BEFORE THE TENNESSEE STATE BOARD OF EDUCATION

2013 CHARTER SCHOOL APPEAL
Scholastic Academy of Logistics and Transportation (S.A.L.T.) Charter School

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 Monday, September 30, 2013, a hearing was held at the Shelby County Board of Education (SCBE) in Memphis, Tennessee, to consider Scholastic Academy of Logistics and Transportation (S.A.L.T.) Charter School's appeal of the denial of its application by the Shelby County Board of Education.

Based on the following procedural history and findings of fact, I believe that the decision to deny S.A.L.T. Charter School'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 Shelby County Board of Education.

PROCEDURAL HISTORY

1. On June 25, 2013, Shelby County Board of Education unanimously denied S.A.L.T. Charter School's initial application, following the unanimous recommendation of the Shelby County Schools (SCS) charter school review committee.

2. S.A.L.T. Charter School amended and resubmitted its application on July 17, 2013.

3. On August 20, 2013, the SCS charter school review committee recommended denial of the S.A.L.T. Charter School's amended application. Subsequently, the Shelby County Board of Education unanimously voted to deny the amended application of S.A.L.T. Charter School.

4. S.A.L.T. Charter School then appealed the denial by email to the State Board, received August 29, 2013.

FINDINGS OF FACT

1. The Shelby County Schools charter school review committee team evaluating the S.A.L.T. Charter School application included the following individuals:
    a. Dedric McGhee – Curriculum and Instruction
    b. Regina Payne – Human Resources

c. Melissa McConnell – Professional Development
d. Todd Goforth – Curriculum and Instruction
e. Angela Hargrave – Student Services
f. Bill Morris – Federal Programs
g. Kristy Ford - Curriculum and Instruction
h. Andrea Crafford - Curriculum and Instruction
i. Michael Lowe – Regional Superintendent
j. Teresa Winter – Budget

2. Shelby County Schools employs a rigorous screening process based on the Principles for Quality Authorizing of the National Association of Charter School Authorizers (NACSA).

3. Using the TN Department of Education's (TDOE) scoring rubric as a guide for evaluating the application, the review committee scored the application into four domains: Academic Plan Design and Capacity, Operations Plan and Capacity, Financial Plan and Capacity, and Application – Additional Attachments.

4. To be recommended for approval to the SCBE, applicants must meet or exceed the criteria in all four areas.

5. On the initial application, S.A.L.T. Charter School's application was labeled according to the scoring criteria developed and promulgated by the Tennessee Department of Education. S.A.L.T. Charter School's initial application scored as follows:

Academic Plan Design and Capacity	Does Not Meet the Standard
Operations Plan and Capacity	Partially Meets the Standard
Financial Plan and Capacity	Partially Meets the Standard
Application - Additional Attachments	Partially Meets the Standard

6. After the Shelby County Board of Education voted to deny S.A.L.T. Charter School's initial application, SCS sent S.A.L.T. Charter School the overall reasons for denying the S.A.L.T. Charter School application.

7. S.A.L.T. Charter School's amended application scored as follows:

Academic Plan Design and Capacity	Does Not Meet the Standard
Operations Plan and Capacity	Partially Meets the Standard
Financial Plan and Capacity	Does Not Meet the Standard
Application - Additional Attachments	Partially Meets the Standard

8. 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 Shelby County Schools. The committee had the following specific concerns:
    a. Academic Plan Design and Capacity – The committee found that the application did not present a cohesive academic program. In particular, the committee noted inconsistencies in the application; for example, the application's narrative professed a STEM focus, but this was not clearly integrated into the class schedule. Moreover, the committee was concerned that the application contained low expectations for high school graduation, and that, without benchmarks for all measures, the student assessment plan remained unclear.
    b. Operations Plan and Capacity – The committee felt that the application's plans for staffing and professional development were not sufficiently concrete, citing missing details such as salary ranges and benefits. Additionally, the application lacked a clearly defined strategy for training the Governing Board and evaluating its performance.
    c. Financial Plan and Capacity – Given weaknesses such as the missing electronic copy of the budget, the committee did not find that the application met the minimum standard in this area. Moreover, the committee noticed that the application claimed funding from the Walton Foundation during the first years of operation, but contained no evidence of a receipt of this grant.
    d. Application - Additional Attachments – The committee noted that the budget narrative failed to account for vital costs, including transportation, facilities and food service.

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 interests of the students, school district, and the community."[1] Approval of a public charter school 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."[2] The 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.[3] Because of the important nature of such a contract, the charter sponsor must take care to include details with enough specificity that an authorizer can measure, with confidence, the school's likelihood of success upon approval.

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[1] T.C.A. § 49-13-108(a)(3).
[2] T.C.A. § 49-13-110(a).
[3] 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 Sept. 25, 2013).

At the September 30 hearing, the S.A.L.T. Charter School's organizers expressed an acute understanding of the needs of their community, and a passion for preparing students for the realities of today's workforce. However, in spite of the applicants' commitment to a laudable mission, the application does not demonstrate readiness to launch and operate a viable charter school. After reading the application, reviewing the recommendation of the committee, and hearing the evidence presented by the Shelby County Board of Education, it appears that the application is deficient in a number of key areas. Most striking is that the academic framework does not appear to be fully formed at this point. For example, the application emphasizes the program's STEM focus, but does not clearly explain how it fits into the daily schedule. The application also does not sufficiently flesh out its measurements of student progress, neglecting to include necessary details such as benchmarks. With respect to the financial plan, the budget narrative overlooks major costs, such as facilities, staffing, and special education. The absence of an electronic copy of the budget compounds this shortcoming in the amended application. Without evidence of a comprehensive financial plan, I am unconvinced of the program's sustainability.

Overall, the organizers presented a compelling case for a program with this particular focus; however, the lack of attention to critical detail casts doubt on the viability of this program. For these reasons, I do not believe that the decision to deny Scholastic Academy of Logistics and Transportation (S.A.L.T.) Charter School'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 the Shelby County Board of Education.

Gary L Nixon

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

10/9/13
Date