

BEFORE THE TENNESSEE STATE BOARD OF EDUCATION

**2013 CHARTER SCHOOL APPEAL
Tracey Darnell Montessori Charter Academy**

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 23, 2013, a hearing was held at the Rutherford County Board of Education (RCBE) in Murfreesboro, Tennessee, to consider Tracey Darnell Montessori Charter Academy's appeal of the denial of its application by the Rutherford County Board of Education.

Based on the following procedural history and findings of fact, I believe that the decision to deny Tracey Darnell Montessori Charter Academy'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 Rutherford County Board of Education.

PROCEDURAL HISTORY

1. On January 12, 2013, the Rutherford County Board of Education unanimously denied Tracey Darnell Montessori Charter Academy's initial application, following the unanimous recommendation of the Rutherford County Schools (RCS) charter school review committee.
2. Tracey Darnell Montessori Charter Academy amended and resubmitted its application on July 17, 2013.
3. On August 13, 2013, the RCS charter school review committee recommended denial of the Tracey Darnell Montessori Charter Academy's amended application. Subsequently, the Rutherford County Board of Education unanimously voted to deny the amended application of Tracey Darnell Montessori Charter Academy.
4. Tracey Darnell Montessori Charter Academy then appealed the denial by email to the State Board, received August 16, 2013.

FINDINGS OF FACT

1. The Rutherford County Schools charter school review committee team evaluating the Tracey Darnell Montessori Charter Academy application included the following individuals:

- a. Tim Tackett - Committee Chairman, Rutherford County Schools
 - b. Don Odom – Director of Schools, Rutherford County Schools
 - c. Richard Zago – A.S. Instruction, Rutherford County Schools
 - d. Paula Barnes – A.S. Human Resources, Rutherford County Schools
 - e. Jeff Sandvig – A.S. Budget and Finance, Rutherford County Schools
 - f. Shirley Bell – Special Education Coordinator, Rutherford County Schools
 - g. James Evans – Community Relations Coordinator, Rutherford County Schools
 - h. Dr. Bob Bullen – Community Member At-Large, Rutherford County Schools
 - i. Angel McCloud – Staff Attorney, Rutherford County Schools
2. This was the first charter school to make application within Rutherford County.
 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 main domains: Academic Plan Design and Capacity, Operations Plan and Capacity, Financial Plan and Capacity, and Additional Attachments: Facilities, Transportation Plan, Food Service, Insurance, Waivers, etc.
 4. On the initial application, Tracey Darnell Montessori Charter Academy’s application was labeled according to the scoring criteria developed and promulgated by the Tennessee Department of Education. Tracey Darnell Montessori Charter Academy’s initial application scored as follows:

Academic Plan Design and Capacity	Does Not Meet the Standard
Operations Plan and Capacity	Does Not Meet the Standard
Financial Plan and Capacity	Does Not Meet the Standard
Additional Attachments: Facilities, Transportation Plan, Food Service, Insurance, Waivers, etc.	Does Not Meet the Standard
 5. After the Rutherford County Board of Education voted to deny Tracey Darnell Montessori Charter Academy’s initial application, RCS sent Tracey Darnell Montessori Charter Academy the overall reasons for denying the Tracey Darnell Montessori Charter Academy application.
 6. On May 31, 2013, the Rutherford County Charter School Review Committee held a meeting with Tracey Darnell Montessori Charter Academy’s sponsor to discuss the process, the application’s deficiencies, and to ask questions of the sponsor.
 7. Tracey Darnell Montessori Charter Academy’s amended application scored as follows:

Academic Plan Design and Capacity	Does Not Meet the Standard
Operations Plan and Capacity	Does Not Meet the Standard
Financial Plan and Capacity	Does Not Meet the Standard
Additional Attachments: Facilities, Transportation Plan, Food Service, Insurance, Waivers, etc.	Does Not Meet 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 Rutherford County Schools. The committee had the following specific concerns:

- a. Academic Plan Design and Capacity – The committee noted the absence of a detailed, specific plan for curriculum and academic standards that meet or exceed federal and state standards. The committee also found that the application lacked an effective plan for assessing student progress and using achievement data to inform instruction, especially with respect to at-risk students, students with disabilities and English Language Learners. In particular, the committee was concerned that there was no well-defined strategy for corrective action in the event of students’ academic underperformance.
- b. Operations Plan and Capacity – The committee felt that the application did not contain a comprehensive plan for launching a charter school. The committee specifically cited deficiencies in the application’s plans for staffing and school safety. Additionally, the committee found the application lacked a clearly defined strategy for professional development in the areas of special education and English Language Learners.
- c. Financial Plan and Capacity – The committee highlighted the financial plan section of the application as an area of major concern. The committee felt that the application did not present a complete and viable plan for the start-up and operation of a charter school. In particular, the committee found that the application did not clearly explain the revenue and cost assumptions in the budget, nor did it provide a contingency plan to meet financial needs in the event of funding deficits.
- d. Additional Attachments: Facilities, Transportation Plan, Food Service, Insurance, Waivers, etc. – The committee noted that the application did not adequately account for essential facilities requirements and costs, including code compliance, rent, maintenance, and build-out costs. Additionally, the committee noticed that the application did not contain a plan to secure comprehensive and adequate insurance coverage. Moreover, the committee found that the application failed to include a clear plan for complying with state and federal regulations relating to the provision of transportation services to students, particularly those with special needs.

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

¹ T.C.A. § 49-13-108(a)(3).

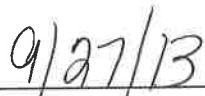
shall be binding upon the governing body of the public charter school.”² The means that when the local board of education votes to approve a charter school, it must be ready to sign that binding document at the same time, just as it would any other contract it approves.³ Because of the important nature 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.

After the September 23 hearing, I have no doubt that the Tracey Darnell Montessori Charter Academy organizers have the passion for their proposed charter school. However, after reading the application, reviewing the recommendation of the committee, and hearing the evidence presented by the Rutherford County Board of Education, it appears that the application lacked critical elements required to successfully operate a charter school. The applicants expressed a commitment to serving a diverse student body through the principles of Montessori instruction; however, the application did not provide an adequately detailed plan for achieving this goal. In particular, the application lacked clear and sufficient details on the curriculum and student assessments that would be utilized within the program. Moreover, the application did not provide a comprehensive and sound plan for funding, without which it is difficult to determine the likelihood of success for this program.

For these reasons, I do not believe that the decision to deny Tracey Darnell Montessori Charter Academy’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 Rutherford County Board of Education.



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



Date

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).