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Board of Public Education
Metropolitan Nashville Public Schools
2601 Bransford Avenue
Nashville, TN 37204

Dear Metropolitan Board of Public Education:

We appreciate your consideration of the Great Hearts Academies charter application. Though we appreciate the time that District staff, the Committee, and Board members spent reviewing our application, we believe that the findings of the Committee and Board decision deserve careful reconsideration.

Great Hearts currently serves the families of over 6,000 public school students. These families have visited our Humane Letters seminars and watched our students flourish as they study the Great Books of Western Civilization and debate the human condition in Socratic style with humility, respect, and curiosity. Our classical liberal arts approach develops critical thinking, philosophical depth, and moral character. The charter authorizing process allocated very little time to study how we educate students – we invite you to our academies to see the Great Hearts classical education in action. We believe you will understand why families find our programs both timeless and revolutionary. Our graduating seniors are recognized for being among the best in the country with SAT, ACT and nationally-normed test scores significantly above national averages.

The decision rendered by the MNPS Board of Public Education on our charter application was not compliant with board policy or state charter law and we appeal to you for reconsideration.

Our application for multiple charters was denied because it was deemed by the review team that our Organizational Plan (Part 2) only partially met standard. All other parts of the application met standard. The substance of our appeal is noted below, with reference to any amendments in the charter application.

The district's findings are inconsistent with board policy and state law and do not account for information Great Hearts provided to the district through written and oral testimony. Specifically:

1. Denied because the district does not have a process to award five charters.

The District asked Great Hearts to respond to this claim, though it was not discussed in the committee's findings. In oral presentation, District staff indicated that the Board had no process for awarding multiple charters.

Great Hearts filed a Letter of Intent with the District in February, 2012. In it, we wrote:

Please accept this Letter of Intent for Great Hearts Academies Tennessee to apply for five charters in the metropolitan Nashville area. Great Hearts Academies Tennessee would open the first school in 2013, the second school in 2015, and three additional schools by 2017.

...

Proposed School Names:

*Great Hearts Academies Nashville 1
Great Hearts Academies Nashville 2
Great Hearts Academies Nashville 3
Great Hearts Academies Nashville 4
Great Hearts Academies Nashville 5*

Proposed School Location:

Great Hearts Academies Tennessee is currently exploring numerous areas of Nashville as potential sites for its first Nashville area school, along with promising areas for its second through fifth schools. We have seen great initial parent demand concentrated in the west-central area of Nashville, though parents from other communities within the city have also expressed the desire for Great Hearts Academies Tennessee to open its first Nashville school near them. Great Hearts Academies Tennessee is committed to serving a diverse student population from the entire Nashville region, and is committed to doing so by opening 5 academies in the Nashville metropolitan area by 2017. At scale, Great Hearts Academies Tennessee would serve up to 4200 students.

Following up on this clear statement that Great Hearts was applying for five charter schools, Great Hearts staff had an in-person and also telephonic meeting with District Staff to discuss the logistical process for applying for five charters. We asked District staff whether we should submit five separate applications, or whether we should submit one application with a roll out plan for future schools. We also clearly indicated to District staff that our Nashville plan required us to possess five charters, but that we would agree to performance benchmarks as a condition for opening future schools. Great Hearts and Board staff discussed the Arizona charter replication program as one example of such a process.

Following these discussions, rather than asking Great Hearts to submit five separate charter applications, Board staff presented Great Hearts with a "supplemental application." That application asked us to detail Great Hearts' past experiences with schools in Arizona as well as asking us to submit detail regarding the future operations of Great Hearts' Tennessee CMO, including budget forecasting, future school rollout plans, and internal performance metrics.

The instructions to the Supplemental Application state (among other things):

The Application Supplement for Existing Operators is meant for existing operators to describe their organization's structure, track record, and capacity to operate one or more schools in Nashville. This supplement should be completed in addition to the Application for Public Charter School (i.e. "main application"). Applicants should provide information about the broader organization/network in the main application, where appropriate, and should provide any additional information in this supplement. (p.3)

...

MNPS will evaluate the performance of every charter school and transformation partner annually including for "green-lighting" conditionally approved charters for subsequent years and for renewal purposes according to a set of academic, financial, and organizational performance standards that will be incorporated into the charter agreement. The academic performance standards will consider status, growth and comparative performance based on federal, state, and school-specific measures. The financial performance standards will be based on standard accounting and industry standards for sound financial operation. The organizational performance standards will be based primarily on compliance with legal obligations, including fulfillment of the governing board's fiduciary obligations related to sound governance. (p. 11)

Great Hearts complied with the District's request to submit one full charter application and the supplemental application. As is clear from the directions quoted above, from the substance of the supplemental application, and from discussions with District staff, the purpose of this process was to ascertain Great Hearts' capacity to operate multiple schools and make a decision regarding the approval of the multiple Great Hearts charters.

Nowhere has MNPS or The Committee called this capacity into question and there is no indication that we fell short of standards in any area of the supplemental application.

As the instructions quoted above imply, MNPS has designed a process to approve the first charter, conditionally approve the remaining four charters, and utilize performance standards that they have created in order to "green-light" those conditionally approved charters.

For MNPS to claim that they have no process and no performance benchmarks for approving and then green-lighting conditionally approved charters is to ignore the extensive documentation that they created and required Great Hearts to submit. To deny Great Hearts' charter application on this ground is without merit, and Great Hearts requests that they follow the process that they created for this very purpose.

2. **Denied because we did not stipulate location or criteria for identification future locations and denied because the potential exists for our first school to be in West Nashville.**

The Committee writes,

[Great Hearts] did not provide a timeline for finding a facility and it was questioned whether the

budget sufficiently reflected potential build-out costs. Likewise, they would not commit to criteria for determining location. This deficiency indicates a lack of preparedness and planning, as well as sufficient understanding of the Nashville area.

The Tennessee charter application instructions specifically state on p. 27 that the applicant does not have to identify a facility location for charter approval. In the case of a situation where the applicant has not secured a facility, the charter application further states on pages 27-28 that:

*If a facility has not yet been identified, [an **excellent** application will include]:*

- *Description of anticipated facilities needs including evidence the facility will be appropriate for the educational program of the school and adequate for the projected student enrollment.*
- *Inclusion of costs associated with the anticipated facility needs in the budget including renovation, rent, utilities, insurance and maintenance.*
- *Evidence to indicate that facilities-related budget assumptions are realistic based on anticipated size, location, etc.*
- *Assurance that the proposed location will be in compliance with applicable building codes, health and safety laws, and with the requirements of the Americans with Disabilities Act (ADA).*
- *Plan for finding a location including a proposed schedule for doing so.*

The Great Hearts Charter application met or exceeded the standards in this area by:

- (a) Describing the number of general education rooms, number of special education rooms, number of multipurpose rooms, number of office spaces, number of common spaces, and type of outdoor spaces required for the facility/location. (p. 79)
- (b) Describing in detail realistic assumptions and thresholds for the total acreage and square footage needed on a per-student basis (p. 80)
- (c) Describing in detail the budgetary thresholds for the facility, the rationale for those thresholds, and expected costs (p. 80 and in budget attachments)
- (d) Describing in detail the historical facilities experience of Great Hearts Academies
- (e) Clearly stating that the location will be in compliance with applicable codes, health and safety laws, and with the requirements of ADA (p. 79)
- (f) Clearly stating that we have retained the services of a realtor and would secure an adequate facility upon receiving the charter. (p. 80)
- (g) Describing in detail our real estate strategy (second to last subsection of Attachment 1 of the supplemental application)

Furthermore, in the supplement that MNPS asked us to submit because we were applying for multiple charters, on Page 8 we give further detail on the schedule for facility/location search and a timetable for securing the facility, stating that:

- (a) By August 2012, we would sign an LOI with a developer
- (b) By November 2012, we would begin Tenet Improvements and/or construction
- (c) By February 2013, the facility would be 50% complete
- (d) By June 2013, the facility would possess all necessary operating certificates and move-in would begin.

Furthermore, the statement that we would not commit to determining criteria for facility location is inaccurate. On page 7 of the supplemental application we state, “Site locations for each school will be based on parent interest and availability of facilities, with the first schools located where the demand is greatest.” Also, on page 1 of the supplemental application, we note that we have identified one of the facility locations as a “measured growth” model that starts smaller and with fewer grade levels, geared to serve a higher percentage of students enrolling in Great Hearts below grade level. Furthermore, we specifically state in the supplemental application our commitment to opening schools across the metro region, and reference our commitment to a “drive-time” criteria for school placement, saying that

the end-goal of expansion is to have a Great Hearts Academy within a 15-minute drive of any portion of the metropolitan area – the intent is to leave no region of Nashville’s metropolitan area underserved by a Great Hearts Academy (p. 6)

Furthermore, in numerous places in the main application, we note our commitment to broad service of the Nashville area: on page 32 we state our desire to open a school in North Nashville; on page 90 we discuss our initial open houses in West Nashville; and also on page 90 we discuss our outreach efforts and open houses in North Nashville, East Nashville and Antioch.

Despite the claim by The Committee that we should be denied for failure to stipulate a location, they additionally write:

the location in west Nashville does not align with district priorities as outlined in the request for proposal in September, 2011.

As discussed in the charter application and in our response above, though Great Hearts is exploring the West Nashville market, and parent demand is very high in that area, we have not made a final decision on the location of the first school. As noted above, the location of each of the five schools will be driven by demand, facility availability, and our commitment to broadly serving the entire Nashville region.

We are pleased to provide a bit more detail regarding our current search for school locations. Great Hearts is actively searching within the area bounded by White Bridge Road on the west, I-40 on the north, 25th Avenue (running along the eastern edge of Centennial Park) and West End Avenue on the south. The population within this approximately 2.9 square mile area is both racially and socio-economically diverse, and Great Hearts anticipates that the population with relatively easy driving access to a site within this target area would be reflective of the diversity of Nashville’s population generally. We are currently looking at churches and other real estate options within that zone.

Additional hypothetical school sites for Schools 1 through 5 include:

- Charlotte/Sylvan Park Area
- Antioch
- Belmont University/12 South/Rosepark Area
- North Nashville/Germantown/Salemtown Area
- Melrose/Thompson Lane/Berry Hill Area
- East Nashville/Inglewood Area
- Vanderbilt/Midtown/Music Row Area
- Donelson

As detailed on pages 30-32 of the charter application, we believe that our five school plan clearly aligns with the district’s priorities. Namely, we have a proven approach to English Language instruction, we

have a proven track record of providing a high quality education with limited resources, we have a record of educating high-poverty students that exemplify the HPHM model, we have a proven approach to closing the achievement gap for students with disabilities, we are committed to diversity, and we are committed to opening a K-12 school in North Nashville.

Great Hearts met or exceeded standards in our clear and detailed plan for facility placement and location criteria and, contrary to the committee's summary judgment, we believe that the evidence cited above points to a sophisticated approach to facilities planning, community outreach, and a comprehensive approach to geographic campus placement.

3. Denied because we did not provide a transportation plan:

The Committee writes:

The organizational plan partially meets criteria for approval because...[of] the lack of a transportation plan...

Although a charter school is not required to offer transportation by law, the complete absence of transportation is deeply concerning for the committee. The budget does not include funding for transportation.

A plan is mentioned that would create a network of carpools and parent volunteers for students, raising concerns with reviewers that students with limited means of transportation who live outside the area where parent volunteers travel will be effectively excluded from this school.

During the interview phase, Great Hearts did indicate their initial plans may not fully align with Nashville's public transportation program, but would not commit to providing transportation.

Transportation in Nashville is crucial to ensure true choice for all students, and although the applicant indicated they might re-think the transportation area, they would not commit to providing transportation to students.

On page 25 of the Tennessee Charter Application Instructions, it says: "An excellent Transportation and Food Service plan will have the following characteristics: Statements regarding whether the school plans to provide transportation for all students. Transportation is optional under Tennessee law..." Simply put, MNPS and state law does not require charter schools to provide transportation.

However, in our interview with district staff, we testified that Great Hearts would make reasonable efforts to provide transportation at our academies and select future school locations based on community demand to mitigate transportation burdens on families. Additionally, we testified that we would explore the possibility of limited busing of students from potential School 2 and School 3 locations to the location of the first school. The district committee did not include this discussion in their written analysis which the board used to make their decision.

While busing is not required of charter schools in Tennessee, we seek to do all we can to work within the context of Nashville and are amenable to limited busing as a step to build out our service footprint across the metro region. Busing will be determined on an analysis of student applications and enrollees in the early years of the school network rollout, serving significant, clustered groups of students who are

far from the first school, and have need for transportation, until such time that a school can be opened near them.

To be specific, we propose:

1. Following a broad, city-wide enrollment marketing campaign, an open enrollment period, and a blind lottery, Great Hearts will analyze the home addresses of the students who have been admitted to the school.
2. If, as is expected, there are clusters of enrolled students in areas of town located more than a 15 minute driving distance from the first school location, then Great Hearts will contract to operate one bus to each of the two areas with largest clusters of enrolled and (if appropriate) waitlisted students.
3. Each bus would make one or two stops in accessible and convenient locations within those clusters.
4. This busing plan would exist only for the first school and only until additional Great Hearts schools open. The additional Great Hearts schools will begin to open in areas of where demand is high, facilities are available, and consistent with our vision to broadly serve the entire metropolitan region.

Not only would this plan help to serve the transportation needs of Great Hearts Nashville students, but it will help Great Hearts Tennessee to help build awareness of and demand for our future market schools.

Given the fact that charter schools are specifically *not* required to provide busing, the Committee's decision to recommend denial of the charter application based on the fact that we did not commit to comprehensive busing is without merit and runs contrary to state and district laws and policies.

Nonetheless, Great Hearts has amended its charter application to reflect the details of the plan that we shared with the Committee during the formal interview. On pages 52-53 and 78 of the main application and in the Budget, the Committee will find those additions highlighted in yellow.

4. **Denied because we do not have plan for student recruitment or information on target student population or a "diversity plan" that is aligned with district priorities**

The committee writes,

[The Great Hearts application] had no specific plan for student recruitment and enrollment

[There was] insufficient detail for identifying the targeted student population

The application lacks specificity regarding targeted student recruitment and enrollment

[The] misalignment with district priorities regarding diversity remained concerning to the reviewers.

Their diversity plan is based on a neighborhood school model for serving multiple populations in separate school locations and does not align with the district's priorities, mission, or vision.

In Section XIII of the Instructions for the Tennessee Charter School Application, it is stated that:

An excellent parent and community involvement plan will have the following characteristics:

- *...Informs parents and members of the community about the operations of the school including providing information about the school to students and parents of all ethnicities, languages and abilities. A timeline for implementation, a lead contact and specific community meetings should be a part of the plan.*
- *...Specific strategies to reach at-risk students and families who may not be aware of this proposed school. (p. 31)*

Great Hearts' application met or exceeded the standard in addressing these issues regarding the targeted student population and student recruitment by:

- (a) Stating that we would "widely publicize the nature and mission of the school to the surrounding community," fostering diversity by posting notices in public spaces throughout the Nashville region (libraries, etc). (Appendix I)
- (b) Holding informational meetings throughout the metropolitan area at community centers, churches, pre-schools, and housing developments – including those already held in North Nashville, West Nashville, East Nashville and Antioch (Appendix I and p. 91)
- (c) Stating that "Great Hearts Academies – Nashville will follow an open enrollment policy [and will] seek to serve a student population that mirrors the demographics of the city of Nashville." (Appendix I)
- (d) Noting our strong commitment to student diversity in Arizona, our track record of serving diverse student populations in Arizona, the significant increase in diversity at our schools over the last five years, and our stated commitment to doing the same in Nashville (p. 31-32)
- (e) Indicating that we have a five charter plan, and a goal to serve students across the Nashville Metro region (see previous discussion above)
- (f) Indicating that "Great Hearts America – Tennessee [will adopt] intentional marketing to traditionally underserved students." (p. 32)

Great Hearts' began recruiting diverse populations from across Nashville during the charter application process. Great Hearts will market our first school broadly and aggressively to assemble an applicant pool that is both enthusiastic about the Great Hearts program and curriculum, and reflective of Nashville's racial and socioeconomic diversity. We detailed these efforts in our charter application and met our commitments:

We have also scheduled additional open houses in various Nashville neighborhoods to inform the community about our school model and our plans to open Great Hearts Academies in Nashville, as well as to continue to solicit feedback. At the time of submission, open houses are scheduled in North Nashville on March 26, East Nashville on March 27, and Antioch on April 5. (p. 91)

Public charter schools are open to all students and cannot discriminate based on race, gender, religion, sexual orientation or income. If student demand exceeds the number of available seats, a blind, random lottery is used to select students. This is the approach prescribed by both state and federal law and followed by thousands of charter schools across the country.

The district's requirements for targeted enrollment or quotas run afoul of state charter law and federal regulations that require an open enrollment process and do not allow Great Hearts to discriminate against any family.

As clearly indicated in the application, Great Hearts is committed to serving all students who apply, committed to broadly disseminating information about the school to all citizens of Nashville, and committed to opening schools across the entire region. To commit to informing **all** families in Nashville of the mission of Great Hearts, along with the promise of five schools across the region, is to commit not only to a diversity of community-based schools, but also to commit to diversity within each school.

To deny Great Hearts' application based on an alleged lack of commitment to diversity is without merit. Not only is it inconsistent with state and federal law, but it ignores the real and evidenced commitment to diversity that Great Hearts clearly documented in our application for Tennessee charters and in our history in Arizona.

Great Hearts' track record in Arizona indicates this commitment. As detailed in our application,

Overall in Phoenix, 30% of Great Hearts students are minority, with most such students being African American or Hispanic. At Teleos Prep, more than 70% of students qualify for free and reduced-price lunch (FRL), and although the numbers of FRL students are lower at other Great Hearts schools, FRL student populations are still significant. Furthermore, racial diversity is significant across the Great Hearts Academies. At Archway Chandler, for example, 41% of students are minority, with the majority of those students being African American or Hispanic. In Phoenix, Great Hearts receives many more applications than they have openings every year (more than 10,000 applications for fewer than 1,500 spots for 2011-12, for example). Arizona law does not allow for any lottery preference for FRL, minority, or students from failing schools. Annually, Great Hearts does targeted marketing for traditionally underserved student populations. As a result of this outreach, the minority and free and reduced-price lunch student populations have increased dramatically over the last five years. In 2006-07, the minority student population at Great Hearts schools was 14%; today in 2011-12, it stands at 30% and is still growing. (p. 31-32)

In summary, while Great Hearts very much appreciates the work that District staff, the Committee, and Board members spent reading and analyzing our application, we believe the district's finding are not consistent with board policy and state charter law.

Thank you for the reconsideration and we look forward to a strong partnership with the district to serve the families of Nashville. Our goal is the same as yours: to make MNPS into one of the best and most competitive school districts in the country, for the sake of our children and for the sake of our nation.

Dan Scoggin
CEO, Great Hearts America

Peter Bezanson
President, Great Hearts America—Tennessee