



# COVID-19 Charter School LEA Liaison Call

**April 14, 2020**

Dr. Robert Lundin, Assistant Commissioner  
Judy Spencer, Director of Charter Schools

# Call Participants

## Target Audience

- LEA Senior-Level Liaisons to Charter Schools

## Department Presenters

- Dr. Robert Lundin, Assistant Commissioner of School Models & Programs
- Judy Spencer, Director of Charter Schools

## Other Department Representatives

- Amity Schuyler, Deputy Commissioner
- Dr. Eve Carney, Chief Districts & Schools Officer
- Sam Percy, Chief Operating Officer
- Lee Danley, Deputy General Counsel
- Maryanne Durski, Executive Director of Local Finance
- Chelsea Crawford, Assistant Commissioner of Communications & Engagement
- Charlie Bufalino, Assistant Commissioner of Policy & Legislative Affairs

# Intended Outcomes

- **Identify** updates relevant to charter schools and their supervising LEAs.
- **Define** systems and expectations for ongoing communications.
- **Collect** any unanswered questions for future responses.

# Agenda

- Current Informational Resources
- School Closures & Instructional Calendars
- Consistent Provision of BEP Funds to Charter Schools
- Charter Application Timelines & Pending Applicants
- Charter School Enrollment Lotteries
- Required LEA Authorization Fee Usage Summaries
- Distinguishing Between Online Learning & Virtual Schooling
- SBOE April 9, 2020 Emergency Meeting Outcomes
- Three Pertinent Policies for Charter Schools & LEAs
- Education Stabilization Relief Funding
- Cadence of Future Communications
- Questions

# Current Informational Resources

**Charter schools and their supervising LEAs should continually monitor the department's dedicated COVID-19 site for updated information:**

<https://www.tn.gov/education/health-and-safety/update-on-coronavirus.html>

This web page now includes the following recently updated resources pertinent to charter schools:

- [Charter School-Specific FAQs](#) (Updated 4/3)
- [U.S. Dept. of Ed. Pending CSP Waiver Request](#) (Updated 4/7)
- School Nutrition Closure [Toolkit](#) & [FAQs](#) (Updated 4/7)
- Special Education [Guidance](#), [Presentation](#), [FAQs](#), & [Toolkit](#) (Updated 4/1)
- IT & Distance Learning [Resources](#) & [Toolkit](#) (Updated 4/8)
- [Mental Health FAQs](#) (Updated 4/8)
- [Archive of Previous Conference Calls](#)

# School Closures & Instructional Calendars

- Governor Lee announced yesterday the extension of the statewide “stay at home” order through the end of April.
- LEA waiver requests related to total instructional days apply to all charter schools under their jurisdiction.
- Dialogue related to revision of instructional calendars should occur between each LEA’s designated charter school liaison and all of their respective campuses.

Achievement School District	Hamilton County Schools	Knox County Schools	Metro Nashville Public Schools	Shelby County Schools	State Board of Education
Lisa Settle Interim Supt. (901) 270-1492	Jill Levine Chief of Innovation (423) 498-7149	Terri Coatney Board Services (865) 594-1800	Dennis Queen Executive Director of Charter Schools (615) 259-8598	Brittney Monda Director of Charter Schools (901) 416-5300	Tess Stovall Director of Charter Schools (615) 770-1190

# Consistent Provision of BEP Funding

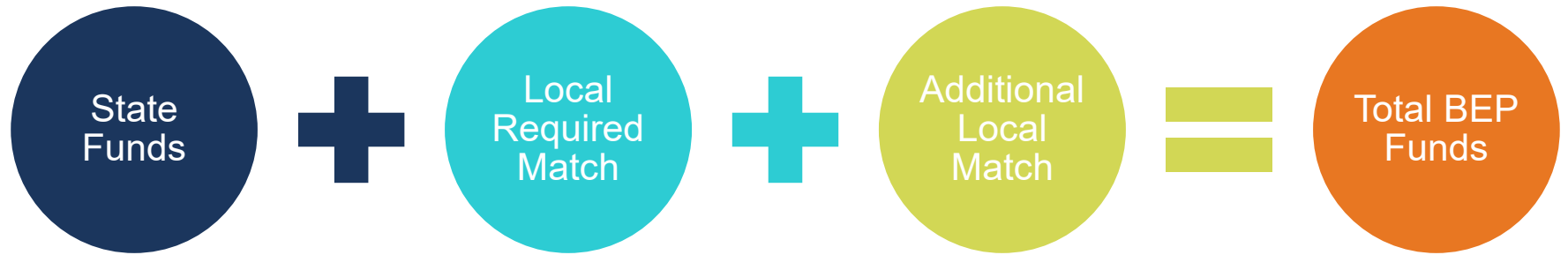
**As specified in T.C.A. §49-13-112(a) and communicated directly with each of your respective directors of schools on March 30, 2020, charter schools should not experience interruption in LEAs' issuance of 2019-20 state and local funds.**

*A local board of education shall allocate to the charter school an amount equal to the per student state and local funds received by the LEA and all appropriate allocations under federal law or regulation, including, but not limited to, Title I and ESEA funds.*

The allocation shall be made in accordance with the policies and procedures developed by the department of education. Each LEA shall include as part of its budget submitted pursuant to § 49-2-203, the per pupil amount of local money it will pass through to charter schools during the upcoming school year. Allocations to the charter schools during that year shall be based on the per pupil amount.

*The LEA shall distribute the portion of local funds it expects to receive in no fewer than nine (9) equal installments to the charter schools in the same manner as state funds are distributed pursuant to chapter 3 of this title. An LEA shall adjust payments to the charter schools, at a minimum, in October, February, and June, based on changes in revenue, student enrollment, or student services.*

# Consistent Provision of BEP Funding



**TCA 49-13-112(a)** An LEA shall adjust payments to the charter schools, at a minimum, in October, February, and June, based on changes in revenue, student enrollment, or student services.

**TCA 49-13-112(c)(1)** Allocations are based on one hundred percent (100%) of state and local funds received by the LEA, including current funds allocated for capital outlay purposes, excluding the proceeds of debt obligations and associated debt service.

These statutes afford districts the legal authority to adjust their additional local match funding levels based on factors including enrollment, revenue, etc.

For the current fiscal year, the state's component of campus BEP funding will remain unchanged.

Your LEA is expected to meet its obligations to match state BEP funds on the local level.



# Charter Application Deadlines

- Deadlines for submission of charter applications to LEAs are explicitly specified in statute (T.C.A. § 49-13-107; § 49-13-121).
- SBOE Chapter 0520-14-02-.01(3) precludes the commissioner from considering waivers of specific requirements outlined in the charter school statute.
- LEAs retain the authority to adjust their internal application timelines and protocols.
- Charter applicants have been advised to consult with their LEAs to confirm any potential modifications to application timelines.

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# Confirmation of Pending Charters

**TDOE records currently indicate the following charter schools confirmed for operation for the 2020-21 school year. If you know of any changes to the proposed start dates for any new charter schools slated to operate within your LEA, please notify us immediately.**



Beacon College  
Prep



Freedom Prep  
Sherwood Forest



Memphis School of  
Excellence Cordova

# Confirmation of Pending Charters

TDOE records currently indicate the following charter applicants are under consideration for the 2021-22 school year. If your LEA knows of any changes to the timeline for consideration of any of these charter applications, please notify us immediately.



Ivy Academy  
Skillern Elementary



Montessori  
Elementary at  
Highland Park



Ivy Prep Academy



KIPP Southeast  
ES/MS & Antioch  
HS



Nashville Collegiate



Bluff City Collegiate



Cornerstone Prep



Luceo Collegiate  
School of the Arts



Memphis School of  
Excellence Cordova  
MS/HS



Rocketship #3  
(confirmed '21-'22)

# Charter School Enrollment Lotteries

**Enrollment and lotteries are governed by T.C.A. §49-13-113 and State Board of Education Rule 0520-14-01-.04.**

If, at the end of the initial student application period, the number of eligible students seeking to be enrolled exceeds the school's capacity or the capacity of a program, class, grade level or building, then the enrollment of eligible students shall be determined on the basis of a lottery.

- (a) Any such lottery shall be conducted within thirty (30) calendar days of the close of the initial student application period.
- (b) a charter school shall provide to the Department of Education certification by an independent accounting firm or by a law firm that each lottery conducted for enrollment purposes complied with the requirements of T.C.A. § 49-13-113. Charter schools that choose to participate in the enrollment process of their chartering authority may use certification from the chartering authority to satisfy this requirement.
- (c) In lieu of an independent accounting firm or law firm, charter schools may request that the Department of Education review and approve the lottery process prior to the lottery.

# Charter School Enrollment Lotteries

## 1. Lottery Preferences

Students that attended the charter school during the previous school year shall be given the first enrollment preference and are excluded from entering into the lottery described below.

A public charter school may give an enrollment preference to children of a teacher, sponsor or member of the governing body of the charter school, not to exceed ten percent (10%) of total enrollment or twenty-five (25) students, whichever is less.

# Charter School Enrollment Lotteries

**If an enrollment lottery is conducted, a public charter school shall give enrollment preferences in the following order:**

- (a) Students enrolled in a pre-K program operated by the charter school sponsor;
- (b) Students enrolled in a charter school that has an articulation agreement with the enrolling public charter school; provided that the articulation agreement has been approved by the authorizer;
- (c) Siblings of students already enrolled in the charter school;
- (d) Students residing within the geographic boundaries of the LEA in which the charter school is located who were enrolled in another public school during the previous school year; and
- (e) Students residing outside the geographic boundaries of the LEA in which the public charter school is located.

# Charter School Enrollment Lotteries

## 2. Certification or Approval

A charter school shall provide to the Department of Education certification by an independent accounting firm or by a law firm that each lottery conducted for enrollment purposes complied with the requirements of T.C.A. § 49-13-113.

Charter schools that choose to participate in the enrollment process of their chartering authority may use certification from the chartering authority to satisfy this requirement.

In lieu of such certification, a charter school may request that the department of education review and pre-approve the lottery process.

# Charter School Enrollment Lotteries

## 3. Lottery Policy

A charter school should post its lottery policy on its website, in all languages appropriate for its community. At a minimum, this should include:

- Timeframes and deadlines; allow some flexibility due to the pandemic
- Any enrollment preferences or weightings
- A description of the lottery process, including lottery date, location/medium, and when and how families will be notified of the results



# Charter School Enrollment Lotteries

## 4. Communications

Frequently communicate with families, stakeholders and the general public about the charter school's lottery, including via:

- Emails
- Newsletters
- The charter school's website
- Social media platforms
- Personal outreach
  - *Include the number of available seats for each grade to be filled by the lottery.*

# Charter School Enrollment Lotteries

## 5. Conducting Lotteries

- Must be open, accessible and transparent
- As long as social distancing is in effect, a charter school should use an electronic lottery. See this link to a demonstration from the New York City Charter School Center:  
<https://www.nyccharterschools.org/resources/electronic-lottery-demonstration>
- The lottery must be recorded, with the recording and transcript posted to the charter school's website
- Promptly following completion of the lottery, the school should appropriately notify stakeholders of the results, including students being offered seats and those on waitlists.

# LEA Charter Authorization Fee Summaries

**Effective June of 2019, Tennessee State Board of Education Chapter 0520-14-01-.05 was revised to include additional financial reporting requirements for LEAs overseeing charter schools.**

- By December 1 of each year, each LEA that collects an annual authorizer fee shall report to the Department of Education the total amount of authorizer fees collected in the previous school year and the authorizing obligations fulfilled using the fee. Reports shall be submitted on a reporting form developed by the Dept. of Education.
- Each authorizer fee report shall be posted on the TDOE and SBOE websites.
- If, for any school year, the total amount of authorizer fees collected by the LEA exceeds the amount used by the LEA to perform its authorizing obligations and responsibilities, the LEA shall distribute the amount remaining to its authorized public charter schools.
- If the Department of Education determines funds were used by the LEA for activities other than the authorizing obligations outlined in this Rule, the Department of Education shall withhold an amount equal to the misallocated funds in the following fiscal year from the LEA and shall distribute the misallocated funds directly to the public charter schools.

# LEA Charter Authorization Fee Summaries

Tennessee State Board of Education Chapter 0520-14-01-.05 prescribes that LEAs may only apply fees toward the following categories of expenses directly impacting charter campuses.

**YOUR FINAL 2019 L.E.A. FEE & EXPENDITURE SUMMARY SHOULD DEMONSTRATE THAT THE TOTAL AMOUNT OF AUTHORIZER FEES ASSESSED TO CHARTER SCHOOLS IN 2019 HAS BEEN SPENT IN ONE OF THE FOLLOWING 7 AREAS.**

<b>CATEGORY 5A EXPENDITURES</b>	+	<b>CATEGORY 5B EXPENDITURES</b>	+	<b>CATEGORY 5C EXPENDITURES</b>	+	<b>CATEGORY 5D EXPENDITURES</b>	+	<b>CATEGORY 5E EXPENDITURES</b>	+	<b>CATEGORY 5F EXPENDITURES</b>	+	<b>CATEGORY 5G EXPENDITURES</b>	=	<b>TOTAL 2019 FEES ASSESSED</b>
\$		\$		\$		\$		\$		\$		\$		\$
<b>CATEGORY 5A</b>	<b><i>Charter school application approval process expenses</i></b>											<b>\$</b>		
<b>CATEGORY 5B</b>	<b><i>Interim review process expenses as required by T.C.A. § 49-13-121(d),</i></b>											<b>\$</b>		
<b>CATEGORY 5C</b>	<b><i>Charter school renewal process expenses as required by T.C.A. § 49-13-121</i></b>											<b>\$</b>		
<b>CATEGORY 5D</b>	<b><i>Monitoring and oversight activities</i></b>											<b>\$</b>		
<b>CATEGORY 5E</b>	<b><i>Personnel costs for LEA staff supporting charter schools</i></b>											<b>\$</b>		
<b>CATEGORY 5F</b>	<b><i>Annual reporting</i></b>											<b>\$</b>		
<b>CATEGORY 5G</b>	<b><i>Ongoing charter school support services</i></b>											<b>\$</b>		
<b><u>TOTAL AMOUNT OF 2019 AUTHORIZER FEES ASSESSED TO CHARTER SCHOOLS:</u></b>												<b>\$</b>		

# LEA Charter Authorization Fee Summaries

**Financial summary documents were provided to TDOE by the four relevant LEAs, which were in turn shared with the State Board of Education's Charter School Sub-Committee on March 6<sup>th</sup> for review.**

The sub-committee members (as well as TDOE and SBOE staff) identified discrepancies in the accounting of charter school funds, and cited their collective concern over the accuracy of the information provided.

The committee unanimously agreed that further financial information would be required in order to ensure full LEA legal compliance with the policy.

We will require your assistance in this matter. Judy Spencer (TDOE Director of Charter Schools) and/or Tess Stovall (SBOE Director of Charter Schools) will contact you in early May with specific information on required next steps.

# Online Learning ≠ “Virtual School”

- Though we strongly encourage your charter schools to employ technology platforms to maintain students' access to learning, doing so does not make it a “virtual school.”
- SBOE Rule 0520-01-03-.03 specifies the requirements for designation as a “virtual school” that are distinct from those of charter schools and require explicit consent of the LEA.

# SBOE April 9, 2020 Emergency Meeting

- The State Board of Education convened an emergency meeting on April 9, 2020 to address a multitude of issues impacting LEAs and charter schools during this period.
- LEA charter school liaisons should review all of the ratified policies, and in turn engage directly with each of their respective charter leaders to ensure coordination of next steps on the campus and district levels.

<https://www.tn.gov/sbe/meetings/meetings-calendar/2020/4/9/april-9--2020-sbe-conference-call-meeting.html>

# SBOE April 9, 2020 Emergency Meeting

## **TOPICS ADDRESSED**

- [COVID-19 Emergency Rules](#)
- [Revised Attendance Policies During Periods of School Closure](#)
- [Revisions to Student Graduation, Assessment, & Staff PD Requirements](#)
- [Extensions of Special Education Initial Evaluation Timelines](#)
- [Revised Evaluation Protocols](#)
- [Revised Educator Licensure & Preparation Protocols](#)
- [Revisions to Uniform Grading Policy](#)
- [Flexibility for Out-of-State Educator Licensure Candidates](#)



# Three Particularly Pertinent Policies

## SPECIAL EDUCATION

Pursuant to the Governor's Executive Orders of the year 2020 declaring the existence of a State of Emergency in response to COVID-19, tornadoes, and severe weather that impacted middle Tennessee, Public Chapter 652 of 2020, and 34 C.F.R. § 300.301(c),

*the **timeline for initial evaluations** initiated or in process as of March 3, 2020 **may be extended** beyond sixty (60) calendar days by the number of calendar days equal to the duration of an order, declaration, or recommendation to stay at home, self-quarantine, or implement social distancing issued by the LEA's or public charter school's local, state, or federal government.*

LEAs and public charter schools may request an additional extension up to thirty (30) calendar days after an order is lifted to be approved by the Department due to extenuating circumstances.

# Three Particularly Pertinent Policies

## STUDENT ATTENDANCE

Notwithstanding any other provision of this rule, as a result of the COVID-19 public health emergency in the spring semester of the 2019-20 school year,

LEAs and public charter schools that choose to provide instruction during the period of school closure either virtually or via any form of remote learning may take attendance for purposes of determining the extent to which students have access to the instruction and the effectiveness of the remote programming;

*however, students **shall not** be given an unexcused absence or reported as truant as a result of any absences during the period of school closure.*

# Three Particularly Pertinent Policies

## GRADING & ASSESSMENT POLICIES

- A 12<sup>th</sup> grade student shall receive a spring semester grade **no lower than the grade they earned in the course as of March 20, 2020.**
- LEAs and charter schools may provide remote learning or credit recovery opportunities to students as an opportunity to improve the student's grade.
- **No spring 2019-20 EOC exams** will be administered and should not be reflected in these final grades.
- Students taking certain early post-secondary courses (such as Advanced Placement, International Baccalaureate, Cambridge, CLEP, or dual credit) **will not be required to take the associated assessment** in order to obtain additional GPA weighting if that assessment was scheduled to occur in Spring 2020.
- ACT or SAT completion **will not be required** for 11<sup>th</sup> grade students to measure post-secondary readiness or for 12<sup>th</sup> grade students as a graduation prerequisite.
- A student scheduled to graduate this year **will not be required** to take and pass the civics test specified in T.C.A. § 49-6-408 in order to earn a high school diploma.

# Education Stabilization Relief Funding

- State application has not been released by USEd
  - Expect to receive application within next 10 days
- State Allocation has been determined
  - District allocations will be determined based on share of Title I allocation
  - Released to district leadership later this week
- Application will include specific charter questions to ensure charter schools are receiving CARES Act benefits equal to their traditional public school counterparts.
- Assurances and monitoring processes will also be utilized for district and charter accountability of CARES Act.
- More information will be shared in coming weeks

# Cadence of Future Communications

- Conference calls exclusively for LEA liaisons to charter school campuses will occur on a bi-weekly basis.
- Weekly email updates will be sent to all identified representatives.
- Charter school FAQ documents will be continuously updated and uploaded to the department's COVID-19 web page: <https://www.tn.gov/education/health-and-safety/update-on-coronavirus.html>
- Your respective directors of schools are also invited to participate in ongoing superintendent conference calls.
- LEA charter school representatives may direct specific questions to Judy Spencer at [Judy.Spencer@tn.gov](mailto:Judy.Spencer@tn.gov).

# Questions

- What are the most pressing issues you are dealing with?
- How can the department be a resource for you?
- What other inquiries do you have?