

**SMART Schools, Inc.**

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**The Background:**

SMART Schools, Inc. submitted an initial chart application to Knox County Schools on September 30, 2011. After reviewing the application, Knox County Schools voted to deny the charter proposal at the regularly scheduled board meeting held November 2, 2011.

On November 18, 2011, SMART Schools, Inc. submitted an amended application to address the deficiencies cited in the initial application. At the December 5, 2011 special called meeting of the Knox County School Board, the board voted to deny the amended application.

On December 14, 2011, SMART Schools, Inc. appealed to the State Board of Education. A hearing was held on January 11<sup>th</sup>, 2012 at the Knox County Board of Education.

**The Master Plan Connection:**

This item ensures that eligible students have access to effective teachers and leaders at approved public charter schools, and that the provided appeal process is carried out according to statute.

**The Recommendation:**

The Executive Director recommends that the Board affirm the decision of the Knox County School Board to deny the applications of SMART Schools, Inc.

This recommendation is based on the attached findings and recommendations of Dr. Nixon for SMART Schools, Inc. Additional documents and letters are available for your review online. They include copies of the applications, scoring criteria and application evaluations used by each of the authorizers, as well as written comments submitted at and after the appeal hearings.

## **BEFORE THE TENNESSEE STATE BOARD OF EDUCATION**

### **2012 CHARTER SCHOOL APPEAL SMART Schools, Inc.**

#### **FINDINGS AND RECOMMENDATION**

Pursuant to Tenn. Code Ann. § 49-13-108, sponsors proposing to open new charter schools may appeal the denial of their amended applications by a local board of education to the State Board of Education (State Board).

On Wednesday, January 11, 2012, a hearing was held at the Knox County Board of Education in Knoxville, Tennessee, to consider SMART Schools, Inc.'s appeal of the denial of its application by the Knox County Board of Education.

Based on the following procedural history and findings of fact, I believe that the decision to deny SMART Schools, Inc.'s application was not "contrary to the best interests of the pupils, the school district, and the community", and therefore recommend that the Board affirm the decision of the Knox County Board of Public Education.

#### **PROCEDURAL HISTORY**

1. On, November 2, 2011 the Knox County Board of Education unanimously denied SMART Schools, Inc.'s initial application to open the New Consortium of Law and Business Charter School, following the unanimous recommendation of the Knox County charter school review committee.
2. SMART Schools, Inc. amended and resubmitted its application.
3. On December 5, 2011, Knox County voted to deny SMART Schools, Inc.'s amended application, following another unanimous recommendation of the review committee.

4. SMART Schools, Inc then appealed the denial by email to the State Board, received December 14, 2011.

**FINDINGS OF FACT**

1. The Knox County Schools (KCS) Charter School Review Committee included the following individuals, who reviewed all of the applications submitted during this application window:

- a. Dr. Donna Wright, KCS, Assistant Superintendent (Chair)
- b. Dr. Elizabeth Alves, KCS, Chief Accountability Officer
- c. Becky Ashe, L&N STEM Academy Principal
- d. Leah Ashley, CPA, KCS Finance Department
- e. Debbie Boles, Community Member
- f. Dr. Clifford Davis, KCS, Supervisor of Middle Schools
- g. Laurie Driver, KCS, Supervisor of Testing
- h. Ed Hedgepeth, KCS, Executive Director of Secondary Education
- i. Cheryl Hill, KCS, Supervisor of Special Education
- j. Joe Landsman, Univ. of TN Medical Center, Chief Executive Officer
- k. Nancy Maland, KCS, Executive Director of Elementary Education
- l. David Sanders, Knox County Law Department, Legal Counsel
- m. Nakia Towns, KCS, Director of Human Capital Strategy
- n. Carole Wilson, KCS, Grant Writer

2. Using the State Department of Education’s (SDE) scoring criteria for the application, the review committee scored the application in each of the four domains outlined on the SDE scoring sheet: Mission, Education Plan, Founding Group, Business/Operations Plan.

3. On the initial application, SMART Schools, Inc.’s application was labeled according to the scoring criteria developed and promulgated by the State Department of Education.

SMART Schools, Inc. earned a total of 61.75 out of 100 possible points:

Mission	7.3 out of 10 possible (73%; considered “adequate”)
Education Plan	27.73 out of 40 possible (69%; considered “inadequate”)
Governance	11.6 out of 20 possible (58%; considered “inadequate”)
Business/Operations	15.62 out of 30 possible (52%; considered “inadequate”)

4. After the Knox County School Board voted to deny SMART Schools, Inc.’s initial application, Knox County sent SMART Schools, Inc. the complete recommendation report of the committee, the average scores from the committee, and overall reasons for denying the SMART Schools, Inc. Charter School application.

5. SMART Schools, Inc.’s amended application earned a total of 50.39 out of 100 possible points:

Mission	5.9 out of 10 possible (59%; considered “inadequate”)
Education Plan	23.06 out of 40 possible (58%; considered “inadequate”)
Governance	7.19 out of 20 possible (36%; considered “inadequate”)
Business/Operations	14.24 out of 30 possible (47%; considered “inadequate”)

6. After review of the application, the committee unanimously recommended denying the amended application. Ultimately, the Board determined that the authorization of the charter would be contrary to the best interests of the students of Knox County Schools. The committee had the following specific concerns:

a. Mission and Goals- In evaluating the application, the committee cited a lack of development of the vision for the school and a lack of coherence with the overall education plan. This was evidenced by a lack of data focusing on the specific intended population of students to be served as well as a lack of definition as to the student population of the communities to be served by the charter school. The committee also expressed concern regarding the application’s failure to demonstrate that the school has a commitment to high expectations.

b. Education Plan- The committee noticed an absence of a plan for helping special education students to reach grade level mastery, citing deficiencies in the remediation and intervention plans and the lack of clear evidence of a plan for students who would not be able to function in an inclusion setting.

c. Operating Budget- The committee also found that the operating budget showed little evidence of financial planning and management and also failed to demonstrate that public funds would be used effectively. They specifically cited several areas where the budget items were unexplained and appeared unreasonable for the start-up planning year.

d. Employee Qualifications- The committee found the recruitment and selection procedures to be inadequate in their ability to support the stable staffing of a high performing school. Specifically, they noted that the application touted that master teachers would teach all core subjects, which they believed to be unrealistic given additional demands placed on the teachers to be involved in administration, as indicated in the application. The committee also noted the absence of a detailed recruitment, selection, professional development, and evaluation plan for their teachers.

### **CONCLUSION**

State law requires the State Board of Education to review the decision of the local board of education and determine whether the denial of the charter school was in the “best interest of the students, school district, and the community.”<sup>1</sup> Approval of public charter schools must be “in the form of a written agreement signed by the sponsor and the chartering authority, which shall be binding upon the governing body of the public charter school.”<sup>2</sup> This means that when the local board of education votes to approve a charter school, it must be ready to sign that binding document at the same time, just as it would any other contract it approves.<sup>3</sup> I believe that

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<sup>1</sup> T.C.A. § 49-13-108(a)(3).

<sup>2</sup> T.C.A. § 49-13-110(a).

<sup>3</sup> The Tennessee Attorney General recently confirmed that this is what the statutory language means. See Op. No. 10-45, available at <http://www.tn.gov/attorneygeneral/op/2010/op/op10-45.pdf> (last viewed July 21, 2010).

because of the important nature of such a contract, it behooves the charter authorizer and the sponsor to clearly communicate with each other during the application process.

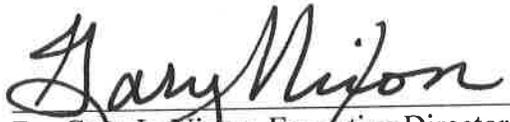
It appears from the January 11th hearing, and subsequent documentation received, that there was a lack of communication between the entities. Knox County contends that there was no attempt from SMART Schools, Inc. to get specific information concerning the needs of the students, district, and the community. Further, when invited by KCS officials to attend the Board meetings in which the application would be discussed, representatives from SMART Schools, Inc. failed to attend.

SMART Schools, Inc. contends that Knox County was not forthright in their scoring process, noting that they were not provided the baseline score requirement for the approval of an application or the scoring sheets from the review committee's initial or amended review. Conversely, on the initial application, they were provided with a list of 40 items needing improvement, which were different from the 41 items received on the amended application, making it difficult for SMART Schools, Inc. to address those new items within the confines of the application process.

Nevertheless, SMART Schools, Inc. provided no evidence that the New Consortium of Law and Business's existence would be in the best interests of the students, the school district or the community. In fact, its arguments focused solely on the technicalities of the application process itself. While I note that these technicalities have some validity, I do not think they are compelling enough to overrule the deficiencies KCS cited in the application. Compelling was the assertion from KCS that SMART Schools, Inc. did not appear to know the demographics of the students and district, as evidenced by the absence of specific data and lack of local support. I believe it is important for a sponsor to be well acquainted with the students, district, and

community they intend to serve in order for them to clearly show that their existence would be in the best interest of those groups.

For these reasons, I do not believe that the decision to deny SMART School Inc.'s charter application was contrary to the best interests of the students, the school district, and the community. Therefore, I recommend that the State Board of Education affirm the decision of Knox County School Board.

  
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Dr. Gary L. Nixon, Executive Director  
State Board of Education

1-25-2012  
Date