remain confident in Memphis-Shelby County Schools' testimony at the public hearing. I will hold the district to its testimony that it will keep Fairley High School open, move it into the I-Zone, and provide additional supports and investments for students and the community.

CONCLUSION

For these reasons, and for the reasons stated in the Review Committee Report attached hereto as **Exhibit A**, I do not believe that the decision to deny the amended application for Fairley High School was contrary to the best interest of the students, the LEA, or the community. Therefore, I recommend that the Commission affirm the decision of the Memphis-Shelby County Schools Board of Education to deny the amended application for Fairley High School.

Jess J. Storull	
	10/2/23
Tess Stovall, Executive Director	Date
Tennessee Public Charter School Commission	

⁸ Fairley High School has been named a priority school for each applicable year that Green Dot Tennessee has served as its operator.



EXHIBIT A

Charter Application Review Committee Recommendation Report

October 6, 2023

School Name: Fairley High School

Sponsor: Green Dot Public Schools Tennessee

<u>Location of School</u>: Memphis-Shelby County Schools

Evaluation Team:

• DreJean Cummings

Ashley Davis

Nancy DiNunzio

• Whitney O'Connell

Gomer Pasqual

Hillary P. Sims



This recommendation report is based on a template from the National Association of Charter School Authorizers.



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Introduction

Tennessee Code Annotated (T.C.A.) § 49-13-108 allows the sponsor of a public charter school to appeal the denial of an application by the local board of education to the Tennessee Public Charter School Commission ("Charter Commission"). In accordance with T.C.A. § 49-13-108, the Charter Commission shall conduct a de novo, on the record review of the proposed charter school's application, and the Charter Commission has adopted national and state quality authorizing standards to guide its work. As laid out in Charter Commission Policy 3.000 – Core Authorizing Principles, the Charter Commission is committed to implementing these authorizing standards that are aligned with the core principles of charter school authorizing, including setting high standards for the approval of charter schools in its portfolio.

In accordance with T.C.A. § 49-13-108, the Charter Commission adopted Charter Commission Policy 2.000 – Charter School Appeals. The Charter Commission has outlined the charter school appeal process to ensure the well-being and interests of students are the fundamental value informing all Charter Commission actions and decisions. The Charter Commission publishes clear timelines and expectations for applicants, engages highly competent teams of internal and external evaluators to review all applications, and maintains rigorous criteria for approval of a charter school. In addition, the Charter Commission plans to evaluate its work annually to ensure its alignment to national and state standards for quality authorizing and implements improvement when necessary.

The Charter Commission's charter application review process is outlined in T.C.A. § 49-13-108, Charter Commission Policy 2.000 – Charter School Appeals, and Charter Commission Policy 2.100 – Application Review. The Charter Commission assembled a charter application review committee comprised of highly qualified internal and external evaluators with relevant and diverse expertise to evaluate each application. The Charter Commission provided training to all review committee members to ensure consistent standards and fair treatment of all applications.

Overview of the Evaluation Process

The Tennessee Public Charter School Commission's charter application review committee developed this recommendation report based on three key stages of review:

- Evaluation of the Proposal: The review committee independently reviewed the amended charter application, attachments, and budget submitted by the sponsor. After an independent review, the review committee collectively identified the main strengths, concerns, and weaknesses as well as developed specific questions for the applicant in the three sections of the application: Academic Plan Design and Capacity, Operations Plan and Capacity, Financial Plan and Capacity, and Portfolio Review and Performance Record.
- 2. <u>Capacity Interview</u>: Based on the independent and collective review of the application, the review committee conducted a 90-minute interview with the sponsor, members of the governing board, and school leader to address the concerns, weaknesses, and questions identified in the application, and to assess the capacity to execute the application's overall plan.
- 3. <u>Consensus Judgment</u>: At the conclusion of the review of the application and the capacity interview, the committee submitted a final rubric and developed a consensus regarding a rating for each section of the application.

This recommendation report includes the following information:

1. <u>Summary of the application</u>: A brief description of the applicant's proposed academic, operations, financial plans, and performance review.



- 2. <u>Summary of the recommendation</u>: A brief summary of the overall recommendation for the application.
- 3. <u>Analysis of each section of the application</u>: An analysis of the four sections of the application and the capacity of the team to execute the plan as described in the application.
 - a. Academic Plan Design and Capacity: school mission and goals; enrollment summary; school development; academic focus and plan; academic performance standards; high school graduation standards; assessments; school schedule; special populations and at-risk students; school culture and discipline; marketing, recruitment, and enrollment; community involvement and parent engagement; and the capacity to implement the proposed plan.
 - b. Operations Plan and Capacity: governance; start-up plan; facilities; personnel/human capital; professional development; insurance; transportation; food service; additional operations; waivers; and the capacity to implement the proposed plan.
 - c. Financial Plan and Capacity: budget narrative; budgets; cash flow projections; related assumptions; financial policies and procedures; and the capacity to implement the proposed plan.
 - d. Portfolio Review and Performance Record: past performance.

The Charter Commission's charter application review committee utilized the Tennessee Department of Education's Charter School Application Evaluation Ratings and Sample Scoring Criteria ("the rubric"), which is used by all local boards of education when evaluating an application. The rubric states:

An application that merits a recommendation for approval should present a clear, realistic picture of how the school expects to operate; be detailed in how this school will raise student achievement; and inspire confidence in the applicant's capacity to successfully implement the proposed academic and operational plans. In addition to meeting the criteria that are specific to that section, each part of the proposal should align with the overall mission, budget, and goals of the application.

The evaluators used the following criteria and guidance from the scoring rubric to rate applications:

Rating	Characteristics	
Meets or Exceeds Standard	The response reflects a thorough understanding of key issues.	
	It clearly aligns with the 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 otherwise raises significant concerns about the	
	viability of the plan or the applicant's ability to carry it out.	



Summary of the Application

School Name: Fairley High School

Sponsor: Green Dot Public Schools Tennessee

Location of School: Memphis-Shelby County Schools

<u>Mission</u>:¹ The mission of Green Dot Public Schools is to help transform public education so all students graduate prepared for college, leadership, and life. We are focused on graduating students and fully preparing them for college and career. Our vision calls us to develop effective leaders and teachers capable of delivering a rigorous academic model, individualizing supports for all students, and creating a safe, nurturing school environment.

<u>Number of Schools Currently in Operation by Sponsor</u>: The sponsor currently has five (5) operating charter schools. The sponsor has one (1) charter school authorized by the Charter Commission and four (4) charter schools authorized by the Achievement School District.

Proposed Enrollment:²

Grade	Year 1:	Year 2:	Year 3:	Year 4:	Year 5:	At
Level	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	Capacity:
9	139	146	143	151	152	152
10	118	122	134	135	145	145
11	101	110	112	124	125	125
12	92	92	101	105	117	117
Totals	450	470	490	515	539	539

Brief Description of the Application:

The sponsor, Green Dot Public Schools Tennessee (GDPST), is proposing to continue operation of Fairley High School in Shelby County, Tennessee and continue to serve students in 9th through 12th grades for a new, ten (10)-year charter term. GDPST has operated Fairley High School under the Achievement School District (ASD) since 2014 and is appealing the denial of its application for authorization by Memphis-Shelby County Schools. If authorized, the school intends to continue operation in the Lakeview Gardens community of Memphis, to "help transform public education so all students graduate prepared for college, leadership, and life." The school proposes to continue to offer a college preparatory high school for students in the Lakeview Gardens community as an additional option.

The school will continue to be governed by Green Dot Public Schools Tennessee Board of Directors (GDPST Board) and a School Advisory Council (SAC) that oversees specific campus goals and ensures that stakeholders are involved in the decision-making process. In Year 0, Fairley High School has budgeted \$5,553,514 in revenue, receiving \$4,436,648 from State Revenues, \$1,079,366 from Federal Revenues, and \$37,500 from School Activity Revenues. The Year 0 budget reflects Fairley High School's operating budget for SY23-24 as Fairley High School is currently in operation and projects \$4,984,299 in expenses for the school. Fairley High School projects the school will have \$6,089,049 in revenue and \$5,491,227 in expenses in Year 1, resulting in a fund balance of \$1,167,037. By Year 5, the school projects to have \$8,283,466 in revenue and \$6,904,103 in expenses, resulting in a positive ending fund balance

¹ Amended Application, pg. 8

² Amended Application, pg. 17

³ Amended Application, pg. 8



of \$5,897,792.⁴ The school anticipates that 62.9% of the student population will qualify as economically disadvantaged, 15.6% of the student population will be students with disabilities, and 0.2% of the student population will be English Learners, in alignment with the current demographics of the school.⁵

⁴ Amended Budget, Summary

⁵ Amended Budget, Summary



Summary of the Evaluation

The review committee recommends denial of the application for Fairley High School because the applicant did not provide sufficient evidence in the academic, operations, and past performance sections of the application to demonstrate the application meets or exceeds the required criteria of the rubric.

The applicant's Academic Plan Design and Capacity partially meets the standard. While there is demonstrated support from the local community and engagement at the school, several areas of concern were identified by the review committee. Most notably, the operator has not demonstrated increased student academic outcomes over the last ten (10) years of operation in terms of TVAAS, chronic absenteeism, and graduation rates. The academic plan, while updated to address current challenges, lacks clarity on plans regarding service of special populations, RTI², and MTSS. While the GDPST team demonstrates a strong commitment to their students, there is a lack of evidence that adjustments to the academic plan will translate into student academic success.

The applicant's Operations Plan and Capacity partially meets the standard. Clarity is needed in the partnership between GDPST, the School Advisory Council, and Fairley High School. There is a lack of evidence that professional development investments have translated into increased student achievement, or that the operator has a staffing recruitment and retention plan to ensure high-quality teachers to meet student needs. However, the applicant's forward-thinking approach is evident in their contingency plan for facility acquisition and in their track record of efficiently overseeing construction projects.

The Financial Plan and Capacity meets or exceeds standard, showcasing a sound operating budget and strong financial health. GDPST's fundraising expertise, along with financial experts on the regional board and staff members at regional and national levels, ensure effective fiscal planning. The applicant's ability to project budgets effectively, manage costs, and utilize surplus funds is evident. The applicant's financial position is strong, with a positive balance. Clear policies and procedures govern financial systems, and contingency plans are in place for adaptability.

The applicant's Portfolio Review and Performance Record does not meet the standard due to the school's inability to effectively address achievement gaps during GDPST's management of the school over the charter term. During the capacity interview, the applicant struggled to provide compelling data on student academic success. Measures such as TVAAS scores, graduation rates, and success rates did not convincingly demonstrate student success or the closing of achievement gaps. Overall, Fairley High School's performance data does not effectively demonstrate the network's support in turning around the school's academic performance over the charter term.

Summary of Section Ratings

In accordance with the Tennessee Department of Education's charter application scoring rubric, applications that do not meet or exceed the standard in all sections will be deemed not ready for approval⁶ and strengths in one area of the application do not negate weaknesses in other areas. Opening and maintaining a successful, high-performing charter school depends on having a complete, coherent plan and identifying highly capable individuals to execute that plan. The review committee's consensus ratings for each section of the application are as follows:

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⁶ Tennessee Charter School Application Evaluation Rubric – Ratings and Scoring Criteria, pg. 1



Sections	Rating	
Academic Plan Design and Capacity	Partially Meets Standard	
Operations Plan and Capacity	Partially Meets Standards	
Financial Plan and Capacity	Meets or Exceeds Standard	
Portfolio Review and Performance Record	Does Not Meet Standard	



Analysis of the Academic Plan Design and Capacity

Rating: Partially Meets Standards

Weaknesses Identified by the Committee

The applicant's Academic Plan Design and Capacity partially meets the standard because while within the application there is strong demonstrated community engagement and support, holistic wrap-around services for students, and strong school culture, the evaluation of the applicant's academic plan reveals notable areas of concern regarding the success of the academic plan and model. GDPST, as the operator of the school, has not consistently demonstrated increased student academic outcomes as measured by TVAAS, TNReady, and other key measures of academic growth and achievement over the existing charter term. Therefore, the review committee lacked evidence that the proposed academic plan for the next charter term, as laid out by GDPST, is viable and would lead to different outcomes for students.

In the application, GDPST's academic section outlines an updated academic plan and goals that are reflective of the school's current challenges but fails to demonstrate how the outlined updates will produce the desired results for students if authorized for a new charter term. For example, the review committee found that the application lacked clarity on plans for serving special populations of students. The applicant mentioned the use of MTSS and RTI² in their academic model, although there was little information provided as to how this works within the school schedule and day. The applicant stated in the capacity interview that Fairley High School often serves high populations of students who are multiple years behind grade level. Therefore, many of their students qualify as Tiers 2 or 3 given their foundational content and learning gaps. Given this information, a detailed RTI² plan is particularly important to ensure that students are adequately receiving the foundational learning and skills needed to progress in their coursework. During the capacity interview, the applicant team stated that the school was revamping their RTI² program to better serve students; however, it was a noted concern that the intervention program is still evolving given the school's historically low performance in academic growth and achievement. There was a lack of evidence how the outlined changes would result in better academic outcomes for students. When looking at the plan for serving special populations, specifically, the review committee noted a lack of clarity in how services were provided. For example, when asked about providing additional support to students with disabilities, the applicant provided a response that was inadequate and demonstrated a lack of understanding of the State model for both students in Tiers 2 and 3 as well as students with disabilities. Ultimately, based on a review of the amended application and conducting the capacity interview, the review committee lacked evidence of how school plans for implementing RTI² and serving all students would be done with fidelity and lead to the success of all students.

Throughout the application and capacity interview, GDPST shared how it had adopted new curricula, Reading 360 and CKLA, as they better aligned to Tennessee Academic Standards. However, there was no evidence that the use of this curricula has improved academic achievement at Fairley High School nor how academic outcomes could improve with a new charter term. Despite the notable shifts in programming and curricula throughout the charter term, the review committee found no evidence that these shifts had increased academic achievement for students such that this would continue during a new charter term.

Fairley High School has struggled with chronic absenteeism over the course of the charter term, particularly in light of the COVID-19 pandemic. While many high schools struggle with chronic absenteeism, the most recent rates at Fairley High School are 53.7% for the 2021-22 school year, significantly above the state average. Both within the application and in the capacity interview, the applicant noted impressive wrap-around services that are being



provided by the local and national community; however, there was a lack of evidence of how these wrap-around services led to a decrease in chronic absenteeism rates or how these rates would improve in a new charter term.

There was a lack of evidence both within the application and from the capacity interview that the school could stabilize its enrollment. The school's enrollment has been decreasing over the current charter term such that the school is operating below their full capacity and has been for some time. Given the impending shift in authorization from a zoned to an open-enrollment model, the school will need a robust student recruitment and retention plan to ensure stable enrollment over time. During the capacity interview, the applicant spoke about the benefits of being open enrollment, particularly as it relates to student academic data, as they can draw more students from across the city. However, there was a lack of evidence that the applicant could reverse these enrollment trends considering there are many choice schools in Memphis. Given the past performance of the school, there remain questions as to the school's ability to recruit additional students to fulfill enrollment targets.

Strengths Identified by the Committee

A clear strength of the application is its demonstrated community support. Within the application, at least fifteen community partners are identified with numerous letters of support. During the capacity interview, at numerous times, GDPST leadership spoke to the outpouring of support for Fairley High School from their alumni network, which speaks to the long-lasting nature of the commitment of those within the community to support Fairley High School students. The applicant described how many alumni have worked to develop mentorship programs for students to help with college and career readiness. Alumni have also worked to help raise money to improve the facility, provide additional opportunities and services for students, and have volunteered their time frequently. It is clear that Fairley High School is a staple within the Lakeview Gardens community of Memphis.

The applicant also outlined within the application a robust school culture plan that has developed a safe and nurturing environment. The school employs social workers on staff to help students address both physical and mental wellbeing needs. The school has outlined a set of core values that are integrated into the day-to-day functions of the school and help to shape a positive student culture. Given the many challenges students may face that are external of the school, school leadership has made it a priority to aid in addressing these challenges so that students can best focus on their schoolwork.



Analysis of the Operations Plan and Capacity

Rating: Partially Meets Standard

Weaknesses Identified by the Committee

The applicant's Operations Plan and Capacity partially meets the standard because of a lack of clarity regarding the GDPST board's involvement in the school academics and operations, a lack of clear explanation of the relationship between the board and the advisory council, and ongoing challenges in staffing and professional development.

During the review of the application and the capacity interview, there was a lack of clear evidence of the GDPST board's oversight of the school. It remains unclear how involved the board is in the academic and operational concerns of the school and if the board understands the ongoing academic challenges faced by the school. The review committee had questions prepared for the capacity interview regarding what information the board receives regarding school performance and their involvement in its improvement, but no governing board members attended the interview. This raised questions with the review committee regarding the board's involvement in the academic, operational, and financial accountability of the school. Additionally, there was a need for greater clarity regarding the partnership dynamics between the GDPST board, Fairley High School leadership, and the SAC, particularly in refining school plans and addressing individual student needs. Within the application and capacity interview, there was a lack of a clear description of the governance roles of each of the entities and how the governing board is holding the school accountable for academic outcomes.

There was a lack of evidence within the application and capacity interview of the effectiveness of the professional development provided for teachers and the school's ability to recruit and retain high-quality teachers. The school has made substantial investments with the Lavinia Group to engage in professional development and coaching opportunities for staff. Additionally, Fairley has been impacted by the national teacher shortage, and GDPST spoke in the capacity interview about the difficulty in recruiting and retaining high-quality and licensed staff, particularly in math. The applicant stated that often times poor teaching quality due to vacancies or the inexperience of the teacher led to lower performance scores for students, as reflected in historical data. In the capacity interview, the applicant spoke about measures being taken to help with teacher recruitment and retention and stated that they were fully staffed for the current school year, which was not previously the case. While the review committee noted the investments GDPST has made to recruit, retain, and develop teachers, there is a lack of evidence within the application that these efforts have translated and will translate into increased academic success for students.

Strengths Identified by the Committee

The applicant includes a sound contingency plan for facility acquisition should the school be unable to stay in its current facility at the conclusion of its charter term. In alignment with T.C.A. § 49-1-614(k)(3), the current facility must return to the local LEA at the end of the ASD charter term, unless the operator successfully negotiates the lease and/or purchase of the school building. Given Fairley High School's presence within the community and local support, GDPST intends to continue operating within the current facility if approved for a new charter term. However, should an agreement not be reached with Memphis-Shelby County Schools, GDPST mentioned at least three contingency facilities that would work for operation for the 2024-25 school year. The letter of intent submitted for Manor Lake Elementary, valued at \$66,000 and conveniently located near Fairley High School, demonstrates the operator's forward-thinking approach to securing the necessary infrastructure for educational success. Moreover, their track record of overseeing construction projects with short timelines, exemplified by the construction of Bluff City High School within six months, underscores their ability to efficiently execute large-scale projects.



Analysis of the Financial Plan and Capacity

Rating: Meets or Exceeds Standard

Strengths Identified by the Committee

The Financial Plan and Capacity meets or exceeds standard based on the sound operating budget, current financial health, and GDPST's financial capacity and experience. With a well-established presence in the Memphis area, GDPST's fundraising expertise, and the inclusion of financial experts on the regional board and both regional and national staff ensures seamless fiscal planning and budget execution. The valuable wisdom accumulated over the last nine (9) years of operation allows for effective budget projections and the ability to identify areas for prudent cost-saving measures and efficient utilization of surplus funds. Additionally, during the capacity interview, the applicant spoke to their robust grants team and the numerous grants they have applied for and been awarded to fund special projects for the school. There was evidence within the application of the strong fiscal position of GDPST and their history of clean audits.

The financial plan presented by the applicant illustrates their expertise in operating a school on a budget, as evidenced in the projected positive balances, which indicate sound financial management. To safeguard available funds, the applicant has implemented various policies and procedures to ensure funds are handled and spent in accordance with appropriate guidelines. Additionally, contingency plans are in place to ensure adaptability to changes in assumptions, further reinforcing their financial stability. Their financial position also supports their outlined contingency plans for facility acquisition should they need to purchase or lease a new facility.



Analysis of the Portfolio Review and Performance Record

Rating: Does Not Meet Standard

Weaknesses Identified by the Committee

The applicant's Portfolio Review and Performance Record does not meet standard due to GDPST's inability to effectively address achievement gaps and the school's mixed performance in academic growth over the initial charter term. GDPST operates Fairley High School because it was a historically low-performing school, and the school entered the Achievement School District in 2014 as an intervention to improve student academic performance. When analyzing the academic performance over the entirety of the ten (10)-year charter term, there is a lack of evidence that GDPST has been successful in improving academic achievement at Fairley High School and that improvement would occur in a new charter term.

During the capacity interview, several specific inquiries were made regarding student academic success relative to the measures utilized over the past decade, including TVAAS and TNReady proficiency rates. However, there was little additional data provided to counter the school's low TNReady performance over the charter term, or the mixed TVAAS results, particularly in recent years. While the applicant voiced concerns around how academic performance is measured for schools in Tennessee, ultimately this is the data by which Fairley High School is measured both by the authorizer and by the state's accountability system. There was a lack of evidence presented in the application and in the capacity interview of sustained student academic achievement and growth, both within the school and within GDPST's network, such that a new charter term would lead to improved student academic outcomes. While GDPST candidly acknowledged the obstacles faced before, during, and after the COVID-19 pandemic, there is little evidence that the operator's strategies have translated to academic success for students on Tennessee assessments or within the school's internal data provided.

Key metrics, such as school-wide TVAAS composites (TVAAS 1 for SY18-19 and TVAAS 2 for SY21-22), TNReady success rates (below 5% in SY18-19 and SY21-22), graduation rates (80.5% for SY18-19 and 75.5% for SY21-22), and chronic absenteeism (56.7% in SY18-19 and 53.7% in SY21-22), failed to provide compelling evidence of GDPST's success as an educational operator at Fairley High School. Furthermore, during the capacity interview, when asked for additional data to demonstrate growth and impact, the applicant was unable to provide readily available data points to showcase consistent progress. Additionally, when examining the performance of GDPST's network, it is noteworthy that four out of five of the schools operated by GDPST were identified as priority schools based on the 2021-22 school year school accountability data, and these four schools have remained priority schools for the duration of their charter terms under the ASD.

During the capacity interview, the applicant was ready with anecdotal subgroup responses relative to student growth on specific academic interventions (i-Ready) employed through their RTI² program. However, leaders from GDPST stated this growth in math and English Language Arts does not translate to TVAAS. The applicant team lacked definitive data relative to their student performance over time, recent years, and current student performance to contradict what is available via state assessments.

Despite having an academic model grounded in strong curriculum, the implementation of the academic model has not effectively translated into student academic success over the applicant's charter term. The applicant has clearly improved the school's culture while operated by GDPST and has commendable intentions and strong academic goals. However, the performance data over the charter term does not effectively demonstrate how the network has supported the closing of achievement gaps at Fairley High School during the tenure of its charter term such that it will translate into academic success with a new charter term.



Evaluation Team

DreJean Cummings joined the Tennessee Charter School Commission in 2021, serving as the Special Assistant to the Executive Director. Prior to working at the Commission, DreJean held a variety of roles at the Tennessee Department of Education, most recently as the Research Manager for the Research and Evaluation team. She holds a Bachelor of Arts degree from Rhodes College and a Master of Public Policy from Vanderbilt University.

Ashley Davis has worked in education for over ten years as an elementary educator, principal and teacher coach. She also worked as an adult education instructor and literacy tutor. Ashley received a Bachelor of Arts in English and Communication from the University of Pennsylvania. She then attended Columbia University where she graduated with a Master of Science in Digital Media in 2010. She most recently served as the Director of the Teacher Residency for Relay Memphis Graduate School of Education where she coached first-year teachers. In 2019, she transitioned to working full-time as an author, publisher and educational consultant through a joint venture with her sister, Kifani Press | Kifani Works. Some of their previous partners include Man-Up Teacher Fellowship, The Teacher Leader Circle, ALLMemphis, Promise Academy, Memphis Scholars and Journey Community Schools (formerly Aspire Public Schools). They are currently working on literacy projects for the Shelby County Government and ALLMemphis.

Nancy Dickson is the Director for Peabody's partnership with American University of Iraq, Baghdad (AUIB) to design and launch a new college of education focused on teacher training and development. Nancy also teaches in the Department of Leadership, Policy and Organizations (LPO) in Peabody College. Previously, she led Vanderbilt's Humphrey Fellowship Program, a Fulbright exchange program for educational leaders from around the globe. Before working at Vanderbilt, she was the Director of Operations and a founding team member of LEAD Academy, a charter school network in Nashville. Nancy started her career in education as a 4th grade teacher in Washington, D.C. public schools. She holds a Doctorate of Educational Leadership and a Master of Public Policy degree from Vanderbilt, and a Bachelor of Art degree in Elementary Education from Penn State University.

Whitney O'Connell started her career as an elementary educator and received her Masters of Education in Curriculum and Instruction, with an ELL endorsement, from the University of Washington. In her years of teaching, she taught nationally and internationally, across many school settings - including in Metro Nashville Public Schools. Aside from being a classroom teacher, Whitney has experience in curriculum writing, professional development, and education-related research. Whitney is now a Curricular Solution Architect at Newsela - partnering with districts in developing custom curriculum and digital resource implementation.

Gomer Pascual is the Finance Programs Manager for the Tennessee Public Charter School Commission. Prior to joining the commission, he served the Tennessee Department of Education for 14 years and was the budget director prior to his departure from the department. Before coming to the United States, he was a former college instructor of accounting and business management for Tomas del Rosario College in the Philippines for 8 years and a computer teacher to K-6 students of the same school. He graduated with a bachelor's degree in accounting and a Master's in Business Administration from the same school where he honed his teaching skills.

Hillary Sims has been a founding school leader of several Tennessee Charter Schools beginning shortly after the passing of Chapter 13. Ms. Sims holds BS degrees in both Psychology & Sociology from East Tennessee State University, a MS in Holistic Teaching and Learning & History, and an EdS in Comprehensive and Modified, K-12 Special Education from UTK. Ms. Sims has current licensure in seven subject areas in Tennessee to include an administrator's license. Having taught in traditional public and private schools as well as served as a school administrator for greater than 10 years, Ms. Sims brings a broad scope of school academics, culture, operations, and governance as a reviewer. Ms. Sims has contributed to charter school improvement across the United States while working at a global charter



management organization. Ms. Sims has served on the Governor's Advisory Council for Students with Disabilities, served as a charter review team member for the State Board of Education for six years, and is now reviewing for a third year with the TPCSC. Areas of expertise are Students with Disabilities, Adolescent Mental Health, Special Populations, Compliance, Holistic Learning Strategies/Universal Design Learning, Culturally Responsive Pedagogy, Discipline/Culture, and School Leadership. Ms. Sims currently serves as an Exceptional Education Coach for Metropolitan Nashville Public Schools.