

October 25, 2021

VIA EMAIL (CharterSchool.Appeals@tn.gov)

Tennessee Public Charter School Commission
Attn.: Tess Stovall, Executive Director
500 James Robertson Parkway
5th Floor, Davy Crockett Tower
Nashville, TN 37243
CharterSchool.Appeals@tn.gov

In re: Appeal of Rutherford County Schools' October 14, 2021, Denial of ReThink Forward, Inc.'s Application for Rutherford Collegiate Prep

Dear Ms. Stovall:

Pursuant to Tenn. Code Ann. § 49-13-108, Tenn. Comp. R. & Regs 1185-01-01-.01, and Tennessee Public Charter School Commission (the "Commission") Policy 2.000, ReThink Forward, Inc. ("ReThink"), hereby appeals the October 14, 2021, decision of Rutherford County Schools ("RCS") to deny ReThink's application for a charter to open Rutherford Collegiate Prep.

ReThink's application for Rutherford Collegiate Prep meets or exceeds the metrics outlined in the Department of Education's application-scoring rubric. Approval of the application is in the best interest of the students and community of Rutherford County. The Commission should, therefore, approve ReThink's application and charter Rutherford Collegiate Prep. Enclosed with this letter are: (1) copies of ReThink's original and amended applications before RCS; (2) a summary of the application timeline; (3) copies of the denial letters and resolutions from RCS; and (4) a clean version of the amended application.

I. Rutherford Collegiate Prep meets or exceeds the metrics outlined in the Department of Education's application-scoring rubric, such that approval by the Commission is in the best interest of Rutherford County's students and community.

ReThink has proposed a thorough and high-quality academic plan, operations plan, and financial plan, all of which meet or exceed Tennessee standards. Accordingly, the Commission should approve ReThink's application and charter Rutherford Collegiate Prep for the students and families of Rutherford County.

Rutherford Collegiate Prep's academic mission is clear, compelling, and measurable. As the Commission knows from its experience this year chartering Nashville Collegiate Prep, ReThink is passionate about providing high-quality charter options to meet students' unique and specific needs. ReThink emphasizes social and emotional learning and restorative justice practices, along with a strong academic curriculum. In addition, ReThink proposes individualized lesson plans integrated into a comprehensive continuous improvement model that aligns instructional materials and classroom activities

to the Tennessee Academic Standards. Robust, multi-level assessment cycles inform data-driven personalized instruction. Finally, ReThink proposes an innovative learning community model for Rutherford Collegiate Prep that presents a unique schooling option for Rutherford County students.

In support of the school's academic plan, ReThink similarly proposes a strong and detailed operations plan for Rutherford Collegiate Prep that meets or exceeds state standards. ReThink proposes to engage Noble Education Initiative, Inc. ("NEI"), a recognized and experienced not-for-profit charter management organization, to manage the school's daily operations. With four Tennessee charters under its management, NEI has demonstrated success in both school turnaround and startup settings. ReThink would employ all teachers and staff—except the school administration—providing ReThink and the school security in the event of an unforeseen separation from NEI. The ReThink application also demonstrates the community need for school-choice options in the rapidly growing communities of northern Rutherford County, where academic growth in existing RCS schools trails the LEA's system-wide performance. We also received 114 petitions of support from a recent survey of Rutherford County residents we polled with an online survey.

ReThink's application contains a clear financial plan that meets or exceeds state standards, with minimal financial impact on Rutherford County taxpayers. ReThink has access to an open line of credit in the amount of \$300,000 to meet its Year 0 start-up costs. ReThink has proposed a balanced, well-staffed school budget even without taking into account state and federal grants which the school is virtually certain to obtain. The budget projects a cumulative fund balance of more than \$1.1 million by school-year five. Finally, contrary to RCS' assertion of fiscal impact, the cost to operate Rutherford Collegiate Prep will be less than 1.5% of RCS total budget—with no impact on community taxpayers for capital expenditures to construct a new school. By contrast, Rutherford County taxpayers spend tens of millions in capital expenditures for *each* of its new zoned schools.

II. RCS' violations of state law in the review process further urge this Commission to charter ReThink's application

ReThink is constrained to highlight two material flaws in the RCS application and review process that make the granting of this appeal all the more urgent.

RCS violated Tenn. Code Ann. § 49-13-108(b)(2) by failing to vote on ReThink's initial application within 90 days of its filing. This unjustified process already has prejudiced ReThink by delaying this Commission's review of this appeal by months, making it virtually impossible to open a school in the 2022-23 school year. Section 108(b)(2) states:

The local board of education ***shall*** rule by resolution, at a regular or specially called meeting, to approve or deny a public charter school application ***no later than ninety (90) days*** after the local board of education's receipt of the completed application. If the local board of education fails to approve or deny a public charter school application within the ninety-day time period prescribed in this subdivision (b)(2), then the public charter school application ***shall be deemed approved***.

Tenn. Code Ann. § 49-13-108(b)(2) (emphasis added).

ReThink submitted its original application to RCS on January 30, 2021. As the Commissioner of Education held, the application was complete. The RCS Board, however, cast no vote on the original, completed application until July 2021—three months after expiration of the ninety-day period mandated by

§ 49-13-108(b)(2). By statute, Rutherford Collegiate Prep is deemed approved.

Similarly, RCS failed to follow a fair, transparent, quality-focused process in its review of ReThink’s application, as required by the Quality Charter Authorizing Standards promulgated by the Tennessee State Board of Education.

The standards call for charter authorizers to engage in “a charter application process that is open, well-publicized, and transparent, and is organized around clear, realistic timelines; allows sufficient time for each stage of the application and school pre-opening process to be carried out with quality and integrity; explains how each state of the application process is conducted and evaluated; communicates the education needs of the district, the authorizing processes, approval criteria, and decisions clearly to the public.” (Tenn. State Bd. of Educ., Quality Charter Authorizing Standards 6.111(III)(2).) RCS was obligated to “implement[] policies, processes, and practices that streamline and systematize its work toward stated goals and execute[] its duties efficiently while minimizing administrative burdens on schools.” (Tenn. State Bd. of Educ., Quality Charter Authorizing Standards 6.111(III)(1).)

RCS did none of this. RCS never held, or scheduled, a meeting between RCS staff and ReThink to discuss the original or amended application. RCS did not notify ReThink of board meetings or work sessions when its application was to be discussed. ReThink was never given the opportunity to address the RCS Board. RCS made no effort to communicate with ReThink in writing or by telephone call, save one 10-minute conversation in July 2021. The RCS Board did not conduct a public hearing on the application. The RCS Board was advised in open meetings of positions that were directly contrary to positions ReThink had taken in writing to Board staff. As a direct consequence, the RCS review was riddled with factual and legal errors, creating a false impression of the application. Most significant, RCS did not adopt the State Board’s quality authorizing standards until *after* its vote on ReThink’s initial application.

ReThink looks forward to an open and transparent process before the Commission, carried out with quality and integrity. Such a process, we submit, will lead to a conclusion that the ReThink application for Rutherford Collegiate Prep should be granted.

Please contact us should you have any questions or require additional information.

Very truly yours,

FROST BROWN TODD LLC



Thomas H. Lee
Member

THL:RPD

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