

Legal Action Against the State of Tennessee Adds Injury to Insult

By Glen Gaugh

Last Thursday, the Tennessee Public Charter Commission reversed the denial of Hillsdale-affiliated American Classical Academy-Jackson Madison (ACAJM) by the Jackson-Madison County School Board (JMCSS). The board had denied American Classical Education four times since 2022. I was educated through middle and high school in East Jackson public schools, where the new American Classical Academy is set to open, and like others in the community, I am excited about the prospect of a charter school improving outcomes for vulnerable students, utilizing public funds and an innovative model.

Charter schools were enacted in the 90's as a way to fund innovation in education by freeing the school up from processes and methods enacted on regular public schools. The results have spoken for themselves, as told in this study from Stanford University, which reports TN charter schools “showing an additional 33 days of learning in reading and nearly 39 days in math. No other southern state had public charter school students reaching 25 additional days of learning in either subject.”

Since the Commission's approval for ACAJM, JMCSS has [vowed to take legal action](#) against the State of Tennessee because the Commissioners complained about the school district having no one present for the hearing. It's flimsy ground to stand on, given that the process was carried out

according to policy, in spite of indignant comments made in the hearing.

The concerning part is that the Commission recognizes, as many Madison County citizens know, that the current results coming for our local public schools are dire. Our numbers, [as cited by Commissioner Eddie Smith of the Commission](#), are, “Reading proficiency in Jackson-Madison County is at 17%, 13% below the state average. Math is at 10%. That’s 18% below the state average.” He cited Knox County as a comparable system with better outcomes, yet having two charter schools to better serve students, as proof of his premise that “the school system had not adequately met the needs of students in those communities” which prompted them to consider ACAJM.

Commissioner Smith remarked, “We asked [JMCSS] for their per-pupil spending. They failed to provide it, yet it’s available on the Comptroller’s website. So they weren’t able to engage fairly a good faith discussion with even our own staff.”

Commissioner Alan Levine later commented, “I’m sensitive to the negative fiscal impact on non-urban districts, but that isn’t what we have here.” Levine continued, “When I see data that says we are so miserably failing these students... and an alternative is proposed and they’re not even here to tell us why this is a bad idea, and to engage with us, I don’t know what to make of it other than they did not want to be here and be scrutinized.”

According to the committee’s fiscal review, the district has grown an “unassigned fund balance” from \$8.7 million in

school year 2019-20 to over \$14 million in school year 2021-22. In other words, the money is there to make up for any loss of students to the charter school. This, in spite of JMCSS claiming there would be an adverse fiscal impact to public schools.

Superintendent Marlon King must know that, contrary to his own committees' claims, a charter school alternative for Madison County students would actually help financially, as he has endorsed the idea of a charter school with a potential university as the operator, according to a text message I received from presumably a ACA supporter.

I chalk all of the talk of legal action up to remorse over a missed opportunity. Only it is about to leave the realm of talk and become an actual issue for the school board to decide. Legal action over a duly authorized charter school would be adding injury to insult, as the public school system engages in protectionism over failing results.