



BILL LEE
GOVERNOR

STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
NINTH FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

PENNY SCHWINN
COMMISSIONER

Via Electronic Mail

October 4, 2022

Alan A. Gumbel, Executive Director
Memphis Academy of Health Sciences
3925 Chelsea Avenue Ext.
Memphis, TN 38108
agumbel@mahsmshs.org

Dear Mr. Gumbel,

Under Title 49 of the Tennessee Code Annotated, the Commissioner of Education is granted authority to waive certain and particular requirements of law.

While the commissioner is committed to aiding schools and districts in the education of the youth of the state of Tennessee, the decision to invoke such waiver authority is one taken only rarely and with great deliberation.

You have requested the commissioner waive and approve the Memphis Academy of Health Sciences' implementation of a "4x4 block schedule incorporating an asynchronous day of instruction for the 2021-22 school year to fulfill the 180 day, 6.5 hours of instruction" required under Tennessee law.

Unfortunately, at this time the commissioner must deny your waiver request.

Sincerely,

Dr. Penny Schwinn
Commissioner



MEMPHIS ACADEMY OF HEALTH SCIENCES

Middle School

3608 Hawkins Mill Rd
Memphis, TN 38128
O: 901.213.4123
F: 901.213.4125

High School

3925 Chelsea Avenue Ext.
Memphis, TN 38108
O: 901.382.1441
F: 901.382.1944

April 22, 2022

Dr. Penny Schwinn, Commissioner
Tennessee Department of Education
710 James Robertson Parkway
Nashville, TN 37243

Dear Commissioner Schwinn:

The Memphis Academy of Health Sciences High School (MAHS) is requesting the Tennessee Department of Education grant a waiver and approval for the implementation of a 4x4 block schedule incorporating an asynchronous day of instruction for the 2021-22 school year to fulfill the 180 day, 6.5 hours of instruction required by Tennessee Statute. We acknowledge the unusual nature and timing of this request, but believe our unique situation detailed in this letter warrants this relief in the best interests of our students.

In April 2021, the MAHS Board of Directors adopted a 4x4 block schedule model that incorporates an asynchronous day of instruction every Friday for use in the 2021-22 school year. This model, currently in use at David Crockett High School in Jonesborough, TN, was selected due to its success in improving the academic performance of its students which share many of the risk factors our students face despite the demographic differences of our two communities. Our understanding was that as a charter school, we could implement a model currently approved for use in Tennessee without any additional approvals. In this, we were mistaken.

The 4x4 block schedule provides students with more instructional hours in four days than the traditional schedule completes in five days in a standard 180 day school year (see the comparison on the following page). The day of asynchronous instruction required students to attend, with faculty taking roll at their scheduled class times. This schedule allowed faculty to work with students independently and/or in small groups based on their individual needs. The 4x4 block schedule also provides students the opportunity to earn full credits in courses in a semester instead of a full academic year, thus enabling students to increase and broaden their overall courses and credits earned over their high school academic career. At MAHS, those opportunities included health sciences related courses, Work-Based Learning (WBL), and dual enrollment classes at area post-secondary institutions.

The results of the implementation of the 4x4 model are encouraging. Based on a comparison of Fall 2021 (2021-22 school year) over Spring 2021 (2020-21 school year) performance data, MAHS students achieved a 20% increase in demonstrating ON-TRACK or MASTERY in ELA and 9% increase in demonstrating ON-TRACK or MASTERY in math.

STANDARD SCHEDULE	BLOCK SCHEDULE - 4 x 4
8 Classes (including Lunch) – 8 locations	Semester Based Classes – 8100 minutes
45 minutes of class – 5 minutes to kick off and 5 minutes to wrap up	80 minutes of class – 5 minutes to kick off and 5 minutes to wrap up
Year Long class – 8100 minutes	Semester Based Classes – 8100 minutes
Kick off & wrap up – 1800 minutes	Kick off & Wrap up – 900 minutes
Instructional Time – 6300 minutes	Instructional Time – 7200 minutes

Despite our success in educating our students this school year, MAHS faced the existential threat of the revocation of our charter on January 12, 2022 by the Memphis Shelby County School District (MSCS). That decision was upheld on our appeal to the Tennessee Public Charter School Commission on April 1, 2022. Thus, we are closing at the end of this school year. The basis of the revocation was an investigation and report by the Tennessee Comptroller’s Office released December 1, 2021 that identified theft and misappropriation of funds by the previous MAHS executive leadership. Alan Gumbel was hired as Executive Director on February 12, 2021 and Jerry Johnson joined the MAHS Board in November 2021 and became Board Chair in January 2022 and thus had no part in operation of MAHS during the period under investigation by the Comptroller’s Office.

Our non-compliance with state statute regarding the mandatory 180 day, 6.5 hour/day of instruction was identified by Memphis Shelby County Schools late this spring. By their analysis as of April 25, 2022, we are required to correct 30 days, 190 hours of instruction by June 14, 2022. Our current school year ends May 27, 2022. Our current number of 8 stockpiled days only makes a dent in the deficit. Even if implemented Monday, April 25, 2022, this corrective action would still only make up 159 of the 190 hours of instruction.

Given the short period of time provided by the MSCS required to make up these days/hours, we would have to extend the school day by three hours (7:00 AM – 6:00 PM) and expand the school week to Monday – Saturday for the remainder of the year. We are still seeking guidance from MSCS as to the structure and content those additional hours of instruction would have to include.

The issue of structure and content aside, we believe the change in schedule creates an insurmountable burden on the students and faculty. With existing low morale due to the revocation of our charter for non-academic issues, we would face an immediate exodus of

faculty that would undermine our ability to complete our current school year for those students who might be in attendance. We are also concerned about the academic and attendance records of those students that cannot or will not attend school given the increase in hours.

In conclusion, we ask that Department of Education approve our 4x4 block schedule with asynchronous instruction on Fridays for the 2021-22 school year as meeting the required 180 day, 6.5 hour of instructional time based on: our student's improved academic performance in the model; the insurmountable burden trying to make up day/time deficit within the time allotted; and the potential harm to students attendance/academic records.

If you have additional questions, please do not hesitate to reach out to either of us.

Sincerely,



Alan A. Gumbel,
Executive Director



Jerry Johnson,
Interim Board Chair