



Department of
Education

COVID-19 Charter School & CMO Bi-Weekly Update Call

April 14, 2020

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

Call Participants

Target Audiences

- Charter School Campus Administrators
- Charter Management Organization Senior Leaders

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 CMOs.
- **Define** systems and expectations for ongoing communications.
- **Collect** any unanswered questions for future responses.

Agenda

- Current Informational Resources
- School Closures & Instructional Calendars
- Current and Future BEP Funding
- Charter School Enrollment Lotteries
- SBOE April 9, 2020 Emergency Meeting Outcomes
- Three Pertinent SBOE Policies for Charter Schools
- Education Stabilization Relief Funding
- CARES Act Preliminary Information for Charter Schools
- 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:

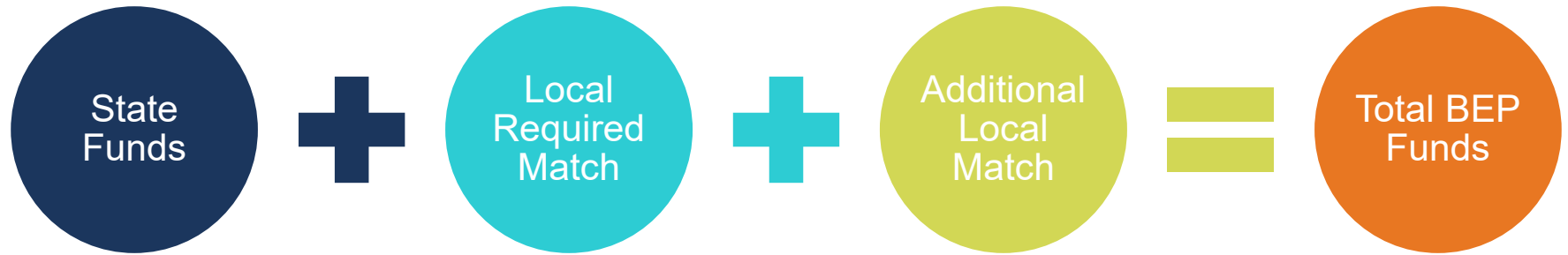
- [Charter School-Specific FAQs](#) (Updated 4/3)
- [U.S. Dept. of Ed. Pending CSP Waiver Request](#) (Updated 4/7)
- School Nutrition Closure [Toolkit](#) & [FAQs](#) (Updated 4/7)
- Special Education [Guidance](#), [Presentation](#), [FAQs](#), & [Toolkit](#) (Updated 4/1)
- IT & Distance Learning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

School Closures & Instructional Calendars

- As of March 24, Governor Lee has recommended that all Tennessee schools remain closed through April 24, 2020.
- 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 |

Current & Future Campus 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 your campus BEP funding will remain unchanged.

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

Current & Future Campus BEP Funding

Given the prospect of changes to campus funding levels, charter school and CMO leaders have raised a number of important questions to TDOE.

- How much is the local portion of BEP anticipated to decrease in the April payment and in the June true-up payment? How is this calculated?
- What are the projected decreases in sales tax revenues? What portion of the local BEP payment derives from sales tax revenues?
- When will we have more specific information on the additional local component changes to funding?
- Will this impact traditional public schools similarly?
- When will we "see" this decrease in our payments? April? June?
- What, if anything, can be done – either by the state or others – to mitigate?
- Generally, does the state have any projections on the percentage of decrease we should plan for in the next fiscal year?
- How is the State requiring transparency from the LEAs with respect to BEP calculations?
- What protections are in place to ensure the equitable distribution of funds to charter and district schools? How do we know that all the decreases aren't being allocated to the charter schools?

Current & Future Campus BEP Funding

TDOE recognizes that charter school and CMO leaders need clarity on both the levels of funding they can expect and the methodology that will be employed to determine those amounts.

In particular, we are working to provide explicit guidance to charter schools and CMOs on the following critical questions:

- How will ADM be calculated for Periods 7, 8 and 9?
- Will the weights be reallocated amongst the reporting periods?
- Is there a floor below which the local portion of BEP cannot be further decreased?
- What proportion of current and future BEP payment levels will be derived from local sales tax revenues?

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 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.

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.

(a) 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 12th grade student shall receive a spring semester grade no lower than the grade they earned in the course as of March 20, 2020; no spring 2019-20 EOC exams will be administered and should not be reflected in these final grades.
- LEAs and charter schools may provide remote learning or credit recovery opportunities to students as an opportunity to improve the student's grade.
- 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 **neither** be required for 11th grade students to measure post-secondary readiness **nor** for 12th 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

CARES Act & Charter Schools

- **TDOE is in the process of finalizing its structure for CARES Act funding. Two specific components may be of interest to charters.**
 - **“Paycheck Protection Program”**
 - The PPP will cover two months of a schools 2019’s average monthly payroll, with an additional 25 percent for operating costs such as rent or mortgage and utilities- up to a maximum of \$10 million. The loans carry one-percent interest, with a maturity term of two years. Borrowers are not required to make loan payments for the first six months. Nor are they required to put up collateral, make personal guarantees or pay fees. The federal government will direct-deposit the loan into a qualifying organization’s bank.
 - The guidelines require that 75 percent of a PPP loan be used to fund payroll and employee benefits, and allows for the remaining 25 percent to be spent on mortgage interest payments, rent and lease payments and utilities. If schools adhere to these guidelines, the government will forgive 100 percent of its loan, effectively turning it into a tax-free grant.
 - Parochial, private and charter schools should be eligible for the PPP if they apply individually by school, rather than as a network of schools, because the loans are limited to businesses that have fewer than 500 employees.

CARES Act & Charter Schools

- **TDOE is in the process of finalizing its structure for CARES Act funding.** **Two specific programs may be of interest to charters.**
 - **“Economic Injury Disaster Loan”**
 - Unlike the PPP program, the EID loan does not include a forgiveness provision. However, for organizations that do not qualify for PPP or don't get approval before the money runs out, it is not a terrible option if the alternative is permanent closure.
 - The EID offers up to \$2 million in assistance to nonprofits and for-profits to help overcome temporary loss in revenue caused by COVID-19.
 - The interest rate is 2.75 percent for nonprofits and 3.75 percent for for-profits, with repayment terms of up to 30 years. The long term means monthly repayments would be relatively low. While the PPP is calculated on payroll, the EID would be based on loss of tuition.
 - Organizations can only apply for one or another.

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.

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?