



Executive Director’s Findings and Recommendation
Charter School Appeal for Rutherford Collegiate Prep

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 October 25, 2021, the Sponsors of Rutherford Collegiate Prep (“RCP”) appealed the denial of its amended application by the Rutherford County Schools (“RCS”) 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 RCP amended application was not contrary to the best interests of the students, local education agency (LEA), or community.¹ Therefore, I recommend that the Commission deny the amended application for RCP.

STANDARD OF REVIEW

Pursuant to T.C.A. § 49-13-108, Commission Rule 1185-01-01-.04, and Commission Policy 2.000, Commission staff and an independent review charter application review committee conducted a de novo, on the record review of RCP’s amended application. The Tennessee Department of Education’s charter application scoring rubric states a “quality authorizer requires all applicants to present a clear and compelling mission, a quality educational program, a demonstration of community support, a solvent and sustainable budget and contingency financial plans, a clear demonstration of the effectiveness of the model for the target student population, effective governance and management structures and systems, founding team members demonstrating diverse and necessary capabilities in all phases of the school’s development, and clear evidence of the applicant’s capacity to execute its plan successfully. An application that merits a recommendation for approval should satisfy each of these criteria.”² 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, LEA, or community.⁴ If the local board of education’s decision is overturned, then the Commission has the ability to approve the application, and thereby authorize the school, or deny the amended application.

PROCEDURAL HISTORY

1. On December 3, 2020, the Sponsor submitted a letter of intent to RCS expressing its intention to file a charter school application.

¹ T.C.A. § 49-13-108.

² Tennessee Charter School Application Evaluation Rubric – Ratings and Scoring Criteria, pg. 1.

³ T.C.A. § 49-13-108.

⁴ Id.



2. The Sponsor submitted its initial application for RCP to RCS on January 29, 2021.
3. At its April 22, 2021 board meeting, RCS reported that the initial application submitted by RCP was incomplete, and RCS was unable to officially review the application.
4. On April 27, 2021 the Tennessee Department of Education issued a written directive resulting in a determination that the initial application of RCP is complete. RCS was advised by the Tennessee Department of Education to issue a decision on the RCP initial application within ninety (90) days.
5. On June 11, 2021, the RCS Director of Schools requested a waiver of State Board of Education rule 0520-14-01-.01(2)(c) and (d) from the Commissioner of Education. These rules state that a local district must act on an initial application within ninety (90) days of receipt. In response, the Commissioner of Education granted RCS a waiver of these rules.
6. RCS assembled a review committee to review and score the RCP initial application.
7. RCS' review committee reviewed and scored the RCP initial application and recommended that the initial application be denied, indicating that the initial application failed to meet or exceed the standard in scoring on the academic plan, operations plan, and the financial plan.
8. RCS also indicated in its review that approval of the RCP initial application would have a substantial negative fiscal impact on the district.
9. On July 22, 2021, the RCS Board of Education voted to deny the RCP initial application based on the review committee's recommendation.
10. The Sponsor amended and resubmitted its application for RCP to RCS on August 26, 2021.
11. RCS' review committee reviewed and scored the RCP amended application based on the charter application scoring rubric and State Board of Education quality authorizing standards.
12. RCS' review committee rated each section of RCP's amended application as "does not meet the standard."
13. On October 14, 2021, the RCS Board of Education voted to deny the amended application of RCP.
14. The Sponsor appealed the denial of the RCP amended application in writing to the Commission on October 25, 2021, including submission of all required documents per Commission Rule 1185-01-01-.04.
15. The Commission's review committee independently analyzed and scored the RCP amended application using the Tennessee Department of Education's charter application scoring rubric.
16. On December 7, 2021, the Commission staff held a public hearing at the Historic Courthouse in Murfreesboro, Tennessee. At the public hearing, the Executive Director, sitting as the Commission's Designee, heard presentations from the Sponsor and RCS as well as took public comment regarding the RCP amended application.
17. The Commission's review committee conducted a capacity interview with key members of the RCP leadership team on December 7, 2021 via Microsoft Teams.
18. After the capacity interview, the Commission's review committee determined a final consensus rating of the RCP amended application, which served as the basis for the Review Committee Recommendation Report, attached hereto as **Exhibit A**.

FINDINGS OF FACT

Substantial Negative Fiscal Impact Findings and Analysis

The following findings are based on information collected by Commission staff regarding the substantial negative fiscal impact of RCP:

1. RCP’s amended application states that in school year 2022-23, RCP’s first anticipated year of operation, it will enroll a maximum of 470 students.⁵
2. Commission staff requested historical trends of projected Average Daily Membership (ADM) versus actual ADM for the current and three (3) preceding school years. In response to this request, RCS provided the following data starting with school year 2017-18. The table includes actual ADM by year, the percentage growth from the previous year, the district’s projected student growth for that year, and actual student growth seen.

Table 1. Historical ADM and System Growth⁶

| | Actual ADM | % Growth From Previous Year | Projected Student Growth | Actual Student Growth |
|----------------------------|-------------------|------------------------------------|---------------------------------|------------------------------|
| SY22-23 (Projected) | 49,010 | 2.59% | 1,236 | N/A |
| SY 21-22 | 47,774 | 2.63% | 1,000 | 1,224 |
| SY 20-21 | 46,550 | -1.05% | 1,200 | -492 |
| SY 19-20 | 47,042 | 2.46% | 1,200 | 1,130 |
| SY 18-19 | 45,912 | 2.29% | 1,200 | 1,029 |
| SY 17-18 | 44,883 | 2.75% | 1,000 | 1,200 |

3. Although not requested by Commission staff, Rutherford County Schools provided historical ADM growth by grade band starting with school year 2017-18. The table below includes actual ADM and the percentage growth from the previous year.

Table 2. Historical ADM and System Growth by Grade Band⁷

| | Grades K-5 ADM | % Growth From Previous Year | Grades 6-8 ADM | % Growth From Previous Year |
|----------------------------|-----------------------|------------------------------------|-----------------------|------------------------------------|
| SY22-23 (Projected) | 17,601 | 1.79% | 12,764 | 3.42% |
| SY 21-22 | 17,291 | 3.37% | 12,342 | -0.35% |

⁵ Rutherford County Prep Amended Application, pg 17.

⁶ All data provided by Rutherford County Schools in response to the Commission’s October 26, 2021 request for information.

⁷ Ibid.

| | | | | |
|-----------------|--------|--------|--------|--------|
| SY 20-21 | 16,727 | -3.31% | 12,385 | -3.34% |
| SY 19-20 | 17,300 | 0.80% | 12,813 | 4.91% |
| SY 18-19 | 17,162 | 1.27% | 12,213 | 5.15% |
| SY 17-18 | 16,947 | 1.73% | 11,615 | 3.97% |

- RCS estimated that the total transfer of state and local BEP funds to RCP in Year 1 of RCP's operations would be \$4,804,340. This amount is reflected in RCP's amended budget submission, and it is reflective of a per pupil rate of \$10,222. However, in the public hearing, RCS stated that their actual per pupil rate in school year 2021-22 is \$8,690 which would result in a transfer rate of \$4,084,300 for 470 students.
- The Commission staff requested the total state and local BEP revenue since school year 2017-18 from RCS.

Table 3. Total State and Local BEP Revenue⁸

| | Total State and Local BEP Revenue | Notes |
|-----------------|------------------------------------------|--------------|
| SY 22-23 | \$436,591,948 | Budgeted |
| SY 21-22 | \$419,799,950 | Budgeted |
| SY 20-21 | \$417,830,827 | Actual |
| SY 19-20 | \$397,215,635 | Actual |
| SY 18-19 | \$378,881,774 | Actual |
| SY 17-18 | \$362,744,191 | Actual |

- RCS provided a credit opinion from Moody's dated August 9, 2021 that states:

Rutherford County, TN (AAA stable) benefits from a diverse and growing tax base with moderate taxpayer concentration. The county has seen and will continue to see growth in the local economy due to ongoing development, both residential and commercial. The county's financial position has held very strong over the past several years and will hold in the near-term due to strong financial management. The county long-term liabilities are low.

- The Commission staff reviewed the district's audits and gathered the unassigned fund balance since 2017-18.

⁸ Information provided by RCS at the December 7, 2021 public hearing.

Table 4. Unassigned Fund Balance⁹

| | Unassigned Fund Balance | % Growth From Previous Year |
|-----------------|--------------------------------|------------------------------------|
| SY 19-20 | \$43.4 Million | 12.4% |
| SY 18-19 | \$38.6 Million | 41.0% |
| SY 17-18 | \$27.4 Million | N/A |

ANALYSIS

When a local school district has denied a charter school application on the basis of substantial negative fiscal impact, Commission Rule 1185-01-01-.01(4) states that the burden is on the district to establish that substantial negative fiscal impact exists such that approval of the charter school would be contrary to the best interests of the students, school district, or community. The Commission staff analyzed previous evaluations conducted by the Office of the State Treasurer and the State Board of Education and used the same general methodology to determine if substantial negative fiscal impact exists in this case. In keeping with the analyses done by other entities, the key questions are what historical enrollment fluctuations has the school district dealt with, and how does the enrollment decline that would result from the opening of the proposed charter school compare to these fluctuations? After an in-depth analysis of the data and information provided by RCS in support of its argument, I cannot conclude that RCS has carried its burden of proving that the approval of RCP’s application will present a substantial negative fiscal impact on the district.

The crux of the RCS argument rests on the fact that state law requires districts to transfer 100% of the per-pupil revenue to a charter school, and the opening and operations of RCP in Year 1 would result in a loss of \$4.0 million that the district could not handle operationally and financially.¹⁰ However, based on the data provided by RCS, there is clear evidence that the district has a student enrollment that typically grows annually and annual growth in BEP revenue. The district has historically managed enrollment increases and declines greater than what they would see if RCP opened, and the district provided evidence of a strong overall credit rating with an unassigned fund balance that, according to recent audits, increased by 41.0% in 2018-19 and 12.4% in 2019-20, for a total unassigned fund balance of \$43.4 million or 10.8% of current appropriations, which exceeds the State requirement of 3%.

Between school year 2017-18 and school year 2021-22, RCS has seen their student enrollment increase by approximately 2,890 students or an average of an additional 723 students per year (Table 1). The increase of 2,890 students includes school year 2020-21 where the district’s student enrollment declined by 492 students, likely due to the COVID-19 pandemic. Also in Table 1, RCS provided the Commission with the district’s projected student enrollment growth per year and the actual student

⁹ Rutherford County Comprehensive Annual Financial Report 2020, pg. 311.

¹⁰ For the purposes of the analysis, the Commission used RCS’ actual per pupil rate rather than the per pupil rate the school used in its application.



growth per year. In each year since school year 2017-18, the district's actual student growth rate did not meet the projected growth rate, including years the estimate was too high and years the estimate was too low. In all school years presented, the district adjusted its operations and budgets to accommodate more or fewer students than it had originally projected. The district also provided data regarding the enrollment trends in the elementary and middle school grade bands since school year 2017-18 (Table 2). In all of the enrollment data presented, the district has seen both enrollment growth and enrollment decline greater than 470 students, particularly during the school year impacted by COVID-19. Therefore, the district regularly manages to sustain its operations and financial stability in the district during enrollment fluctuations beyond the impact of opening of the proposed charter school.

Moreover, the information contained within the Moody's credit opinion reinforces the fact that the system's enrollment is annually increasing, and the district's enrollment has a strong likelihood of continued growth. Moody's noted that the county is in a strong position of economic growth and a strong financial position, and the credit opinion did note that the district's ongoing school facility needs, as it continues to grow, will likely cause additional debt for the county. Additionally, the proposed transfer amount to RCP in Year 1 is less than 1% (0.94%) of the projected total state and local BEP revenue for the district in school year 2022-23 (Table 3), and the county has a healthy unassigned fund balance that has grown annually based on its financial reporting (Table 4).

In totality, there is a lack of evidence provided by RCS to meet the burden of proving that the approval of RCP will constitute substantial negative fiscal impact on the district. In order to meet the bar of being considered substantially negative, the fiscal impact of opening a charter school must be above and beyond the district's normal enrollment and budgetary fluctuation. In the case of RCS, the data demonstrates that the district is growing annually and that the opening of the charter school could alleviate some pressure on the district to provide facilities, staffing, and operations for the students attending a charter school.

Based on these findings of fact and analysis, I find that the evidence provided by RCS does not meet the burden of proving that the approval of RCP will constitute a substantial negative fiscal impact on the district such that approval of the school would be contrary to the best interests of the students, school district or community.

District Denial of Initial Application

The review committee assembled by RCS to review and score both the RCP initial and amended applications consisted of the following individuals:

| Name | Title |
|----------------|------------------------------------------------------------------------------------|
| Jimmy Sullivan | Assistant Superintendent for Curriculum and Instruction, Rutherford County Schools |
| Andrea Anthony | Assistant Superintendent for HR and Student Services, Rutherford County Schools |



| Name | Title |
|-----------------|----------------------------------------------------------------------------|
| Doug Bodary | Assistant Superintendent for Budget and Finance, Rutherford County Schools |
| Mark Gullion | Federal Programs Coordinator, Rutherford County Schools |
| Katie Kasuboski | Special Education Coordinator, Rutherford County Schools |
| Kelly Chastain | EPSO/Science Coordinator, Rutherford County Schools |
| Cary Holman | LaVergne Middle School Principal, Rutherford County Schools |
| Paige Jorge | Cedar Grove Elementary School Principal, Rutherford County Schools |
| Shelia Bratton | Rutherford County School Board representative |
| Wayne Blair | Rutherford County Community Member Representative |
| Racquel Peebles | Rutherford County Community Member Representative |
| John Sherman | Rutherford County Community Member Representative |

The RCP initial application received the following ratings from the RCS review committee:

| Sections | Ratings |
|-----------------------------------|------------------------|
| Academic Plan Design and Capacity | Does Not Meet Standard |
| Operations Plan and Capacity | Does Not Meet Standard |
| Financial Plan and Capacity | Does Not Meet Standard |

After the RCS review committee completed its review and scoring of the initial application, its recommendation was presented to the RCS Board of Education on July 22, 2021. Based on the review committee’s recommendation, the RCS Board of Education voted to deny the initial application of RCP.

District Denial of Amended Application

The review committee assembled by RCS to review and score the RCP amended application mirrored that of the committee that reviewed the initial application. Upon resubmission, the RCS review committee again held that the RCP amended application “did not meet the standard,” and recommended denial. After the RCS review committee completed its review and scoring of the amended application, its recommendation was presented to the RCS Board of Education on October 14, 2021. At the October 14, 2021 board meeting, the RCS Board of Education voted to deny the amended application of RCP citing five (5) reasons for denying the application, including a finding of a substantial negative fiscal impact on the Rutherford County School System.

Commission’s Review Committee’s Evaluation of the Application

Following the denial of the RCP 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 RCP amended application. This review committee consisted of the following individuals:



| Name | Title |
|-------------------|----------------------------------------------------------------------------------|
| Drejean Cummings | Review Committee Member, Special Assistant to the Executive Director, Commission |
| Michelle L. Doane | Review Committee Member, External Reviewer |
| Kathy Duggan | Review Committee Member, External Reviewer |
| Beth Figueroa | Review Committee Member, Director of Authorizing, Commission |
| Hillary Sims | Review Committee Member, External Reviewer |

The review committee conducted an initial review and scoring of the RCP 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 RCP 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 | Partially Meets Standard |

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

Public Hearing

Pursuant to statute,¹¹ Commission Rule 1185-01-01-.04, and Commission policy 2.000, a public hearing chaired by the Executive Director was held on December 7, 2021. Jeffrey Reed, representing RCS, began his opening presentation explaining that the Sponsor applied to Rutherford County as a Category 1 new start applicant on the state’s application. Rutherford County determined that the Sponsor of RCP, because there was a new start charter school operated by the Sponsor scheduled to open in Metro Nashville Davidson County, met the criteria for a Category 2 application and should have completed additional sections of the application. Therefore, RCS deemed the initial application incomplete and did not vote on the initial application. Upon intervention by the Commissioner of Education, RCS was advised to vote on the initial application for RCP, and this vote occurred on July 22, 2021. Upon the Sponsor’s resubmission of an amended application, the RCS Board of Education again voted to deny the amended application for RCP. The district’s attorney stated that RCS used the state’s rigorous approval standard for the application review. Citing the State’s quality authorizing standards, RCS highlighted that all categories of a charter application must meet or exceed the state standards for approval, and in the case of RCP, the application for RCP failed to meet or exceed the standard for approval in any section. Finally, RCS indicated that the application for RCP referenced Metro Nashville Davidson County as the prospective district rather than Rutherford County, and the district indicated this error raised questions about whether the Sponsor was prepared to open a school in Rutherford County.

¹¹ T.C.A. § 49-13-108(5)(b)(i).



In the Sponsor's opening statement, the representatives of RCP stated that a charter school should be approved "if the Commission finds that the application meets or exceeds the metrics in the Department's [of Education] scoring rubric and that approval of the application is in the best interests of the student, LEA, or community..." The Sponsor set forth three (3) key issues to be addressed. In speaking to the negative fiscal impact alleged by the local district, the Sponsor stated that approval of RCP would amount to 1-1.5% of the district's budget and would result in a net fiscal gain for Rutherford County because of the expanded school options and seats. Secondly, the Sponsor stated that RCP has a conservative budget which generates a positive cash flow within the first year, and the application meets stated standards for English Learner instruction and services to special education students. The Sponsor highlighted the proven academic model in its partnership with Noble Education Initiative (NEI) and stated that NEI's professional development offerings support both teacher retention as well as certification and licensure. Third, the Sponsor indicated that RCP would be in the best interest of the students, community and Rutherford County, highlighting the increase of Rutherford County's enrollment and budget, but indicated that 34.7% of Rutherford County students are on track and/or mastering state tests, indicating a 17% decline from previous years. The Sponsor concluded its opening presentation by indicating RCP would provide great school leaders, encourage parent involvement, utilize a continuous improvement model and innovative curriculum, and exhibit sound financial management.

The parties to the appeal then responded to questions from the Executive Director. RCS indicated that the RCP application was not its first to be reviewed, having received a charter application in 2012, and the school board followed its adopted LEA policy to ensure a thorough and accurate review of the application for RCP. RCS indicated that the application failed to meet or exceed the standard in the required categories and noted that the application referred to Metro Nashville Davidson County as the school district, which shows that RCP did not complete the application seeking approval from Rutherford County. RCS indicated that the Sponsor showed no local support from community members within the application nor were any MOUs submitted to show partnership with local companies. In response to questions about the BEP per pupil rate, RCS indicated that the Sponsor used the per pupil rate of Metropolitan Nashville Public Schools rather than Rutherford County in its calculation. RCS also stated that approval of RCP as a charter school would cause a negative fiscal impact to Rutherford County. The district also provided the Commission's Executive Director and staff with additional documentation of the actual state/local BEP revenue for the district since school year 2017-2018 as well as the projected state/local BEP revenue for the school year 2022-2023. RCS stated that while a charter school could be successful in Rutherford County, the Sponsor's application does not evidence the ability to establish a school successfully as it did not meet the standards set forth by the Department of Education.

The Executive Director then asked questions of the Sponsor. RCP indicated that Rutherford County was selected as a location to operate a charter school as a result of interested parents visiting Nashville Collegiate Prep and wanting to enroll their children as students. Because out of district enrollment was not allowed, those parents were turned away, and the Sponsor began researching Rutherford County and its viability as a charter school location. The Sponsor indicated that its research revealed that RCP could address a gap in Rutherford County as schools in the northern section of



Rutherford County were not achieving at the same level of the rest of Rutherford County. The Sponsor stated that they spoke with ministers, leaders, and community members to gauge interest as well as gathered a profile from the Department of Education's website in studying Rutherford County. In response to questions about the enrollment projections for the school, the Sponsor stated that the application seeks to open with grades kindergarten through 5, with 85-90 students per grade level. The Sponsor indicated that its charter school currently in operation, Nashville Collegiate Prep, has an enrollment of 330. In speaking to community support, the Sponsor indicated that they met with the organization Rutherford Students First, local ministries, churches, and pastors, as well as conducted an interest survey on their website. The Sponsor stated that of the 115 responses, 114 were parents interested in a charter school in Rutherford County. The Sponsor indicated that they held an informational session with approximately 20 parents to inform them about the plan for RCP. The Sponsor also stated that, if approved, they are prepared for a multi-faceted rollout including community canvassing, forums, establishing a temporary office in Rutherford County and various advertisements to inform the public of the school's approval. The Executive Director then asked about facility contingencies, and the Sponsor explained that its ultimate desire is to build from the ground up, in order to create its desired communities of learning. The Sponsor stated that they have engaged in preliminary conversations with various architecture and/or design teams, but they do not want to enter into any MOU or contractual arrangement without an approved charter application. The Sponsor acknowledged the need to search for a temporary location if the application is approved for a Fall 2022 start date. The Sponsor stated that, while not the desired path, they have been in discussion about exercising the option to delay their start for one year, if approved.

The Executive Director then questioned the Sponsor on its plan for overcoming any challenges that may arise from oversight of two (2) schools under the ReThink Forward governing board. The Sponsor answered that involvement of the community is important, highlighting the board chair's significant roots within Rutherford County. Additionally, the Sponsor continued that the governing board would seek to add a Rutherford County representative to its board if the RCP application is approved. The Sponsor indicated that its charter management organization, NEI, is proficient in opening and operating a charter school, pointing to examples in Indiana, as well as Knowledge Academies and Nashville Collegiate Prep in Tennessee. The Sponsor stated that NEI will add support to their Tennessee state office team as well, if approved for authorization in Rutherford County. Finally, the Sponsor spoke to its plan for a successful opening if approved by the Commission. The Sponsor reiterated that if approved with an August 2022 start date, they would secure a short-term location with the necessary adjustments for enrollment and/or budgetary constraints. This location would serve the students while the Sponsor continues seeking a permanent facility for August 2023. The Sponsor stated that it would meet the open enrollment period requirements by vigorous community engagement and would immediately hire a school leader and executive staff for RCP to open.

The public hearing concluded with closing statements by both parties and the receipt of 8 in person comments and 22 written comments. The consensus amongst the public comments was split about evenly. The parents and county residents in support of the proposed school spoke to being in support of school choice and the positive mission and vision of the charter school. Opponents of the



Sponsor’s application spoke to the fiscal concerns and impact that RCP would have on the school district’s budget as well as comments that a charter school is not needed in Rutherford County.

ANALYSIS

In an appeal, State law requires the Commission to review the amended application and determine if it “meets or exceeds the metrics outlined in the department of education’s application-scoring rubric and¹²,” whether “approval of the application is in the best interests of the students, LEA, or community¹³.” Additionally, when substantial negative fiscal impact is cited as a reason for the denial of an amended application, the Commission shall conduct an analysis of the fiscal impact of a proposed school. Lastly, State law requires an authorizer to consider the performance of any charter school operated by the Sponsor when reviewing an application.¹⁴

Pursuant to T.C.A. § 49-13-108, the Commission adopted the State Board of Education’s quality 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 fiscal impact analysis, the Commission’s Review Committee’s Recommendation Report, the documentation submitted by both the Sponsor and RCS, the arguments made by both parties at the public hearing, and the public comments received by Commission staff and conclude as follows:

The district did not provide sufficient data and evidence to prove that the opening of a charter school in Rutherford County would have a substantially negative fiscal impact on the district. The Commission shall not approve a charter school if it is found to cause a substantial negative fiscal impact, and since there is insufficient evidence presented to find this impact, the focus of my analysis moves to the merits of the amended application.

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 explained in the report, I agree with the Review Committee that the amended application for RCP failed to provide sufficient evidence in the academic, operational, and financial sections to meet the standard for approval.

The Review Committee acknowledged the Sponsor’s clear mission and vision for the school, as well as the proposed use of a Continuous Improvement Model for the academic plan. However, the application lacked evidence of community support for the school and failed to demonstrate parent demand to meet the enrollment projections. The amended application contained no letters of support from any individual, organization, or business within Rutherford County, and this is critical because community and parent engagement is foundational for a charter school’s success. Based on the statements provided at the public hearing, it appears that the Sponsor has increased its community

¹² T.C.A. § 49-13-108(5)(E).

¹³ *Id.*

¹⁴ T.C.A. 49-13-107(e).



engagement efforts in the past few months, but there is little evidence of these efforts within the application or that these will translate into meeting the enrollment of 470 in year 1.

The lack of evidence of community and parent engagement is compounded with the fact that the Sponsor's current school authorized by the Commission, Nashville Collegiate Prep, only achieved a Year 1 enrollment of 326 students. While I commend the Sponsor for opening Nashville Collegiate Prep, I also acknowledge that the school had to make operational and budgetary changes to support this lowered enrollment. There is a lack of evidence contained within the amended application of how RCP and network would make adjustments should the proposed school fail to meet its enrollment projections and if the school would still be able to financially operate its proposed academic model with fewer students than projected. Additionally, the Sponsor stated that they received a significant amount of parent outreach from Rutherford County during the enrollment process for Nashville Collegiate Prep, and this parent outreach led them to consider a second school in Rutherford County. However, the Sponsor submitted a letter of intent to apply for a charter school in Rutherford County on December 3, 2020 prior to the Commission approving the charter agreement for Nashville Collegiate Prep on December 16, 2020 and prior to the school beginning its enrollment process in spring of 2021. Therefore, evidence is not clear when and how the Sponsor gathered parent demand for the school prior to submitting the application.

The Review Committee also cited a lack of clarity with the proposed plan to serve special populations and what the school's staff support would look like. Within the application, special populations staff were included in the school's organizational chart for the school, but these staff did not appear in the proposed school budget. In the capacity interview, the Sponsor stated that these positions would be at the network level rather than the school level, which is why they are not in the budget, but this plan contradicts what is contained within the application. Moreover, there is the lack of explanation of how the proposed staffing at the network level would sufficiently support the needs and services of students with disabilities and English Learners at the school. This issue is compounded by the staffing and support challenges for special populations that Nashville Collegiate Prep has seen during its first year of operations. Over the four months that Nashville Collegiate Prep has been open, the Commission staff has worked closely with the school to ensure it had appropriate staffing and services for special populations, that the school met all required staffing ratios, and that the school met deadlines and completed all required screenings and assessments for students. The Commission staff continues to monitor how NEI adjusted its operations at Nashville Collegiate Prep to ensure these challenges do not repeat or grow, and there is a lack of evidence within the amended application to demonstrate how the organization has learned from the challenges and the steps it has taken to avoid these issues occurring at RCP.

From an operations standpoint, the Review Committee found that the Sponsor's application lacked detail in critical areas, such as board structure, facilities, and staff recruitment. The ReThink Forward governing board oversaw the opening of Nashville Collegiate Prep in August 2021, and the governing board is continuing to learn from its on-the-ground experience of the oversight and monitoring required to run a successful school. However, the ReThink Forward governing board remains small – at the same size it was when Nashville Collegiate Prep was approved by the State



Board of Education with only four people – and the governing board is proposing to take on significant more responsibility with opening a second school in less than a year. Currently, there is a lack of clear evidence of capacity within its current size and structure for the governing board to both continue to grow and oversee Nashville Collegiate Prep while also standing up a second school within a year.

Additionally, the Review Committee noted a lack of sufficient detail regarding the facility plans and the related budget for the school. The school plans to hire a developer to build the school from the ground up, but the application lacked any letters of support or commitment from developers who agree to the financing terms proposed in the application. The financing terms in the application indicate that the developer will finance the construction of the school site, and then the sponsor will pay rent directly to the developer as a percentage of their per-pupil student revenue. While there may be developers willing to work within these terms, there was no evidence provided within the application of this agreement. Additionally, the Sponsor stated in the capacity interview and the public hearing that they would investigate a temporary facility for the school while construction occurred, but the application lacks any evidence of this contingency plan and the financial plan to both operate a temporary facility while also financing a permanent facility. I do commend the Sponsor for expediting the facility process for Nashville Collegiate Prep to be able to open in August 2021, but I also recognize that the proposed location is in a different county with a different set of circumstances. Thorough facility contingency planning, both operationally and financially, is necessary for a school to be successful, and this application lacked evidence of a clear contingency plan such that the school could open in August 2022.

Within the operations section, the Review Committee cited a lack of evidence of the teacher recruitment and licensure plan for the school to ensure that RCP would be able to staff in alignment with both their academic plan and state regulations. The school proposes to hire 26 teachers in Year 1, including multiple teachers in hard-to-staff areas such as supporting English Learners and students with disabilities. While the Sponsor stated that it has partnerships with Trevecca University and NEI's New Teacher Prep Program to fill these recruitment needs, there was a lack of evidence that the school could overcome the widespread teacher recruitment challenges that exist to hire 26 individuals in Year 1 while also continuing to grow and staff Nashville Collegiate Prep. This issue is compounded by the challenges that Nashville Collegiate Prep faced in staffing and licensure, and while I expect the Sponsor has remedied these challenges moving into Year 2 of operation at Nashville Collegiate Prep, there is a lack of evidence within the application that the Sponsor has made the appropriate adjustments to avoid these challenges with its current school as well as when opening a new school without repeating these same issues.

In review of the financial plan, the Review Committee found that the Sponsor's application was insufficient as the projections were based on an ambitious enrollment target without clear contingency plans, excluded key positions in staffing, and lacked evidence of access to the funds necessary to begin operation. The Review Committee indicated that the application failed to detail contingency plans if RCP was unable to meet enrollment projections. As noted above, Nashville Collegiate Prep opened at 326, but the application did not contain a detailed contingency plan should the RCP open at a similar enrollment. The Sponsor's application also failed to detail the plans for



funding positions necessary to serve special populations as noted earlier, and the plans for these positions did not align to what was communicated at the public hearing or in the capacity interview. The funding for the pre-opening year comes from a line of credit from NEI, but the application did not contain any letters of commitment from NEI nor state what RCP would do if additional funds were needed for the school. Additionally, there was a lack of evidence in the application regarding the financial contingencies for the facility and how any unplanned expenses would be covered, including the need to occupy a temporary facility. In totality, the proposed budget lacked sufficient information to demonstrate that RCP would be financially viable while also not impacting the financial stability of Nashville Collegiate Prep.

While I concur with the ultimate decision of RCS to deny the amended application of RCP, it is not for many of the reasons cited by RCS during their process. Throughout the review of the record in this appeal, there is clear misinformation about charter schools, and there was a lack of communication between both parties throughout the process. First, the parties used two different per pupil rates throughout the application process, and as a matter of due diligence, the Commission staff asked each party to expound on the BEP per pupil rates used in analyzing the financial viability of the school.¹⁵ The Sponsor stated that they had attempted to contact RCS on multiple occasions throughout the application process to gain pertinent information for their application, including the district's per pupil BEP rate, but the district was unresponsive to this outreach. Therefore, the Sponsor pulled the district's per pupil rate from publicly available websites, upon the advice of the Department of Education. However, in its analysis of the application, the district cited the number as incorrect and as a reason for denial. While ultimately the financial plan does not meet the standard for approval for reasons above and beyond the per pupil rate, I cannot fault the per pupil rate used by the Sponsor within the application because the district did not provide this information when asked. It is imperative that an applicant receives basic information about a district, including an accurate BEP per pupil rate, to build an appropriate budget, and it is critical that a district be responsive to such information requests from applicants. Beyond the issue around communication, the Sponsor also noted several other process issues that occurred throughout the district's application process, and these process challenges are not without merit. It is imperative that a district who receives a charter application follow State law, ground its work in the state's scoring rubric, and communicate with an applicant.

The district also cited issues with the Sponsor's application that are either wrong or outside of the scope of the rubric. The district noted in its denial of the amended application that ReThink Forward did not have any resident of Rutherford County on its governing board. This is not required by state law nor is it required in the state's scoring rubric. Additionally, the district and the Rutherford County Commission state that, if approved, the charter school board will have no local accountability. If RCS was the authorizer of the proposed school, the district would have significant oversight and accountability responsibilities for the school, as required by State law, and the district would collect an authorizer fee to support these oversight responsibilities. Throughout the district's review, it stated

¹⁵ After the public hearing, the parties were asked for clarifying information surrounding the financial considerations of the Rutherford Collegiate Prep application.



that the opening of the proposed school would result in a substantially negative fiscal impact on the district. As noted in my analysis, I did not find evidence that the opening of a charter school within Rutherford County would result in this level of fiscal impact.

Throughout the Commission staff's review of the record in this appeal, it is clear from the evidence that a charter school could be successful in Rutherford County. The county continues to grow in its residency and student population, has a diversifying school district with individuals moving to Rutherford County, and has a strong economy. The Sponsor did raise real issues with the district's application process and some of the information used in the district's decision making. However, the charge of the Commission in an appeal is not simply a review of the process or the reasons a district used for denial. State law says that the Commission may only approve an application if it meets or exceeds the metrics outlined in the Tennessee Department of Education's scoring rubric.

In the case of Rutherford Collegiate Prep, I determined that the amended application did not meet or exceed the metrics for approval contained with the state's scoring rubric. Since no authorizer can approve a school based on contingencies or conditions, it is required that an approved application be ready to implement with few substantive details left for later development.¹⁶ I encourage the Sponsor to use the feedback received through this process to further strengthen its application. Specially, I encourage the Sponsor to continue its community and parent engagement efforts within Rutherford County, clearly document the results of those efforts within the application and demonstrate why that supports its enrollment projections. I also encourage the Sponsor to grow its governing board to ensure it can meet its governance responsibilities for both Nashville Collegiate Prep and any additional schools. The Sponsor must continue to refine its staff recruitment and licensure process to demonstrate that it can both continue to appropriately staff at Nashville Collegiate Prep while also opening a second school. Additionally, the Sponsor needs to clearly delineate its financial modeling, inclusive of facility contingencies, enrollment contingencies, and staffing plans, to demonstrate long-term viability. Lastly, ReThink Forward and NEI need to continue to focus on the Year 1 academic, operational, and financial success of the school currently authorized by the Commission, Nashville Collegiate Prep. I have confidence that a strong charter school application within Rutherford County can be approved and open successfully in the future. However, the current amended application does not meet the standards for approval.

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 Rutherford Collegiate Prep was contrary to the best interests of the students, the LEA, or community. Therefore, I recommend that the Commission deny the amended application for Rutherford Collegiate Prep.



Tess Stovall, Executive Director
Tennessee Public Charter School Commission

1/7/22
Date

¹⁶ State Board of Education Policy 6.111 – Quality Authorizing Standards



EXHIBIT A

Charter Application Review Committee Recommendation Report

January 7, 2022

School Name: Rutherford Collegiate Prep

Sponsor: ReThink Forward, Inc.

Proposed Location of School: Rutherford County Schools

Evaluation Team:

DreJean Cummings

Michelle Doane

Kathy Duggan

Beth Figueroa

Hillary Sims



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



© 2014 National Association of Charter School Authorizers (NACSA)

This document carries a Creative Commons license, which permits noncommercial re-use of content when proper attribution is provided. This means you are free to copy, display and distribute this work, or include content from the application in derivative works, under the following conditions:

Attribution You must clearly attribute the work to the National Association of Charter School Authorizers, and provide a link back to the publication at <http://www.qualitycharters.org/>.

Noncommercial You may not use this work for commercial purposes, including but not limited to any type of work for hire, without explicit prior permission from NACSA.

Share Alike If you alter, transform, or build upon this work, you may distribute the resulting work only under a license identical to this one. For the full legal code of this Creative Commons license, please visit www.creativecommons.org. If you have any questions about citing or reusing NACSA content, please contact us.



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 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:

1. 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, and Financial Plan and Capacity.
2. Capacity Interview: 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 identified school leader (if applicable) to address the concerns, weaknesses, and questions identified in the application, and to assess the capacity to execute the application's overall plan.
3. Consensus Judgment: 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. Summary of the application: A brief description of the applicant’s proposed academic, operations, and financial plans.
2. Summary of the recommendation: A brief summary of the overall recommendation for the application.
3. Analysis of each section of the application: An analysis of the three 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 (if applicable); 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 (if applicable); food service; additional operations (if applicable); 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.

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: Rutherford Collegiate Prep

Sponsor: ReThink Forward, Inc.

Proposed Location of School: Rutherford County Schools

Mission:¹ The mission of Rutherford Collegiate Prep (RCP) is to provide a personalized, engaged, supported, and challenging environment that will strengthen students academically, socially, and emotionally. Students will leave RCP with the skills and mindset necessary to not only face reality but create improvements for the next generation.

Number of Schools Currently in Operation by Sponsor:

The sponsor has one (1) operating charter school authorized by the Tennessee Public Charter School Commission. Nashville Collegiate Prep opened in School Year 2021-22 and serves grades kindergarten through 5.

Proposed Enrollment:²

| Grade Level | Year 1: 2022-23 | Year 2: 2023-2024 | Year 3: 2024-2025 | Year 4: 2025-2026 | Year 5: 2026-27 | At Capacity: |
|-------------|--------------------|----------------------|----------------------|----------------------|--------------------|------------------|
| K | 80 | 100 | 100 | 100 | 100 | 100 |
| 1 | 80 | 80 | 100 | 100 | 100 | 100 |
| 2 | 80 | 80 | 80 | 100 | 100 | 100 |
| 3 | 80 | 80 | 80 | 80 | 100 | 100 |
| 4 | 75 | 75 | 75 | 75 | 75 | 100 |
| 5 | 75 | 75 | 75 | 75 | 75 | 100 |
| 6 | 0 | 75 | 75 | 75 | 75 | 75 |
| 7 | 0 | 0 | 60 | 60 | 60 | 60 |
| 8 | 0 | 0 | 0 | 60 | 60 | 60 |
| 9 | 0 | 0 | 0 | 0 | 0 | 0 |
| 10 | 0 | 0 | 0 | 0 | 0 | 0 |
| 11 | 0 | 0 | 0 | 0 | 0 | 0 |
| 12 | 0 | 0 | 0 | 0 | 0 | 0 |
| Totals | 470 | 565 | 645 | 725 | 745 | 770 ³ |

Brief Description of the Application:

The sponsor, ReThink Forward, Inc., is proposing to open a charter school in Rutherford County,

¹ Rutherford Collegiate Prep Amended Application, pg. 5.

² Ibid, pg. 17.

³ The applicant states that the school will reach capacity at 770. However, the actual capacity of all grades based on the proposed enrollment is 795.



Tennessee and serve students in Kindergarten through 8th grade when fully built out. The school, Rutherford Collegiate Prep, is a new-start school and would be the second school for the sponsor. The proposed school will be organized under ReThink Forward, Inc. and contract directly with Noble Education Initiative (NEI) as its charter management organization. The school intends to operate in the northwest communities of Rutherford County and plans to utilize NEI's Continuous Improvement Model designed around learning communities to offer students a personalized, engaged, and supportive learning environment.⁴ The school proposes to offer standards-based instruction framed in social emotional learning based on ReThink Forward's current operating school, Nashville Collegiate Prep, and provide an opportunity for students in the northwest Rutherford County area additional school options.

ReThink Forward's Board of Directors will govern both Nashville Collegiate Prep, which opened in Fall 2021, and Rutherford Collegiate Prep. In Year 0, Rutherford Collegiate Prep has budgeted receiving a \$300,000 line of credit from Noble Education Initiative and projects \$264,146 in expenses for the school. Rutherford Collegiate Prep projects the school will have \$5,166,184 in revenue and \$5,026,058 in expenses in Year 1, resulting in a balance of \$175,979.⁵ By Year 5, the school projects to have \$8,218,819 in revenue and \$7,828,943 in expenses, resulting in a positive ending fund balance of \$1,179,003.⁶ The school anticipates that 3% of the student population will qualify as economically disadvantaged, 9% of the student population will be students with disabilities, and 12% of the student population will be English Learners.⁷

⁴ Ibid, pg. 10.

⁵ The applicant's budget reflected the opening line of credit as revenue in year 0, instead of as a liability. As a result, the actual projected ending fund balance in Year 1, as reflected under GAAP, is approximately \$(24,020).

⁶ Rutherford Collegiate Prep Amended Budget, pg. 244.

⁷ Ibid, pg. 17.



Summary of the Evaluation

The review committee recommends denial of the application for Rutherford Collegiate Prep because the applicant failed to provide sufficient evidence in the academic, operational, and financial sections to demonstrate the application meets the required criteria of the rubric.

The academic plan presented by the applicant includes a clear mission and vision for the school and a Continuous Improvement Model, however the proposed plan is based on a very ambitious enrollment projection without adequate documentation of community and parent support to demonstrate the likelihood of meeting this enrollment target. The application included discrepancies regarding the staffing of positions responsible for serving special population students and did not include a sufficient contingency plan should the school enroll a population above the projected amount.

The applicant's operations plan was inadequate, as there is a lack of detail in critical operational areas, particularly in board structure, facilities, and staff recruitment. The applicant did not articulate a clear plan or timeline for adding additional board members reflective of the community and student populations at Nashville Collegiate Prep and Rutherford Collegiate Prep in either the application or during the capacity interview. The application and capacity interview created concern related to the likelihood of securing or constructing a facility in time for beginning operations in Fall 2022, and the application did not include any detailed contingency plan related to temporary facilities. The applicant also did not present a clear plan related to staff recruitment and teacher licensure.

Similarly, the financial plan was not sufficient because projections were based on optimistic enrollment assumptions without contingency plans, excluded key positions, and lacked evidence of access to the funds necessary to begin operations. The budget did not include sufficient detail related to contingency plans if enrollment projections were not met or the funding source of positions that are necessary to serve special populations. There are also concerns about whether the applicant can acquire the funding necessary to open the school, and to keep it running should NEI not provide a startup line of credit, or if the school needs additional funds.

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 approval⁸ 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:

| Sections | Rating |
|-----------------------------------|--------------------------|
| Academic Plan Design and Capacity | Partially Meets Standard |
| Operations Plan and Capacity | Partially Meets Standard |
| Financial Plan and Capacity | Partially Meets Standard |

⁸ Tennessee Charter School Application Rubric-Evaluation Ratings and Sample Scoring Criteria, pg. 1.

Analysis of the Academic Plan Design and Capacity

Rating: Partially Meets Standard

Weaknesses Identified by the Committee:

The applicant's Academic Plan Design and Capacity partially meets standard because while the application contains a clear mission and vision for the school along with different models of instruction, such as student voice and choice, small group instruction, large group instruction, direct instruction, and moveable spaces laid out within the plan, significant gaps within the proposed plan remain. Specifically, there is insufficient evidence to show community support and outreach within Rutherford County for the proposed school to meet the projected enrollment, and the application contained discrepancies surrounding the services to special populations including a lack of clarity in staffing and budgeting.

The applicant identifies opening in Northwest Rutherford County due to population growth and demand in the area. While the application demonstrated evidence of population growth, there is insufficient evidence that the school would be able to reach the proposed year 1 enrollment projections of 470 students in grades kindergarten through fifth. Specifically, the application lacked evidence of robust community engagement and support for the proposed school or sufficient parent demand to achieve an enrollment of 470 students. The applicant included data from a poll posted on the school's Facebook page with 114 respondents, but there is no evidence that the respondents have school-age children or intend to apply if the school opens. Moreover, the plan for family recruitment efforts lacks specific detail within the application, primarily regarding families with special needs students and families who are economically disadvantaged. The applicant simply states that they will translate marketing materials and work with local churches, but this does not meet the standard of the rubric because this does not adequately demonstrate measures to create equal access to all interested families, especially with low-income families and families of students with disabilities.

The applicant also states that it has community support in the area of the proposed school, however there is little evidence provided within the application to support this statement. In fact, there were no letters of support from Rutherford County community members, local businesses, local community groups, or prospective families. The letters of support provided within the application were addressed to Sherry Hage at NEI and ReThink Forward and do not demonstrate support for the proposed school in the proposed location. The review committee notes that ReThink Forward's current school which opened in August 2021, Nashville Collegiate Prep, had an enrollment projection of 470 in its approved charter application and achieved an enrollment of 326 in year 1. However, RCP's application lacks a contingency plan should the school fail to reach an enrollment of 470. In totality, the application lacks evidence that the proposed school has demonstrated community and parent support to reach its proposed enrollment.

Within the application, there are discrepancies surrounding special populations and how the school would serve these populations. The application states that the school plans to hire a Special Education Coordinator, an English Learner Services Coordinator, and Student Services Coordinator to ensure these populations of students receive appropriate services. However, these positions are not included in the school's budget. During the capacity interview, NEI and ReThink stated that these positions would be hired at the network-level rather than the school-level, but this plan does not align to what is included in the proposed application, nor does it provide evidence that the school could provide the necessary supports if those positions are working with schools beyond RCP. Additionally, there is only \$1,000 per pupil budgeted for contracted special education services, and no contingency plan is included should the percentage of students with



disabilities is higher than projected. The application lacks sufficient detail to meet the standard of the state's rubric in services and supports to special populations, and the capacity interview with the applicant did not provide further evidence to support the school's ability to adequately support special populations at RCP. Overall, due to these factors, the review committee found evidence that the academic plan only partially meets the standard.

Strengths Identified by the Committee:

While the Academic Plan Design and Capacity partially meets the standard because of the weaknesses described above, the review committee did find that the applicant provides a clear and concise mission and vision, a detailed Continuous Improvement Model, and a focus on academic data through aligned assessments. The Continuous Improvement Model described within the application provides evidence of how to raise the bar in achievement for at-risk students and details individual support. The academic model encompasses teachers' ability to work closely with small groups to provide individualized support for students to become self-directed thinkers. Interim assessments occur 10 times per year and are directly aligned to Tennessee State Standards. Further, data clearly drives decision making within this academic plan.



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 there is a lack of detail in critical operation areas, particularly in the current board structure, facilities, and personnel.

The governing board for ReThink Forward, Inc. is comprised of four members who are responsible for all aspects of their schools, including financial, human resources, operations, and governing board relations. Their responsibilities include overseeing Nashville Collegiate Prep, opening Rutherford Collegiate Prep, and managing Noble Education Initiative as the charter management organization. Since the inception of ReThink Forward, Inc. and opening Nashville Collegiate Prep, the board has remained at four members. The governing board has not added additional members to the board representative of the either school's community or to expand their governance capacity, while proposing to significantly increase their responsibilities as a governing board. This did not meet the standard because the board's effectiveness and efficacy are limited to the capacity of its few individual members.

With respect to facility plans, the applicant outlines a plan which includes construction of a new school facility, which the applicant states will be financed directly by a developer and retrofitted to meet the space described in the academic plan. However, the applicant does not outline a sound plan and timeline for identifying, renovating, and ensuring code compliance for a facility and school opening beginning in 2022. In the capacity interview, the applicant provided additional information related to where they are at in locating a proposed facility, however, the applicant did not provide any evidence from developers willing to finance, construct, and retrofit a facility. Additionally, the Sponsor stated in the capacity interview that they would look into a temporary facility if they needed to, or consider delaying their start for one year, but the application does not contain any contingency plans regarding a temporary location nor does the pre-opening budget include any costs budgeted for a temporary facility or the capital improvements if those are necessary. The review committee noted that the school does not have additional funding available in the pre-opening budget should the school have to take on such a project.

The review committee also determined that staffing and licensure practices do not meet the standard of the rubric. The application proposes an ambitious recruitment plan for hiring 26 licensed teachers in year 1 and up to 43 licensed teachers by year 5. However, the recruitment plan contained within the application provides limited detail on how the school would recruit 26 appropriately licensed and endorsed teachers to open successfully by August 2022. ReThink Forward, Inc. faced teacher recruitment and licensure challenges as it opened Nashville Collegiate Prep in August 2021, but the application lacks detail on how these challenges will be overcome when opening RCP. Neither the application nor capacity interview addressed the steps that ReThink Forward, Inc. would take to ensure sufficient staff could be recruited to meet the needs of the academic program while also meeting the licensure requirements.

Strengths Identified by the Committee:

Though the Operations Plan and Capacity partially meets the standard because of the weaknesses described above, the review committee notes that the governing board did open Nashville Collegiate Prep in August 2021, and the governing board is reflecting on its own oversight and monitoring practices through its experience operating Nashville Collegiate Prep over the last four months. Additionally, the sponsor has a clear



vision for constructing a facility to meet the innovative education model utilized by NEI. The applicant also provided a thorough and rigorous professional development plan which includes specialized training for all instructional staff prior to the start of each school year and continues throughout the school year. The applicant also generally presented reasonable plans for operational areas including transportation, food services, technology, and safety/security.

Analysis of the Financial Plan and Capacity

Rating: Partially Meets Standard

Weaknesses Identified by the Committee:

The Financial Plan and Capacity partially meets standards because the operating budget is based on an ambitious enrollment projection without the necessary contingencies, excludes key positions, and lacks evidence of proposed revenue necessary to fund operations in year 0.

While the applicant states a clear understanding of the necessity of fiscally prudent multi-year budget projections, the budget is based on an enrollment projection of 470 in year 1 and 565 students by year 2. As noted in the academic section, Nashville Collegiate Prep also projected an enrollment of 470 in its original application, however the school only achieved enrollment of 326 in year 1. During the capacity interview, the applicant explained that the reduced enrollment at Nashville Collegiate Prep was due to the short time frame that they had to open the school, however, Rutherford Collegiate Prep will be under similar time constraints because of a late approval date, the lack of a confirmed facility, and the lack of clear community support. However, the applicant does not provide a clear contingency plan or details of what adjustments would be made if enrollment is not realized at the projected amount. Further, the applicant utilizes a Basic Education Program (BEP) rate that exceeds the actual rate for Rutherford County, exacerbating the need for a strong contingency plan should revenue not be realized at the projected amounts.⁹

The review committee also found that while there are some areas that the applicant sufficiently details in their budget, questions remain about the alignment of the budget and the academic and operational plans. For example, some positions that are highlighted in the organizational chart are not accounted for in the financial file attached to the application (e.g., Special Education Coordinator, Student Services Coordinator, and English Language Coordinator). During the capacity interview, NEI stated that they are currently reviewing these positions and would hire these positions directly at the network level. However, it is not clear whether these positions would be solely assigned to RCP or network wide employees, and if network wide, whether they can fulfil the responsibilities necessary to serve special populations in line with the academic plan.

The applicant also includes a \$300,000 line of credit from NEI to fund start-up, however, it is not clear whether this amount is sufficient to cover start-up costs should the school be unable to locate a facility and need to pursue a temporary facility option. Additionally, the application lacks a letter of commitment from NEI demonstrating the network has access to these funds or additional funds, should it be necessary. The application also fails to mention additional grants or philanthropic support, which would be necessary should the line of credit not be secured. If the line of credit, grants, or philanthropic support are not realized, the school will not be able to operate based on current projections, and the lack of contingency plans contained within the budget led the review committee to rate the financial plan as partially meets standard.

Strengths Identified by the Committee:

While the Financial Plan and Capacity partially meets the standard because of the weaknesses described above, the review committee found that the network's first school, Nashville Collegiate Prep, began operations

⁹ The estimated per pupil amount that the sponsor used for SY22-23 is \$10,222, but Rutherford County Schools estimates the per pupil rate for SY22-23 to be approximately \$9,038. While the review committee acknowledges the need for transparency regarding per pupil rates for both parties throughout the process, it also notes that the difference of \$1,183 per student would amount to approximately \$550,000 less in revenue in Year 1 for RCP at full enrollment.



in 2021, and the applicant has developed an understanding of the necessity of fiscally prudent multi-year budget projections and include reasonable startup costs, including staffing, contracting, and other operating costs.



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.

Michelle Doane has over a decade of experience in the education and nonprofit sectors. She currently serves as an education consultant and project manager with SchoolWorks and maintains a portfolio as an independent consultant. Her clients have included the Walton Family Foundation, the Joe C. Davis Foundation, Maryland State Department of Education, Louisiana Department of Education, Minnesota Department of Education, Indiana Department of Education, Tennessee State Board of Education, Tennessee Public Charter School Commission, Metro Nashville Public Schools, Friends of Education, and Student Achievement Minnesota. Michelle specializes in areas including, but not limited to program development and evaluation, charter school development, charter school authorization, school and authorizer quality, strategic planning, and project management. Previously, Michelle worked at the Tennessee Charter School Center (formerly the Tennessee Charter School Incubator) for several years, where she managed leadership fellowships through which she successfully recruited and supported experienced school leaders in designing, applying for, and opening new-start and turnaround charter schools in Nashville and Memphis. She holds an M.Ed. in learning and instruction from Peabody College, Vanderbilt University.

Kathy Duggan has served as an educator for over 30 years. She started her career as an elementary school teacher and served as a curriculum coach in two high needs schools before becoming a principal. While serving as a principal, Kathy used exemplary research published by public charter schools to help advance the work of her teachers and staff. She currently serves as the Charter School Liaison for Knox County Schools.

Beth Figueroa is the Director of Authorizing for the Tennessee Public Charter School Commission. Prior to working at the Commission, Beth worked in California at the Riverside County Office of Education as an administrator responsible for charter school oversight and authorizing. In addition to her work in charter authorizing, Beth has worked as the Chief Business Officer at Santa Rosa Academy and Executive Director of Fiscal Services at Fontana Unified School District. She is a Certified Public Accountant and spent over 10 years working directly with charter schools as an auditor, business official, consultant, and authorizer. She received her B.S. in Business Administration and MBA from California Baptist University.

Hillary Sims has been a founding member of several Tennessee Charter Schools beginning shortly after the passing of Chapter 13. She holds a Bachelor of Science in Psychology & Sociology from East Tennessee State University, a Master of Science in Holistic Teaching and Learning from the University of Tennessee, Knoxville, and an Education Specialist Degree in Comprehensive and Modified, K-12 Special Education from the University of Tennessee, Knoxville. Ms. Sims has current certifications in seven highly qualified subject areas in both Tennessee and Georgia to include administrative licensure. 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. Ms. Sims has contributed to charter school improvement across the United States while working for a global charter management organization. Ms. Sims has served on the Governor's Advisory Council for Students with Disabilities as well as served as a charter review



team member for the State Board of Education for the last six years and now happily serves at the pleasure of the TPCSC. Areas of expertise are Students with Disabilities, Adolescent Mental Health, Special Populations, Compliance, Holistic Learning Strategies, Discipline/Culture, and School Leadership. Ms. Sims currently serves as an Exceptional Education Coach for Metropolitan Nashville Public Schools.