

Memphis Academy of Health Sciences’ Response to the Tennessee Public Charter School Commission Executive Director’s Recommendation to Uphold the Memphis Shelby County Schools Revocation of the Charter Agreement

April 1, 2022

The Executive Director’s April 1, 2022, Recommendation contains misstatements that are material. Most importantly, it incorrectly states that “the governing board has made changes since the Comptroller’s Report was issued...” As fully explained by MAHS, the governing board made all required policy revisions and changes to its internal controls prior to the release of the Comptroller’s Report. The governing board, upon being placed on notice of the investigation in November 2019, immediately began its own investigation and review of its processes and procedures and rectified each and every internal control issue before the release of the Comptroller’s Report. In many cases, the required changes were made almost two (2) years before the release of the Report. This distinction is significant and most certainly should be considered by the Commission, and this distinction should have been understood by the Executive Director prior to making the Recommendation. It should also be considered when determining whether this governing board is more than merely “good intentioned”.

The Recommendation further states that the school closing report was provided to MAHS on December 13, 2021. The closing report provided on December 13, 2021 contained substantive errors, however, which required MSCS to revise it. The revised report was provided to MAHS a mere six (6) days before the revocation hearing and MAHS was never provided access to the information used to compile this report. MAHS contends this was neither timely nor sufficient.

MSCS completely failed to follow its Board Policy 1011 regarding revocation. Respectfully, this Commission should require that MAHS follow its own enacted revocation policy. To determine otherwise results in there being no policy whatsoever.

MAHS does not dispute the egregious actions by its prior administration. These former employees have been indicted, and MAHS has already sued them seeking return of the funds improperly received. MAHS simply was not, however, provided with the process to which it was entitled by statute. The issues, while they may well be substantiated, are not material violations because MAHS was not provided with an opportunity to remedy as required by T.C.A. §49-13-108. An “opportunity to remedy” cannot mean an opportunity to undo past acts or omissions, as no charter school could possibly remedy charter violations that have already occurred. That would be an impossible task. Instead, the language in the statute must mean that charter schools are provided with an opportunity to correct course, so that no future violations occur. While the actions by the former administration are serious, the changes enacted by the governing board, equally serious and all completed prior to the release of the Comptroller’s Report, show that the internal control deficiencies have already been corrected. The schools’ financial scorecards do not show any remaining financial issues. The schools continue to perform better than the neighborhood schools. There is nothing left to remedy.

Closing these schools now, in 2022, after the governing board made sweeping changes beginning in 2019, and which are operating without any issues, and performing much better than available neighborhood schools only compounds the damages already done by these former employees. There is no doubt that closure of these schools will result in the vast majority of their students attending lower performing neighborhood schools. These students will not be provided with an “opportunity to remedy” this result.