



Executive Director's Findings and Recommendation

Charter Appeal for Academy of the Arts Charter High School

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 23, 2021, the Sponsors of Academy of the Arts Charter High School (AACHS) appealed the denial of its amended application by the Fayette County Public Schools (FCPS) 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 AACHS amended application was not contrary to the best interests of the students, LEA or community.¹ Therefore, I recommend that the Commission uphold the decision of FCPS Board of Education to deny the amended application for AACHS.

STANDARD OF REVIEW

Pursuant to T.C.A. § 49-13-108 and Commission Policy 2.000, Commission staff and an independent charter application review committee conducted a de novo, on the record review of AACHS's amended application. In accordance with 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, local education agency (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 to affirm the local board's decision to deny.

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.



PROCEDURAL HISTORY

1. On December 1, 2020, the Sponsor submitted a letter of intent to FCPS expressing its intention to file a charter school application.
2. The Sponsor submitted its initial application for AACHS to FCPS on February 1, 2021.
3. The Sponsor presented the AACHS proposed model to the FCPS Board of Education at its March 4, 2021 meeting.
4. FCPS assembled a review committee to review and score the AACHS initial application.
5. On March 26, 2021, FCPS's review committee conducted a capacity interview with AACHS's Founding Board Members.
6. FCPS's review committee reviewed and scored the AACHS initial application and recommended to the FCPS Board of Education that the initial application be denied, indicating concerns about the application's completeness and an inadequate address to AACHS' impact on the federal desegregation order.
7. On April 30, 2021, the FCPS Board of Education voted to deny the AACHS initial application based on the review committee's recommendation.
8. The Sponsor amended and resubmitted its application for AACHS to FCPS on May 26, 2021.
9. On June 24, 2021, the Sponsor participated in a telephone conference call with members from FCPS, the U.S. Department of Justice, and the NAACP Legal Defense Fund to present its proposed school model and engage in discussion regarding the Fayette County Federal Desegregation Consent Order.
10. FCPS's review committee reviewed and scored the AACHS amended application based on the charter application scoring rubric.
11. FCPS's review committee rated each section of AACHS's amended application as "does not meet the standard."
12. On July 23, 2021, the FCPS Board of Education voted to deny the amended application of AACHS.
13. The Sponsor appealed the denial of the AACHS amended application in writing to the Commission on July 30, 2021, including submission of all required documents per Commission Policy 2.000.
14. The Commission's review committee independently analyzed and scored the AACHS amended application using the Tennessee Department of Education's charter application scoring rubric.
15. On September 10, 2021, the Commission staff held a public hearing at the UT Martin Somerville Center in Somerville, Tennessee. At the public hearing, the Executive Director, sitting as the Commission's Designee, heard presentations from the Sponsor and FCPS and took public comment regarding the AACHS amended application.
16. The Commission's review committee conducted a capacity interview with key members of the AACHS leadership team on September 21, 2021 via Microsoft Teams.
17. After the capacity interview, the Commission's review committee determined a final consensus rating of the AACHS amended application, which served as the basis for the Review Committee Recommendation Report, attached hereto as **Exhibit A**.



FINDINGS OF FACT

District Denial of Initial Application

The review committee assembled by FCPS to review and score the AACHS initial application consisted of the following individuals:

Name	Titles
Dr. Versie Hamlett	Superintendent, Fayette County Public Schools
Capt. Wendell Wainwright	Board Chairman, Fayette County Public Schools
Molly McCarley	Community Member
Dr. Shalonda Franklin	Chief Academic Officer, Fayette County Public Schools
Eddie Keel	Chief Administrative Officer, Fayette County Public Schools
Stephanie Neal	Chief District Support Officer, Fayette County Public Schools
Dr. Towanda Maclin-Brown	Chief Innovation Officer, Fayette County Public Schools
Dr. Diane Watkins	Chief Operations Officer, Fayette County Public Schools
Vincent Harvell	Finance Director, Fayette County Public Schools
Dana Kemper	Federal Projects Director, Fayette County Public Schools

The AACHS initial application received the following ratings from the FCPS 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 FCPS review committee completed its review and scoring of the initial application, its recommendation was presented to the FCPS Board of Education on April 1, 2021. Based on the review committee’s recommendation, the FCPS Board of Education voted to deny the initial application of AACHS.

District Denial of Amended Application

The review committee assembled by FCPS to review and score the AACHS amended application mirrored that of the committee that reviewed the initial application, with the exception of Dr. Watkins and Dr. Franklin. The amended application for AACHS reflected responses to the initial resolution of denial, dated April 30, 2021, rather than a new application. Upon resubmission, the FCPS review committee again held that the AACHS amended application “did not meet the standard,” and recommended denial. After the FCPS review committee completed its review and scoring of the amended application, its recommendation was presented to the FCPS Board of Education on July 23, 2021. At the July 23, 2021 board meeting, the FCPS Board of Education voted to deny the amended application of AACHS citing thirty-seven (37) reasons for denying the application, with the resolution attached to this recommendation as **Exhibit B**.



Commission Review Committee’s Evaluation of the Application

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

Name	Title
Sam Brobeck	Review Committee Member, External Reviewer
Scott Campbell	Review Committee Member, External Reviewer
Chase Ingle	Review Committee Member, Director of External Affairs
Melanie Harrell	Review Committee Member, Director of Finance and Operations
Grant Monda	Review Committee Member, External Reviewer

The review committee conducted an initial review and scoring of the AACHS 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 AACHS application was as follows:

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

The review committee has recommended denial of the application for AACHS because the Sponsor failed to provide sufficient evidence in the academic, operational, and financial sections to meet the required criteria of the rubric.

The review committee found that, while the Sponsor had a clear mission and vision, it lacked evidence that it could execute a high-quality academic plan. The review committee indicated that the Sponsor did not show evidence that stated curriculum was possible given the development timeline or how it would meet the needs of all the students. The review committee did not see a demonstrable demand for the high school or a convincing recruitment strategy to support their enrollment projections.

The review committee held that the Sponsor’s operations plan lacked specificity in critical areas, in particular student and staff recruitment, facilities, and transportation. The review committee stated that the Sponsor did not include a timeline conducive to a successful year 1 opening, based on a lack of a feasible facility plan. The review committee had concerns with the Sponsor’s proposed staffing model when looking at the application’s organizational chart, citing the challenge for AACHS to meet the instructional vision and learning needs of the students. The review committee also indicated that the Sponsor’s staff recruitment efforts do not consider the rural location of the community, and the Sponsor provided a transportation plan that could not support the needs of the community.



Finally, the review committee found that the Sponsor's financial plan was insufficient as there were critical revenue and expense assumptions that were not supported and lacked adequate committed funds. The review committee indicated that the Sponsor's application did not include evidence of a reasonable and sound financial plan, citing a lack of sufficient detail on several line items in the budget. The review committee had questions about the Sponsor's ability to acquire the necessary funding to open and maintain the school. The review committee also stated that the information in the Sponsor's financial plan did not align with the stated plans in the academic or operations sections, which thwarted the committee's confidence that the Sponsor could open and operate the school. For the aforementioned reasons, the review committee found that the Sponsor did not meet or exceed the standard in any section.

For additional information regarding the review committee's evaluation of the AACHS 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 September 10, 2021. FCPS's presentation at the public hearing focused on the deficiencies found by the FCPS Board of Education. Representatives from FCPS indicated that AACHS's amended application was denied based on a failure of the Sponsor to receive approval from the district courts to intervene in the pending lawsuit and receive consideration as a school in the desegregation consent order as well as the application's scoring rubric result of "does not meet standard," and the negative fiscal impact on Fayette County Public Schools should the Sponsor's application be approved. FCPS indicated that the amended application for AACHS lacked curriculum, specifically citing Math 1 & 2, Physical Science, Biology, English I and various CTE courses as concerns. FCPS indicated that the Sponsor failed to show a strong personnel plan and/or human capital for AACHS, highlighting the proposed Executive Director's educational and school leadership history. Finally, FCPS indicated concerns over the proposed facility for AACHS. FCPS stated that the proposed location requires major renovations (e.g. HVAC replacement, roof renovation, and treatment for mold) and the Sponsor's declaration of a \$50,000 budget for renovation will be insufficient for the AACHS's projected opening.

In the Sponsor's opening statement, AACHS's mission, vision, and core values were highlighted. The Sponsor indicated that AACHS will serve "to educate high school students through the performing arts and give them the academic and entrepreneurial skills to succeed in college and life." The Sponsor indicated that the academic plan for students offer five (5) performing arts majors, daily coursework in financial literacy, career & technical education, and an art infused curriculum. The Sponsor stated that students' curriculums would be based on their needs. The Sponsor highlighted that the application experience with FCPS held AACHS accountable to standards outside of the charter application and information was not documented properly throughout the application process. The Sponsor set forth examples such as FCPS's stated finding that the charter application failed to provide proof of sports liability coverage, as AACHS intends to offer TSSAA sports. The Sponsor stated that it

⁵ T.C.A. § 49-13-108(5)(b)(i).



presented two (2) letters from Bankers' Insurance confirming coverage for all insurance needs. The Sponsor also stated that AACHS was denied a fair and transparent process, citing that a public hearing was held on June 29, 2021 at 6:30 PM; however, no public comment occurred. The Sponsor also indicated that the conference call with FCPS, the Department of Justice, and NAACP Legal Defense Fund was an informal conversation, and no firm advice was given regarding the necessity for a limited intervention by AACHS into the federal desegregation consent order.

During questioning by the Commission, FCPS explained the process used to review the Sponsor's application, including connecting with the Metro Nashville Public Schools and Shelby County Schools Charter School Offices for training and resources on how to conduct a charter school application review. FCPS detailed the members of their review committee and the findings of the committees with regards to the initial and amended applications. FCPS explained that there was concern surrounding some of the answers provided in the Sponsor's application, based on typographical errors and references to Shelby County and Pennsylvania school systems rather than answers tailored to the application for Fayette County. FCPS expressed concern about community involvement based on the letters of commitment from people and/or organizations located outside of Fayette County. FCPS also indicated that the Sponsor had no MOUs regarding school locations, transportation, or food plans. FCPS raised concern about the Sponsor's budget as well. Finally, FCPS explained its reasoning and decision in relation to the outstanding federal desegregation consent order.

The Commission then questioned the Sponsor. The Sponsor explained its due diligence and research including meeting with the Tennessee Charter School Center and support from High Tech High. The Sponsor selected Fayette County after seeing a lack of education options for the students in the county, and the low academic outcomes of Fayette County compared to other districts. In determining enrollment, the Sponsor indicated that it would start with 90 students in Year 1, allowing a maximum of 18 students per classroom. The Sponsor indicated that the class size was sustainable by its budget and indicated that transportation would be provided by 2 to 3 buses. The Sponsor indicated that AACHS would not cause Fayette County to be out of compliance with the federal desegregation order, citing that the Sponsor would ensure that AACHS adheres to the annual reporting requirements in all categories of the order. In explaining the community support, the Sponsor stated that it collected signatures through a local business in Somerville and engaged in general outreach with community organizations. In response to questions about its staffing model, the Sponsor indicated there is a pipeline built through the Tennessee Department of Education and University of Memphis, as well as Arts Impact. The Sponsor stated it would use social media and online recruitment and offer a competitive salary to staff and retain quality educators.

The public hearing concluded with closing statements by both parties and the receipt of seven (7) in person comments.

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,” whether “approval of the application is in the best interests of the students, LEA, or community⁷.” 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 FCPS, 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 AACHS amended application did not rise to the level of meeting or exceeding the standards required for approval.

It is imperative to note that Fayette County is under a Federal desegregation Consent Order, with the latest version being entered on July 12, 2013. Being under a federal consent order, the US Department of Justice conducted a review in 2007 and discovered various violations. Subsequent to the review, the Fayette County Board of Education has made effort to bring the county into unitary status. As there is currently one (1) high school in Fayette County, the authorization of any additional high school should undergo examination and consideration of its effect on the county as a whole. The Sponsor has not set forth any plans for a limited intervention, in accordance with *Cleveland v. Union Parish School Board*⁸. Without such consideration, Fayette County risks being out of compliance with the consent order. While this Consent Order does not name or anticipate AACHS as a party, I find that Fayette County Public Schools properly evaluated the Sponsor in light of the Consent Order. Fayette County has an obligation to make efforts to achieve unitary status, and these efforts are monitored by the United States District Court who holds a “constitutional duty to enforce the order by scrutinizing all school board actions.”⁹ Those actions include the authorization of a charter school within Fayette County. I also think it is important to note that the Commission’s charge is not to ensure that Fayette County remain in compliance with its Consent Order, but rather conduct a holistic analysis of this appeal, considering AACHS’s ability to succeed as a charter school under the Commission’s portfolio. Ultimately, however, whether the Sponsor meets or exceeds the standard to establish a charter school in Tennessee was not predicated on the intervention of the consent order but rather the rubric and scoring of the application.

Any authorized public charter school is entrusted with the great responsibility of educating students and a significant amount of public funds. For these reasons, the Commission expects that only those schools that have demonstrated a high likelihood of success and meet or exceed the required criteria in all areas will be authorized. There is no doubt that the Sponsor has a great passion for bringing a unique option to students in Fayette County, and the Sponsor has presented support from members of the community who expressed interest in the school model of AACHS. I do, however,

⁶ T.C.A. § 49-13-108(5)(E).

⁷ *Id.*

⁸ *Cleveland v. Union Parish School Board*, 570 F. Supp.2d. 858.

⁹ *Id.* at 867.



agree with the review committee that the amended application of AACHS as set forth lacks a coherent academic plan, facilities plan, transportation plan, and financial planning necessary to merit approval.

Specific to the academic plan, the Sponsor indicates in the amended application that AACHS would work with Arts Impact to have a personalized and innovative arts infused curriculum designed by experts in the field. The Sponsor indicated that the curriculum does not exist currently, but rather would be designed through collaboration with Arts Impact experts, the Executive Director of the school and facilitators within the school. Part of the Sponsor's opening statement included the allegation that FCPS held the AACHS application to standards not required by the process. However, T.C.A. § 49-13-107 does specifically state that an application shall include "[a] proposed academic plan, including the instructional goals and methods for each grade level the school will serve, which, at a minimum, shall include teaching and classroom instruction methods that will be used to provide students with the knowledge, proficiency, and skills needed to reach the goals of the school....¹⁰" The Sponsor provided high level goals for the AACHS curriculum but lacked evidence of a strong academic plan that meets or exceeds the standard and aligned with Tennessee State Standards. The amended application failed to identify specific academic plans, but rather indicated that from November 2021 through March 2022, AACHS would "determine" and "finalize" curriculum plans. An authorized charter school requires explanation of curriculum aligned with Tennessee State Standards.

Moreover, the school's proposed staffing plan does not demonstrate confidence that it would be able to meet all staffing and licensure requirements for the proposed school model. Since the Sponsor is planning a performing arts high school and proposing that students would graduate with one of five specialty majors, highly trained and qualified teachers would be required for the school above and beyond the traditional high school course load. Recruitment of teachers is very challenging for any school, but the Sponsor lacked a detailed and realistic plan to staff the school with highly specialized teachers at a competitive salary in a school located in a rural area. While I appreciate the Sponsor's plan to recruit locally and nationally, there was insufficient evidence that these recruitment efforts would result in the school's ability to meet their staffing needs and licensure requirements.

With regard to the facilities plan, the Sponsor has not set forth any specific location for the future site of AACHS. The proposed locations included in the record stand in need of major renovations, and the Sponsor has yet to put forth any firm commitments to cover the costs of those facility renovations. The Sponsor's lack of a committed location for such a large geographic district causes concern for the enrollment capacity of AACHS in its first year. While the identification of a facility is not a requirement for approval, reasonable facility options and location options are critical for the success of a school, particularly one with such a specialized focus as performing arts. Once a facility and location are selected, this choice will impact enrollment projections, lottery preferences, renovation costs and a variety of other concerns enumerated by the review committee. In totality, the review committee lacked evidence to determine the Sponsor had reasonable and achievable facility plans that would meet their enrollment projections, and I agree with these concerns.

Related to the facilities plan are questions of the Sponsor's transportation plan. The Sponsor indicated in the public hearing that transportation would be provided to any student as needed.

¹⁰ T.C.A. § 49-13-107(b)(2).



Fayette County, as one of the largest counties in the State of Tennessee, the Sponsor's assertion of providing transportation throughout the county raised concern for the review committee. The Sponsor indicated, through statement and a budget line item that a bus would be provided; however, the evidence provided no anticipated budget for a bus driver and/or monitor. There was no indication of the transportation requirements for students with disabilities, or an anticipated plan to accommodate the large geographic region that makes up Fayette County. The concerns enumerated by the review committee as well as the scoring rubric were the driving factors in my recommendation. For the reasons expounded on in this report, I cannot recommend that the Commission approve the AACHS amended application.

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 Academy of the Arts Charter High School was contrary to the best interests of the students, the LEA, or community. Therefore, I recommend that the Commission affirm the decision of the Fayette County Public Schools Board of Education to deny the amended application for Academy of the Arts Charter High School.



Tess Stovall, Executive Director
Tennessee Public Charter School Commission

10/4/21

Date

Exhibit A



Charter Application Review Committee Recommendation Report

October 4, 2021

School Name: Academy of the Arts Charter High School

Sponsor: Academy of the Arts Charter High School, Inc.

Proposed Location of School: Fayette County Public Schools

Evaluation Team:

Sam Brobeck
Scott Campbell
Chase Ingle
Melanie Harrell
Grant Monda



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.



TENNESSEE
PUBLIC CHARTER SCHOOL COMMISSION

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: Academy of the Arts Charter High School

Sponsor: Academy of the Arts Charter High School, Inc.

Proposed Location of School: Fayette County Public Schools

Mission:¹ The mission of Academy of the Arts Charter High School is to educate high school students through the performing arts while providing them with the academic and entrepreneurial skills to succeed in college and in life!

Number of Schools Currently in Operation by Sponsor: There are no schools currently in operation by the sponsor.

Proposed Enrollment:²

Grade Level	Year 1: 2021-2022	Year 2: 2022-2023	Year 3: 2023-2024	Year 4: 2024-2025	Year 5: 2025-2026	At Capacity:
K	0	0	0	0	0	0
1	0	0	0	0	0	0
2	0	0	0	0	0	0
3	0	0	0	0	0	0
4	0	0	0	0	0	0
5	0	0	0	0	0	0
6	0	0	0	0	0	0
7	0	0	0	0	0	0
8	0	0	0	0	0	0
9	90	100	110	120	120	120
10	0	90	100	110	120	120
11	0	0	90	100	110	120
12	0	0	0	90	100	120
Totals	90	190	300	420	450	480

Brief Description of the Application:

The sponsor, Academy of the Arts Charter High School, Inc., is proposing to open a charter school in Somerville, Tennessee and serve students in grades 9th-12th. The school, Academy of the Art Charter High School, is a new-start school and would be the first school for the sponsor. The school intends to operate in the Fayette County community to provide “sequential standards-based arts instruction.”³ The school plans to offer

¹ Academy of the Arts Charter School Original Application, pg. 3.

² Ibid, pg. 21.

³ Ibid, pg. 14.



a performing arts curriculum that will provide an opportunity for students in the community an additional high school option.

The proposed school will be organized under the charter management organization, Academy of the Arts Charter High School, Inc., and the Board of Directors will govern the new school. In Year 0, Academy of the Arts Charter High School has budgeted \$375,000 in revenue, primarily from the Charter School Growth Fund and projects \$319,009 in expenses for the school. Academy of the Arts Charter High School projects the school will have \$1,309,542 in revenue and \$1,292,645 in expenses in Year 1 resulting in a balance of \$16,897. By Year 5, the school projects to have a \$4,009,990 in revenue and \$2,969,027 in expenses, resulting in a positive ending fund balance of \$1,040,963.⁴ The school anticipates that 77.78% of the student population will qualify as economically disadvantaged, 11% of the student population will be students with disabilities, and 2% of the student population will be English Learners.⁵

⁴Academy of the Arts Charter School Original Application, pg. 334.

⁵ Ibid, pg. 295.

Summary of the Evaluation

The review committee recommends denial of the application for Academy of the Arts Charter High School 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 did include a clear mission and vision for the school and plans for a strong school culture. In addition, the plan mentioned several benefits that students could receive by taking part in an arts curriculum. However, there was no evidence the stated curriculum would be feasible given the timeline for development, or any indication if it would meet the needs of all students. Additionally, the plan did not include reasonable evidence for the demand for the high school or convincing recruitment strategies that supported their enrollment projections.

The applicant's operations plan was inadequate, as there is a lack of detail in critical operational areas, particularly in student and staff recruitment, facilities, and transportation. The application does not include a timeline that would prepare the operator for a successful Year 1 opening due to the lack of a feasible facility plan. There are also issues with the proposed staffing model, as the application outlines an organizational chart that will make it challenging for the school to meet their stated instructional vision and the learning needs of students. Relatedly, there are issues with staff recruitment, and the applicant does not consider realistic recruitment efforts for staff given the rural location of the community. Furthermore, the applicant provided a transportation plan that could not support their needs of the community.

Similarly, the financial plan was not sufficient because of critical revenue and expense assumptions that appear unsupported and a lack of sufficient committed funds. The application did not include evident of a reasonable and sound financial plan and lacked sufficient detail on several line items. There are also concerns about whether the applicant can acquire the funding necessary to open the school, and to keep it running. In addition, the information included in the financial plan does not align with the stated plans in the academic or operations section, making it difficult to have confidence the applicant could open and operate the school.

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:

Sections	Rating
Academic Plan Design and Capacity	Partially Meets Standard
Operations Plan and Capacity	Does Not Meet Standard
Financial Plan and Capacity	Does Not Meet Standard

⁶ 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 there was a clear mission and vision for the school and plans for a strong school culture, there was no evidence the stated curriculum would be feasible given the timeline for development, or any indication and if it would meet the needs of all students. Additionally, there is not compelling evidence there is strong demand in the Fayette County community for the proposed school or if the applicant could reasonably meet their enrollment projections.

First, the review committee, although impressed with the proposed benefits of an arts curriculum, was unclear about how the applicant planned to create such a curriculum given the proposed timeline. While the applicant identified Arts Impact as the entity to support in the curriculum development, there was insufficient evidence that the curriculum could be delivered in time for the school to open and in alignment with Tennessee State Standards. Moreover, one staff member, the Director of Operations, was tasked with oversight of creating and overseeing all academic materials in addition to their operational duties. The review committee did not find evidence that this proposed plan was realistic or sustainable. Moreover, the review committee did not find evidence the proposed school will have the ability to support special populations and the academic needs of all students, including those who may initially lack some of the skills required to be successful in the art programs. The RTI plan fails to explain in detail how intervention courses will be structured, or which teachers will lead their instruction on a daily basis. The latter is even more important given how few core content teachers will be employed across the school. Additionally, the school intends on hiring only one special education teacher at full capacity – to serve a student population with at least 50 students with disabilities across four grade levels. This proposed plan will make it difficult to provide the required services to all students with demonstrated learning needs.

From the application and the capacity interview, it remains unclear why the applicant identified the Fayette County community for an arts-focused high school. The applicant creates a compelling case for why additional school options are important in the area, but the applicant provides little evidence to suggest that such a large proportion of the students in the local community (30-40%) will want to leave their current option to engage heavily in the “arts majors” during their high school experience. This brings into question the school's ability to meet its enrollment projections and necessitates a more targeted student recruitment plan than what is present in this section of the application. Additionally, the prospective parent signatures collected by the applicant provides little evidence that the student population they are hoping to recruit are eligible to attend the proposed school. Further compounding this issue is the fact that the local community has never had a charter school operate in its school district before. This will require the founding board and staff to employ broad, community-based outreach and educational options strategies which are not included in the recruitment plan. Overall, these concerns led the review committee to rate Academy of the Arts Charter High School as partially meets standard.

Strengths Identified by the Committee:

While the Academic Plan and Capacity partially meets the standard because of the weaknesses described above, the review committee did find that the applicant provided compelling evidence of the benefits



of the unique approach to an arts focused curriculum. The applicant cited various studies that outline the impact arts education has on student outcomes, and during the capacity interview, it was evident that the applicant is passionate about designing a school focused on arts. Supporting this academic vision is a thoughtful plan to create an inclusive and supportive school culture for children from all backgrounds. By grounding its culture and school discipline practices in restorative justice, students would feel empowered to recognize and manage their individual needs within a safe and welcoming learning environment. This design seems to be in alignment with the collaborative and artistic design of the school's academic plan and extends to the families of students, as well.

Analysis of the Operations Plan and Capacity

Rating: Does Not Meet Standard

Weaknesses Identified by the Committee:

The applicant's Operations Plan and Capacity does not meet the standard because there is a lack of detail in critical operation areas, particularly in facilities, student and staff recruitment, and transportation.

The applicant's ideal school location is a building currently owned by the local school district that the applicant states will require between \$350,000-\$500,000 in start-up renovations to bring it up to code and to meet the facility needs of the performing arts school. However, the applicant has only accounted for approximately \$320,000 in funds to support this process in their budget (through one awarded grant of \$268,000 and a planned facilities budget of \$50,000 in the start-up year). Given the costs required to prepare this one location for school, the applicant may need to rely on a secondary option for its facility, but there was a lack of evidence provided about the adequacy of the other locations to meet the school's square footage requirements and academic vision. Under the tight timeline present between now and Year 1 opening, there does not appear to be a feasible facility plan in place. While the applicant articulated a commitment to making things work, the contingency plans for execution on an additional facility were not reasonably detailed or supported.

With respect to staffing, the application outlines an organizational chart that will make it challenging for the school to meet their stated instructional vision and the learning needs of students who are likely to enter high school below proficient in ELA and Math. The applicant's enrollment projections, proposed block schedule, and the school's proposal to staff core content departments with two teachers will lead to large class sizes. This may require multiple preps for both teachers and prevent the school from offering the full set of courses mentioned in the academic plan. This is further complicated by the applicant's proposal to provide one special education teacher at full capacity – who will have to provide support to students across four grade-levels and multiple academic disciplines – limiting the quality of support that can be provided to the school's highest need students. The school's unique model will prove challenging in recruiting high-quality teachers to a rural community that has not historically had an arts program. The staffing models also call for teachers to have multiple certifications, for example teaching both high school science and history, but not a clear path to support in obtaining additional endorsements.

Finally, although the applicant noted goals to provide transportation for all students, the transportation plan does not consider the needs of the community and the rural area. If the school locates into a facility on the eastern side of the district, they will need to provide transportation for several students that exceeds one hour. The transportation plan also lacks details to suffice that the applicant will be prepared to provide transportation by School Year 2022-23. Additionally, the application does not provide a clear picture for associated costs with transportation for all students, including any budgeted needs for students with disabilities, or how adding additional buses or routes could impact the budget.

Analysis of the Financial Plan and Capacity

Rating: Does Not Meet Standard

Weaknesses Identified by the Committee:

The Financial Plan and Capacity does not meet standard because of critical revenue and expense assumptions that appear unsupported and a lack of sufficient committed funds.

While the applicant states a clear understanding of the necessity of fiscally prudent multi-year budget projections, the budget does not provide the required level of detail needed to make a fair assessment of their proposed budget. The errors that are found throughout the attachment prevented the review committee from determining if all proposed costs in the academic and operations sections are sufficiently accounted for in years 0-5. Furthermore, while there are some areas that the applicant detailed in their budget, questions remain about the alignment of 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., Assistant Principal of Instruction, Social Worker, and nursing services).

The review committee also found the revenue for start-up to be lacking and ambitious given the low amount of committed funds for Year 1. There is no clear expectation that they will acquire the funding necessary to open the school and keep it open. Although the applicant noted potential grants to assist with opening costs, many of those grants had not been guaranteed, and it is unclear if they would be available for a SY 2022-23 opening. If the grants are not realized, the school will not be able to operate based on current projections, which the review committee found to be concerning. The applicant also mentioned during the capacity interview their plan to build a new facility for use at the same site of one of the proposed facilities but lacked specificity on the timeline and estimated cost. The applicant also failed to take into consideration the additional debt from the building of a multimillion-dollar school, and how that might impact their budget, or the additional costs associated with opening an arts high school. Furthermore, a specialized art school would require special equipment for students, facilities modifications, as well as a budget to maintain these items over time. The review committee did not find evidence that these critical factors were considered when creating their budget. Finally, the applicant did not adequately explain the issue of debt service related to taking on additional debt for a new facility, nor did they address the new build's impact on staff or other operational needs. In totality, these concerns led the review committee to rate Academy of the Arts Charter High School's financial plan as does not meet standard.



Evaluation Team

Sam Brobeck is an Associate Consultant at Education Resource Strategies in Watertown, MA. He previously served as the 8th Grade Math and Algebra 1 teacher at Grizzlies Prep, a public charter middle school in Memphis, Tennessee. Additionally, Sam served as the Chair of the Math Department at Grizzlies Prep. He has also served as a 2020 Rappaport Institute Public Finance Fellow, a 2018-2019 SCORE Tennessee Educator Fellow, a mentor teacher through Memphis Teacher Residency, a Policy Fellow with Stand For Children, and an Aspiring School Leader Fellow with TFA—Memphis. Sam holds an Ed.M. in Education Policy and Management from Harvard University, a Certificate in Education Finance from Georgetown University, and a B.A. in Political Economy and Urban Studies from Rhodes College.

Scott Campbell is the Executive Director of Persist Nashville, a 501c3 non-profit that empowers Nashville students to earn a college degree. Persist Nashville Inc. currently coaches over 400 Nashville college students. Previous to starting Persist Nashville, Scott was the Principal of RePublic High School in Nashville, TN. At RePublic he led his school to a Bronze Medal ranking by the US News and World Report as one of the top 6 schools in Nashville and improved ACT average by 4.42 points. Previous to RePublic, Scott worked at Valor Collegiate Academies and was the Assistant Principal at Thomas Jefferson High School for Science and Technology in Alexandria, VA. Scott spent 10 years in the classroom teaching, coaching, and leading. He received his M.S. in Secondary Education and B.A. in Political Science from the University of Tennessee and Ed.S. in Educational Leadership and Administration from The George Washington University.

Melanie Harrell is the Director of Finance and Operations for the Tennessee Public Charter School Commission. Prior to working at the Commission, Melanie worked as a fiscal consultant for RePublic Charter Schools, and as the Charter School Program manager at the Tennessee Department of Education. She was a Teach For America corps member and spent three years as a classroom teacher at a charter school in Dallas County, TX where she also served as the Humanities Department Chair. She received her M.P.P in Education Policy from Vanderbilt University, and her B.A. in Political Science and Philosophy from TCU.

Chase Ingle grew up in Seymour, Tennessee. After high school, he started his post-secondary studies at East Tennessee State University. With two years of great instruction in Johnson City, he transferred to the University of Tennessee to finish out his undergraduate degree, graduating summa cum laude in 2017. After graduation Chase went to work in the Tennessee General Assembly for three years. He spent one year working for the House of Representatives, and the next two working for the Senate Education Committee Chairman, Dolores Gresham. He is currently the Director of External Affairs for the Tennessee Public Charter School Commission. This state agency was created in 2019 to authorize and oversee select charter schools across the state of Tennessee.

Grant Monda joined the Aurora Collegiate Academy Team in 2015, currently serving as its Executive Director. Aurora is a tuition- free public charter elementary school serving students from all over Shelby County. Grant joined Aurora after completing the prestigious Ryan Fellowship. In addition to his work at Aurora, Grant has previously taught in Memphis City Schools as a Teacher For America Corps member and served as a district level coach and evaluator with Shelby County Schools. Grant has reviewed charter applications for the state and



Shelby County Schools. He holds a Bachelor of Arts degree from Rhodes College and a Master's in Education from Christian Brothers University.

Exhibit B

RESOLUTION OF THE FAYETTE COUNTY BOARD OF EDUCATION DENYING THE AMENDED CHARTER SCHOOL APPLICATION OF ACADEMY OF THE ARTS CHARTER HIGH SCHOOL

WHEREAS, pursuant to T.C.A. §49-13-101 et. seq., Academy of the Arts Charter High School (herein "AACHS" or "Applicant") submitted an amended Charter School Application dated May 27, 2021 to the Fayette County Board of Education ("Board") which governs the Fayette County Public School System ("District") for approval as a charter school in the District commencing with the 2022/2023 school year, and;

WHEREAS, the Board facilitated a conference call on June 24, 2021 between the Board, the Applicant, the U.S. Department of Justice, and the NAACP Legal Defense Fund, at which time representatives of the Applicant provided responses to questions from The U.S. Department of Justice and the NAACP Legal Defense Fund (the Conference Call), and;

WHEREAS, the Board's duly appointed Charter Review Committee, subsequent to its initial review and evaluation of the amended Application, thereafter conducted a Public Hearing with the Applicant on June 29, 2021, at which time representatives of the Applicant provided responses to questions from members of the Review Committee (the Public Hearing), and;

WHEREAS, on July 15, 2021, the Board at its regularly scheduled monthly Workshop heard comments from the Director of Schools and Review Committee Chairman Eddie Keel concerning the amended Application, and;

WHEREAS, the Board has thoroughly considered the amended Application, the requirements of the Tennessee Public Charter Schools Act of 2002, as amended, the information provided by the Applicant, the comments and concerns of the Director and

the Review Committee, information provided by other District staff, information provided by the Tennessee Department of Education and general information from the public, from all of which it is now;

THEREFORE, HEREBY RESOLVED by the Board that the amended Charter School Application of AACHS is hereby denied for the following reasons:

1. The Application as amended fails to adequately address the existence of the Federal Desegregation Consent Order (the Consent Order) under which the District is currently subject or the means and methods to be employed by the Applicant in order to comply with the terms of said Consent Order. Further, the Application as amended fails to adequately discuss whether the existence of AACHS would alter the racial balance achieved by the District under the Consent Order or whether the existence of AACHS would otherwise negatively impact and/or place an undue burden upon the District's continuing efforts to comply with the Consent Order and its efforts to attain unitary status.

2. During the Conference Call and Public Hearing, representatives of the Applicant provided information verbally regarding the Consent Order which conflicts with information set forth in its amended Application.

3. The Application as amended also fails to address how or whether its proposed first come - first served student selection method might negatively impact the District's ability and requirement to comply with the Consent Order. Representatives of the Applicant, including its attorney, while attending the capacity interview, appeared to lack knowledge of the legal procedures required by Applicant to properly intervene in the ongoing desegregation case.

4. The Application as amended fails to provide for a transportation plan in its projected plan of operation which is needed due to the Applicant's projection of having a

35-74% Title I student population. Due to Title I students limited economic status, real concerns exist relative to the ability of the parents/guardians of said students to have funds and means to transport students to and from school each day and therefore maintain a high attendance rate. The Application as amended provides for one (1) bus and one (1) bus route in year one (1) which is unrealistic due to the large geographical size of Fayette County. Moreover, such a proposal would violate State laws for transit times and does not properly provide for separate transportation for students with special needs. It further appears the transportation plan was not written for Fayette County because it includes a provision regarding public transportation for students.

5. The Applicant's proposed operations budget is unrealistic and cannot adequately support the operations of its proposed school as stated in Sections 1 and 2 of the original Application and in the amended Application.

6. The Applicant lists five (5) possible sites as a location for the Charter School, however, no site for the school has been determined. Though potential challenges of using each specific site are now included in its amended Application, there is no documentation provided (e.g. Memorandum of Understanding, Lease Agreements, purchase and sale contracts, budgetary line items) which shows how these challenges can actually be overcome. Moreover, one of the 5 proposed sites is now occupied and being utilized by a private learning operation.

7. The Application as amended fails to adequately and realistically identify the manner in which any permanent school building would be acquired and financed.

8. The personal/human capital plan is unrealistic in operating an effective organization due to the fact that it relies in part on dual certified staff members and does not include a dedicated school principal or special education teacher until year three (3) of

operation.

9. The professional development plan does not include numerous required state and federal training topics.

10. The Application as amended fails to adequately address basic cafeteria food requirements which includes an unrealistic proposal from the Applicant that a contract provider in Shelby County will cook, prepare and deliver meals to the Charter School all while maintaining proper food temperature throughout transportation. The Application as amended also fails to adequately address the development of food plans for all students, particularly in the area of special and particular needs.

11. The Application as amended provides that TSSAA sports will be offered in year one (1) but no adequate proof of sports liability coverage is provided in the Application as amended.

12. The Application as amended fails to include adequate technology security measures, mentalhealth services and IT support and maintenance.

13. The Application as amended fails to adequately discuss or develop a crisis plan for the safety of students.

14. The Application as amended fails to provide a compelling and thoughtful rationale for all waivers. Many concerns addressed by the Board within the provisions of its first Resolution concerning waivers are raised by the Applicant in its amended Application simply by stating it will ask for additional waivers.

15. There is not an adequate, specific plan outlined for student achievement gains.

16. There is not an adequate plan for formal student intervention or a student

response team for student progress monitoring and identification of student needs.

17. There is not an adequate achievement plan if achievement scores are not met.

18. There is not an adequate positive behavioral system plan in place or planned to work with students who have special needs related to their behavior.

19. The plan for addressing bullying is inadequate as there are no adequate, clear procedures, guidelines or progressive discipline consequences noted in the Application as amended and there are unrealistic reporting requirements by the student-victim.

20. The Application as amended fails to adequately address a safe and secure arrival and dismissal procedure into and out of any temporary or permanent school site.

21. The Application as amended fails to provide sufficient financial data relative to whether the creation and operation of AACHS will produce a substantial negative fiscal impact on the District such that authorization of the school would be contrary to the best interest of pupils attending District schools.

22. The Application as amended fails to address and/or explain with a sufficient degree of specificity the Applicant's plan for curriculum development. At the Public Hearing, representatives of the Applicant admitted that none of the curriculum planned to be used in grades 9, 10, 11, or 12 currently exists. Those same representatives also admitted during the Public Hearing that the proposed school would be the first school in the nation to use this curriculum.

23. The Application as amended fails to address how research will be conducted prior to the opening of school in order to determine the effectiveness of the curriculum.

24. The Application as amended also fails to address how it will be possible for

two staff members and a vendor to have the capacity in year 0 to develop all the curriculum materials for all courses in year 1, year 2, year 3, and beyond.

25. The Application as amended fails to address how individuals who have never created high school curriculum materials can deliver high quality instructional materials in fewer than six months in order to be used in year 1 of operation.

26. The Application as amended fails to adequately address honor course offerings.

27. The Application as amended fails to adequately address how graduation requirements are to be met and fails to address service learning requirements in order to meet Tennessee's Work Base Learning (WBL) graduation requirements.

28. The Application as amended fails to adequately address how AACHS will be operated during the ongoing COVID-19 pandemic and what safety measures will be utilized.

29. The Applicant has failed to provide evidence that its Board members have visited and informally evaluated at least 3 successful charter schools in Tennessee.

30. The Application as amended fails to adequately discuss and address how formative and summative assessments are to be provided or the manner by which the validity of such assessments is to be measured.

31. The Applicant has failed to demonstrate whether there is community support for the creation and operation of AACHS and has not shown a clear demonstration of the effectiveness of its proposed charter school model as it relates to the target student population. Although new data has been provided by the Applicant with its amended Application, fewer than 10 of the addresses submitted were parents or guardians of current Fayette County Public Schools students and only 2 of the addresses submitted were

parents or guardians of current 7th grade FCPS students. In addition, no community member spoke in favor of the proposed charter school during any Board meeting held between February 1, 2021 and July 21, 2021 and no community member spoke in support of the proposed charter school at the Public Hearing.

32. Only one founding Board member of the Applicant is a Fayette County resident which among other things hinders the founding team's ability to demonstrate "diverse and necessary capabilities in all phases of the school's development".

33. The Applicant has failed to demonstrate a quality educational program for the target student population. No founding Board member of the Applicant has ever created a charter school or developed curriculum for an entire subject or grade at a high school. Since the educational program will be created in less than six months during year 0, the Applicant cannot provide any evidence that supports its claim that the curriculum and educational program is research-based and high-quality for high school students.

34. The Application as amended fails to satisfy the requirements as set forth in Standard 2(c) of the Quality Charter Authorizing Standards of the Tennessee State Board of Education as shown in the rubric completed by the Review Committee.

35. The amended Application's proof of residency requirements are contrary to those requirements set forth by the Consent Order. Conflicting information was provided by representatives of the Applicant at the Public Hearing and during the Conference Call with the U.S. Department of Justice and the NAACP Legal Defense Fund. Representatives of the Applicant have stated that children of employees who live in Shelby County will be allowed to attend the proposed charter school which is contrary to the requirements set forth in the Consent Order.

36. There is concern for all the reasons provided by the Board's Charter Review

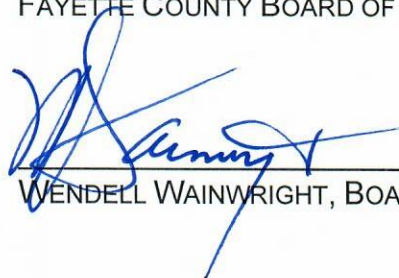
Committee in the "Summary Comments" set forth in the Tennessee Charter School Application Scoring Criteria, said Summary Comments being attached hereto designated Exhibit "A" to this Resolution and incorporated herein.

37. Instead of submitting a new, revised Application, the Applicant has submitted written responses to Paragraphs numbered 1-31 of the Board's original Resolution signed on April 29, 2021. Moreover, Paragraph number 32 in the original Resolution has not been specifically addressed by the Applicant in its submitted response and these continue to be concerns of the Board. Finally, the responses submitted by the Applicant do not include the words "omit", "delete", or similar language in reference to deleting any aspect of the original Application. Thus, the revisions merely add to the original Application. As a result, there is ambiguity regarding what changes have actually been made (if any) to the original Application.

In accordance with TCA §49-13-108 and the Rules of the State Board of Education, Applicant shall have ten (10) calendar days from the date of the Board's decision to appeal to the Tennessee Charter School Commission.

ADOPTED this 22 day of July, 2021.

FAYETTE COUNTY BOARD OF EDUCATION



WENDELL WAINWRIGHT, BOARD CHAIRMAN

ATTESTED BY:



DR. VERSIE HAMLETT, DIRECTOR OF SCHOOLS

SECTION 1 ACADEMIC PLAN DESIGN AND CAPACITY

SUMMARY COMMENTS

Each part of your summary comments should, in a few sentences, provide a clear understanding of your overall evaluation of the proposal as well as the most significant strengths and/or weaknesses. The summary comments for each section should support your rating for the section and should not be simply copied from your subsection analysis.

Summary Rating for Entire Academic Plan Design and Capacity		
Initial Application Review		
<input type="checkbox"/> Meets or Exceeds Standard	<input type="checkbox"/> Partially Meets Standard	<input type="checkbox"/> Does Not Meet Standard
<p>Strengths:</p> <p>The application has ambitious academic goals and several innovative approaches. The application includes current research supporting the impact of arts education on academic outcomes.</p> <p>Weaknesses/Questions:</p> <p>In the original application, the submitted budget was incomplete; missing line item titles/descriptions for contracted services, supplies and materials, facility related expenses, other charges, and debt service were found throughout multiple pages of the original budget. It was impossible to determine if there are funds available to implement the academic plan included in the original application. The amended budget has serious issues, including cash flow, reliance on grants and loans that may or may not be awarded, and insufficient equity to support budget operations.</p> <p>There are serious concerns whether the application adequately addresses the Federal Desegregation Consent order under which FCPS is currently subject or how the charter school will implement the order. In addition, the proposed demographics of the proposed charter school will impact the racial makeup of Fayette-Ware and could have a negative fiscal impact on the district in order to comply with the consent order.</p> <p>Additional concerns include:</p> <ul style="list-style-type: none"> • The arts-based curriculum proposed for use in this school has not been created. Therefore, it is impossible for the committee to determine alignment to Tennessee State Standards and to predict success on state and national assessments. There is no evidence to support that these resources are evidence-based and have a proven track record of student success. In addition, there is no evidence that the yet-to-be-created curriculum will promote rigor and align with Tennessee state standards. • The application is vague about the specific curriculum materials (e.g. vendors, publication date, web sites) that will be used for math, ELA, science, social studies, and other required courses. Many of these materials have not yet been created. • The application lacks a comprehensive academic focus. Additionally, the application does not adequately describe how the school will serve its special populations and at-risk students, especially in the four proposed CTE focus areas. • Labor Market Data does not support the chosen CTE programs of study included in the 		

application. This raises concerns whether federal Perkins funds may be used to implement and/or support these programs.

- The projected enrollment of the school is 90 students in year 1. There are currently 252 7th graders enrolled in FCPS, 54% of whom are African-American. There is no evidence that more than 2 current 7th grade parents from this group of students has submitted a letter of support or signed the petition to support the opening of this school. In addition, there is no evidence to support that any parent meeting has occurred in Fayette County regarding this school.
- Five proposed sites are mentioned in the application; no sound rationale was included in the application to support placing the school in either Arlington, Somerville, Oakland, or Galloway.
- The applicant plans to use a “first-come, first-serve” method for selecting students for enrollment. There are concerns about this process being used with regards to students with disabilities, ESL students, and other underrepresented students. In addition, this method does not take into account the federal court’s consent order.
- The proposed schedules for students at the school do not include higher level math and science courses (e.g. PreCalculus, Calculus, Dual Enrollment College Algebra, Statistics, Physics, Biology II). There is no high school science course offered during any student’s 12th grade year. This is concerning since there are at least 40 FCPS 8th graders each year who take 8th grade Algebra I. In addition, some FCPS 8th graders earn Physical Science credit while enrolled in middle school. There is no evidence in the application that shows any dual enrollment or dual credit courses beyond CTE-related classes.
- The proposed academic plan is unrealistic regarding how students will earn 8-8.5 high school credits per year based on the proposed clock schedule, proposed student schedule, and staffing. In addition, the proposed academic plan to offer all of the proposed programs in years 1-2 is unrealistic based on limited staffing, a small student enrollment, and budgetary restraints.
- The application fails to address service learning requirements to meet Tennessee’s work-based learning (WBL) graduation requirements.
- The submitted school calendar does not meet Tennessee minimum requirements of the equivalent of 180 days of instruction.
- The academic plan relies heavily on dual-certified teachers and leaders (e.g. Special Education & ESL; Secondary Science & Social Studies).
- The academic plan relies heavily on contracted services for positions such as school nurse, speech and language pathologist, behavioral specialist, social worker, and WBL director. However, the budget does not adequately fund for these and other necessary positions.
- A special education teacher will not be hired until year 3. The reliance on a school leader to concurrently serve as both Special Education Director and teacher is concerning.
- Attachment C, a required part of the application, is missing. There is no document labelled Attachment C included in the application.
- Attachment D states that two proofs of residence are required for admission; this requirement contradicts compliance requirements of the desegregation order. This also contradicts statements made in a conference call with the U.S. Department of Justice and the NAACP Legal Defense Fund.
- Required state documents for admission are omitted from the applicant’s enrollment policy (e.g. Occupational Survey, McKinney-Vento form).
- There is little or no evidence that supports that community feedback from actual Fayette County residents was incorporated in the application. Only current Board member lives in Fayette County. There is no evidence that the 252 signatures collected for the applicant’s petition were from Fayette County residents. Of the additional signatures collected, there is little or no evidence that these individuals were students or parents in the targeted age group for the proposed school.
- Few, if any, letters of support came from parents of current middle school students.
- There are three or more letters of support included in the application, but only two have Fayette County mailing addresses.
- The discipline plan does not adequately describe or budget an Alternative School.

Some additional concerns were made apparent to the committee during the Capacity interview. Those concerns include:

- The Tennessee Department of Education's "Checklist for Developing a Successful Tennessee Charter School" recommends that the founding team undertake a formal study of demand to determine the likelihood of achieving full capacity. Though the applicant mentioned school choice, test scores, a petition, and letters of support as part of a demand study, there is no sufficient evidence to support that a true formal study of demand was conducted. At the capacity interview, the applicant could not provide the addresses of the individuals who signed an online petition for the school. In addition, the applicant could not determine how many of those who signed the petition were Fayette County residents, parents, or students who may be prospective students of the school. When asked what percentage of the people who signed the petition are parents of current 7th graders in Fayette County, the applicant could not respond. Current 7th graders would be the first class of Freshman in the proposed charter school. In the amended application, there is little or no evidence that support the claim that this school truly has support from the community. In particular, there is no evidence to support that current 7th grade students or parents of current 7th graders are interested in attending this school in year 1 of operation.
- At the capacity interview, the applicant was asked how labor market data was used to select Fashion Design as one of the programs for study at the school. The applicant stated that Fashion Design was chosen because it was popular and using an interest analysis. In addition, salaries were compared to the average salary of Fayette County workers. Labor Market data in Fayette County does not support the inclusion of fashion design as a program of study in our county.
- The applicant stated at the capacity interview that they school may not use the entire EngageNY curriculum and assessments. This raises additional concerns about what curriculum will actually be used at the school. This may violate state law about using instructional materials that are aligned to Common Core State Standards.
- At the capacity interview, the applicant was asked the following: "Your application mentions that a Special Education teacher will not be hired until Year 3 and that you are planning to use someone certified in both ESL and Special Education. Talk us through how exactly this will work at your school." The applicant stated that only 6% of students will need special education services and that the school will reserve funding for a consultant. This raises additional questions about whether the school has the capacity to implement the submitted application and can truly provide services for a performing arts high school for students with special needs.
- During the capacity interview, the applicant was asked the following: "How does your school calendar address all state laws and statutes? How does your calendar take into account the COVID-19 pandemic?" The applicant stated that the submitted application was designed for all student to attend school in person 5 days per week. In addition, the applicant stated that all required days are in the school calendar. The information in the submitted calendar does not appear to meet all state requirements.
- The Tennessee Department of Education's "Checklist for Developing a Successful Tennessee Charter School" recommends that the founding team visit and informally evaluate at least three successful charter schools. At the capacity interview, the applicant stated that the Board had not visited any school due to COVID-19. Virtual meetings and conversations had been held with the Memphis Merit Academy, KIPP, San Antonio Prep, High Tech High, and a performing arts school in Philadelphia. Only one of these schools are located in Tennessee; this school is an elementary school and is not a performing arts high school. Only one performing arts high school was mentioned; this was a school that the applicant attended as a student. The committee was concerned that, since this is a new start charter school application, there is not a proven track record for the type of programs and school submitted in the application. In the amended application, there is no evidence that founding team members have actually visited and informally evaluated at least three successful charter schools that are both (1) a high school and (2) a performing arts charter school.

Final Application Review		
<input type="checkbox"/> Meets or Exceeds Standard	<input type="checkbox"/> Partially Meets Standard	<input type="checkbox"/> Does Not Meet Standard
<p>Strengths:</p> <p>All but 1 founding Board members participated in the public hearing.</p> <p>(If Any) Weaknesses:</p> <ul style="list-style-type: none"> • Letters of commitment referred to in the original and amended application are almost exclusively from outside of Fayette County. • Concerns from the original application have not been adequately addressed in the amended application. • The target audience for the proposed school appears to be predominately minority students; the evidence suggests that the proposed demographics and curriculum may create a school that would not fall in the +/- 15% range required by the Consent Order and may create a new school that is segregated. • The application references a student information system (PowerSchool) but there is no cost in the budget under contracted services for this platform. • The application references High Tech High, a California based company. There are no funds budgeted for expenses such as travel involving this vendor. • Several items mentioned in the Application do not have corresponding line items in the amended budget (e.g. licenses for graphic art software, ACT trainer, transportation for work based learning, proposed internships, field trips, and other proposed student opportunities that will take place in Shelby County). • There are concerns about how the proposed charter school will recruit a diverse population of students to meet the requirements of the Desegregation order. The budget does not reference internet services until April, 2022. Since Fayette County only has one high school, the opening of this school will have a negative fiscal impact, in part, because the district will have little notice concerning the number of high school staff members truly needed to operate the high school due to students possibly not attending the sole high school and attending the proposed charter school. • The response to item #1 in the amended application may include language that violates Tennessee's new "critical race theory" law. • At the public hearing, the Board was asked the question, "Are any of the buildings you are looking currently ADA compliant? If so, which ones?" The Board could not answer the question and stated that there would have to be work completed to bring the proposed sites up to date and up to code. Based on several issues at the proposed Northwest Elementary or Somerville Elementary sites, there is insufficient funds in the amended budget to make the necessary renovations in order to open the school in Fall 2022. • At the public hearing, the founding Board was asked the question, "Are any of the buildings you are looking at currently meet LIFE safety codes. If so, which ones?" The Board could not answer the question and stated that Northwest and Somerville Elementary were not currently at code. The Sponsor stated at the public hearing that they would be willing to get the buildings up to code, there is insufficient funds in the amended budget to make the necessary renovations in order to open the school in Fall 2022. There are also concerns that the necessary renovations needed to bring the buildings up to code could possibly be completed by Fall 2022. • There is no evidence and proof that the staff that will be hired by the proposed charter school has the experience and background for creating a new curriculum for all subject areas and implementing a this new curriculum that does not currently exist. There is no evidence that the 		

staff and leadership of the proposed school will have any experience in developing and implementing the academic plan that includes a curriculum for all courses that does not currently exist.

- There are concerns about whether the proposed Executive Director/principal has the experience to implement the academic plan. The proposed Executive Director/principal allegedly has less than a year's experience as a high school principal. None of the proposed Board members have past experience in opening, governing, and overseeing the start-up and success of a grades 9-12 performing arts charter high school.
- At the public hearing, the proposed Executive Director/principal shared her principal experience since 2013. This includes: (1) K-5 principal at Lincoln Charter School in York, Pennsylvania, from June 2013 to August 2014; (2) K-8 principal at Charles Sumner Elementary School in Camden City, New Jersey from August 2014 to June 2015; (3) principal at two schools in the 2016-2017 school year (Malino Elementary in Camden, New Jersey and Thomas High School in Philadelphia); (4) K-8 principal at Allen M. Stearne Elementary School in Philadelphia from June 2017 until September 2020. Achievement data posted on web sites in Pennsylvania and New Jersey suggests that at least two of these schools where the proposed Executive Director/principal was previously a principal had very low achievement scores on state assessments while she was principal. It is concerning that the proposed Executive Director/principal was a principal at 5 different schools in two states in seven years. This evidence also suggests a lack of high school principalship experience.
- The applicant does not have letters of support from some of the organizations that are referred to in the application to provide the specific services mentioned in the Application. There are no letters of support from specific Fayette County organizations. The application mentions that "there are church facilities that have offered their location for use and 1 commercial property which is available." However, there is no document or evidence that supports this claim.
- There are concerns regarding the school calendar and the implications of the proposed waivers of state laws regarding the school calendar.
- There are concerns about the lack of funds in the budget devoted to special populations and at-risk students needed to implement the proposed programs mentioned in Section 1. There are concerns about how the proposed performing arts school will provide services to students with physical disabilities using the limited staff and resources included in the proposed budget.
- There are concerns about the proposed demographics of the proposed school. The application suggests that the programs that will be offered at the proposed school are targeted to the African-American community. There are few, if any, specific details in the Applicant's student recruitment and marketing plan that demonstrates how the proposed school will target non-minority students in Fayette County to ensure compliance with the Consent Order.
- The academic plan heavily relies on Arts Impact, a group from Washington State. The sample lesson plans submitted in the amended application were middle school lessons that were aligned to Common Core State Standards. No Arts Impact high school lessons currently exist. The Application includes this language: "**Through a partnership with "Arts Impact", AACHS will have a personalized and innovative arts infused curriculum designed by experts in the field. The curriculum does not currently exist and will be designed in collaboration with Arts Impact experts, the Executive Director of Schools and facilitators within the school.**" No research about the effectiveness of curriculum created by Arts Impact exists since the curriculum does not currently exist. At the public hearing, the Applicant states that the proposed school would be the first high school to work with Arts Impact to create and implement curriculum at the high school level. There are grave concerns about how a team of two staff members in year 0 can work with Arts Impact to develop curriculum in all high school courses, field test the curriculum materials, conduct research to determine the effectiveness of the curriculum, train staff on the curriculum, and implement the curriculum in less than a year.
- The high school curriculum materials proposed by the Applicant does not exist; Arts Impact has never created high school curriculum.

- At the public hearing, the Sponsor admitted that the proposed school would be the first school in the nation to create and use this to-be-created curriculum.
- If approved, the entire 9th grade curriculum (math, science, social studies, English, CTE courses, and all other courses) would be created in less than 6 months by two people funded in the Year 0 budget along with the proposed assistance of Arts Impact. This is unrealistic and not acceptable. This process would continue for the next 3 years for the remaining grades.
- The sample middle school lessons provided in the application are aligned to Common Core, not Tennessee State Standards.

SECTION 2 OPERATIONS PLAN AND CAPACITY

SUMMARY COMMENTS

Each part of your summary comments should, in a few sentences, provide a clear understanding of your overall evaluation of the proposal as well as the most significant strengths and/or weaknesses. The summary comments for each section should support your rating for the section and should not be simply copied from your subsection analysis.

Summary Rating for Entire Operations Plan and Capacity		
Initial Application Review		
<input type="checkbox"/> Meets or Exceeds Standard	<input type="checkbox"/> Partially Meets Standard	<input type="checkbox"/> Does Not Meet Standard
<p>Strengths:</p> <p>Weaknesses/Questions:</p> <p>The original budget was incomplete; missing line item titles/descriptions for contracted services, supplies and materials, facility related expenses, other charges, and debt service are found throughout multiple pages of the original budget. It was impossible to determine if there are funds available to implement the operations plan included in the original application. When the amended budget was submitted, there are gaps between what is written in the narrative in Section 2 and what is actually budgeted in the Excel spreadsheet. For example, there is \$50,000 in a line item to purchase a single bus. Though this is insufficient to purchase a bus that is equipped to serve both general education and special education students, there is no evidence that funds are budgeted for bus drivers, maintenance, and bus monitors.</p> <p>There are also serious concerns whether the application adequately addresses the Federal Desegregation Consent order under which FCPS is currently subject or how the charter school will implement the order.</p> <p>Additional concerns include:</p> <ul style="list-style-type: none"> • One of the 7 founding Board members has already resigned. Of the remaining 6 founding Board members, only three have board governance experience. In the resubmitted application, a new Board member who lives in Fayette County was added to the Board. This is concerning that only one Board member is from Fayette County, one Board member has already resigned, and have limited experience in operating and governing a high school. • The vetting process for the governing board has not been provided. • Only one current Board member lives in Fayette County; this hinders the Board's ability to have community expertise. • The application lists 5 possible sites; the specific location and site of the school has not been determined. Funding to address potential challenges of using each specific school site is missing from the application. • The application assumes that the school will be identified as a Title I school in year 1. However, the timeline does not include any information about the application process nor a backup plan if the school is not identified as school-wide Title I site in year 1. • Section 2.3 was impossible to evaluate since five different proposed sites were mentioned in the application and few, if any, details about the sites were included. 		

- Two proposed sites are schools that were required to close based on the federal consent order and have been unoccupied for over six years. The top site mentioned by the founding Board on many occasions is Northwest Elementary. This school is currently used by Fayette County Public Schools for storage. This is the only facility that the district currently possesses for large-scale storage needs. If the district allowed the proposed charter school to use this facility (or was forced to allow the proposed school to use this site), this would create a financial burden to the district to build or lease a new storage facility and to move the furniture and other items currently being stored at Northwest Elementary.
- The three other sites include a closed commercial building, a closed pre-school daycare, and a small church. These three sites do not have a gym or auditorium.
- The personnel/human capital plan is unrealistic when running an effective organization because, in part, it relies on dual-certified applications and does not include a dedicated school principal or special education teacher until year 3.
- The professional development plan does not include numerous required state and federal training topics.
- The insurance company letter is missing several required provisions.
- The application fails to identify the land for the permanent school building or the manner in which it will be acquired and financed.
- The application fails to provide an adequate transportation plan, especially in year 1, which is needed due to the Applicant's projection of having a 35 – 74% Title I student population. The plan to only have one bus route in year 1 is unrealistic due to the large geographical size of Fayette County. The one proposed bus route would violate state laws for transit time and does not properly provide for students with special needs.
- The original transportation plan was not written for Fayette County because it includes a provision to purchase MATA bus passes for charter school students. MATA does not have any bus stops inside or near Fayette County. The amended plan does not specifically eliminate this language, but still included language referring to public transportation in the response to item #7.
- The application mentions purchasing a bus for \$55,000; this price is unrealistic for a new or low-mileage bus, especially if this bus will be used for students with special needs.
- The application fails to adequately address basic cafeteria food requirements.
- The application does not include adequate technology security measures, mental health services, and IT support and maintenance.
- The application does not mention all required safety drills; the application fails to adequately discuss or develop a comprehensive crisis plan for safety of students.
- The application does not adequately include a detailed maintenance plan for each of the five different proposed school sites.
- The application does not provide a compelling and thoughtful rationale for all waivers. Many new waivers were included in the amended application to address concerns that were listed in the original review of the application.
- Some waivers included in the application have an incorrect title or number.
- A technology position is not budgeted which leaves teachers and staff burdened with technology troubleshooting.

Some additional concerns were made apparent to the committee during the Capacity interview held during the original review of the application. Those concerns include:

- Northwest Elementary School was identified as the top choice of the application for the site of the school. The applicant's facility plan did not provide sufficient evidence that the school would be ready to open at the Northwest Elementary School site for the 2022-23 school year.
- The application lacked a finalized transportation plan that takes into account both the geography of Fayette County and the desegregation order.
- The Northwest Elementary School facility proposed by the school requires extensive renovations to be brought up to code; none of the renovation costs are accounted for in the budget.

- The transportation plan requires students to likely exceed state-mandated requirements for maximum time in transit on a school bus. The plan does not include specific information that would ensure that all transportation routes would be created in a non-discriminatory manner with a commitment to limit travel time for students as is reasonably practical.
- Based on the new information presented at the capacity interview, the applicant failed to provide a comprehensive plan for renovations of its facility, anticipated costs, as well as a timeline for preparing the campus to serve students.
- Information provided at the capacity interview about purchasing or leasing buses conflict the written transportation plan submitted in the application. The applicant gave the impression that the school may use contracted services to provide bus transportation.
- Based on the new information presented at the capacity interview, the applicant failed to provide a comprehensive plan for food services that take into account the lack of a Central Kitchen in Fayette County, a vendor located in Fayette County, proper food temperature during transportation, and other key elements of the food service plan.
- The school plans to offer TSSAA sports in year 1, but no sports liability coverage is mentioned in the original application.
- Since Fayette County is under a Desegregation order, it was concerning that no one at the capacity interview was aware of the six Green factors. No Board member could state the six Green factors or could explain how they relate to the Court's Desegregation Order in Fayette County.
- No member of the founding board had met with the NAACP Legal Defense Fund or the U.S. Department of Justice regarding this application at the time of the capacity interview. It appears that the applicant has not submitted anything to the Court in writing about this application at the time of the capacity interview. This further support the assertion that the application fails to adequately address the existence of the Federal Desegregation Consent Order under which Fayette County Public Schools is currently subject or the means and methods to be employed by the Applicant in order to comply with the terms of said Consent Order.
- If the Northwest Elementary School site is purchased from the Fayette County Board of Education, the application fails to address the disposition of land and the facility in the event the charter school ceases operation. The application does not address how Fayette County Public Schools will absorb the charter school students if the school ceases operations and the facility and land are not thereafter surrendered to the FCPS.

Final Application Review

- | | | |
|--|---|---|
| <input type="checkbox"/> Meets or Exceeds Standard | <input type="checkbox"/> Partially Meets Standard | <input type="checkbox"/> Does Not Meet Standard |
|--|---|---|

Strengths:

-

(If Any) Weaknesses:

- The transportation plan is not practical or doable for a county with the geographical size of Fayette County. At the capacity hearing and public hearing, the Applicant states that they will lease buses when needed if the one purchased bus in not sufficient. However, there is no specific line items in the budget for bus drivers, bus monitors, and contracted services for leasing buses. No evidence is provided about what vendor would lease buses to a single school in Fayette County. At the public hearing, the Applicant could not identify the name of a company they planned to use for leasing buses. Since a single site for the proposed school has never been determined, the transportation plan does not adequately discuss bus routes, stop and go times for picking up students, and anticipated routes.

- The transportation plan included in the Application includes the purchase of a single bus. There is no evidence in Section 2.7 that shows any anticipated bus routes that shows how a single bus can transport students in a manner that complies with state and federal regulations. There is no evidence in Section 2.7 that also shows how this single bus can transport students with special needs in a manner that complies with state and federal regulations.
- The amended budget states that transportation at the school will begin in October 2022. No funds are budgeted for student transportation during the first two months of operation.
- The Applicant continues to state that Northwest Elementary School is the first choice for the school site of the proposed charter school. The distance from Northwest Elementary to the following locations in Fayette County are:
 - (1) LaGrange Moscow Elementary School: 31.6 miles (41 minutes; southeast corner for the county)
 - (2) Woodlawn Plantation, Lagrange: 35 miles (46 minutes; southeast corner of the county)
 - (3) Piperton City Administration Building: 22.3 miles (29 minutes; southwest corner of the county)
 - (4) Piperton United Methodist Church: 25.9 miles (35 minutes; southwest corner of the county)
- If a bus began a trip at Piperton United Methodist Church and then travelled to Woodlawn Plantation and then travelled to the proposed Northwest Elementary School site, the trip would be 46.6 miles and would take 64 minutes if no bus stops were made.
- The amended budget does not include line items for bus drivers or Special Education bus monitors.
- The Applicant mentions a partnership between Preferred Meals and Healthy School Food Collaborative. Using two contract companies would increase school lunch costs, but this is not addressed in the amended budget.
- 100% participation rate is assumed in the school lunch budget. In 2019, FCPS saw a 70% participation rate for lunch and only 46% for breakfast. The 9-12 students had a participation rate below the county average, and the numbers have dropped further since COVID-19. Based on this information, reimbursement would be under \$55k, below what is projected by the applicant's budget. This will make paying for contracted services difficult if meals served do not meet projected estimates.
- There are numerous concerns about the school lunch plan provided in the application. The applicant stated the practices and regulations of handling food and drinks as well as properly discarding food would be closely monitored. This would be difficult to achieve since there is no food service personnel (director, manager, workers) included in the budget.
- The insurance company letter (Attachment J) does not confirm that the required coverage will be provided upon approval of the charter school application. No specifics are included in the letter.
- There is not a realistic facility contingency plan included in the application.
- Since no status updates have been made between the capacity interview and the public hearing regarding the location of the proposed school, there are concerns regarding whether the applicant has demonstrated the necessary expertise in facilities acquisition and management.
- Several required professional development topics are missing from the application (e.g. SAVE ACT, WIDA, ESL, TN Teacher Code of Ethics).
- There are concerns about the proposed "Red Card" protocol regarding irate parents and student fights.

SECTION 3: FINANCIAL PLAN & CAPACITY

SUMMARY COMMENTS

Each part of your summary comments should, in a few sentences, provide a clear understanding of your overall evaluation of the proposal as well as the most significant strengths and/or weaknesses. The summary comments for each section should support your rating for the section and should not be simply copied from your subsection analysis.

Summary Rating for Entire Financial Plan and Capacity Section		
Initial Application Review		
<input type="checkbox"/> Meets or Exceeds Standard	<input type="checkbox"/> Partially Meets Standard	<input type="checkbox"/> Does Not Meet Standard
<p>Strengths:</p> <p>Weaknesses/Questions: Lack of funding to initiate the startup of the organization is an issue. All activities are contingent upon non-assured nor proven methodologies for the applicant. Budget assumptions are not fluid and fail to show that the operation of entity would be stable.</p> <p>The original budget was incomplete; missing line item titles/descriptions for contracted services, supplies and materials, facility related expenses, other charges, and debt service are found throughout multiple pages of the budget.</p> <p>Contingency plans for adjusting operations due to unexpected shortfalls are not clear. The applicant provided no added confidence that grants would be obtained. The applicant indicated adjustments would be made that required financial resources, but the capacity was not in the budget. The Founding Board member who was mainly responsible for finance was not at the capacity interview, so it was impossible for the committee to determine the true capacity of the Founding Board to implement the budget.</p>		
Final Application Review		
<input type="checkbox"/> Meets or Exceeds Standard	<input type="checkbox"/> Partially Meets Standard	<input type="checkbox"/> Does Not Meet Standard
<p>Strengths:</p> <p>(If Any) Weaknesses:</p> <ul style="list-style-type: none"> • The school is heavily dependent on grant funds to open and start the school. • The application includes no letters of credit. • SchoolPrint is funded to scrub loan applications, but does not provide financing. SchoolPrint warns that no third party should rely on anything contained in the MOU. The document is not signed by both parties. • The addition of a debt payment seriously impacts cash flow. • There is no evidence to support the claim that homeschoolers and current Fayette Academy students will enroll in the proposed charter school. 		

- The grant budget forecasts \$250,000 in year 0 and \$250,000 in year 1 from CSGF. Even if awarded, there is insufficient equity to support budget operations. At the public hearing, the Applicant was asked this question: "Suppose you fail to receive the \$500,000 from CSGF. How would this impact your plans?" That Applicant stated that they would not be able to purchase all the materials they would need in year 1 and year 2. With no guarantee to secure CSGF funds, failure to secure one or more grants would be very damaging.
- At the public hearing, the Applicant was asked the following question: "In the amended budget that was submitted, transportation is not listed under contracted services in year 1. There is \$50,000 listed to purchase one bus. Where in the budget would we find line items for hiring bus drivers and bus monitors for any Special Education students?" Two Board members spent several minutes at the public hearing attempting to find this in the amended budget in order to answer this question. The question was never adequately answered at the public hearing.
- The Application includes language about securing loans. There is no loan repayment in year 1 and there is vague language about how the school will repay loans in years 2, 3, and 4.
- The Application states that "all staff who are working from the school building will be tested weekly" with regards to COVID-19. There are no line items for this in the amended budget.
- There are concerns about whether the amended budget adequately addresses (1) students with special needs; (2) transportation; (3) securing a school site; (4) renovations required to bring school sites up to code; (5) costs to create curriculum for every high school subject area through Arts Impact; (6) food service costs; and (7) other items mentioned in the narrative of the application. It is unclear how the school can truly operate without relying on grants and loans.