

October 23, 2024

VIA EMAIL AND MAIL

Justin Marsh, Esq.

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Dr. Adrienne Battle, Director of Metro Nashville Public Schools

Ms. Freda Player, Board Chair of Metro Nashville Public Schools

Re: Proposed Rezoning Plan

Dear Dr. Battle, Ms. Player, and Mr. Marsh:

This firm represents LEAD Public Schools, Inc. (“LEAD”) and has since its inception so we are very familiar with LEAD’s history in this community and in particular with Cameron Middle School (“Cameron”).

In 2010, after Cameron had remained on the priority list for years and amidst threats from the State to take over Cameron, Metro Nashville Public Schools (“MNPS”) actively sought LEAD as a partner to engage in a joint venture which would allow LEAD to operate Cameron with MNPS as the authorizer in what would become the first turnaround school in Tennessee. A material and essential part of that agreement, as reflected in the original Charter Agreement by and between MNPS and LEAD dated October 1, 2010 (“2010 Charter Agreement”), was that Cameron would be a zoned charter school. *See* 2010 Charter Agreement, attached as **Exhibit A**. In other words, any middle school student in the zone, would attend Cameron upon application to LEAD, unless that student decided to opt-out into a magnet school or other choice school. *See* Section 1.3 of 2010 Charter Agreement.

In 2020, in MNPS’s Renewal Application Report (“MNPS Report”), attached as **Exhibit B**, MNPS once again acknowledged its contractual obligations and discussed Cameron’s unique status as a zoned enrolled charter school. The Executive Summary of the Report states, in relevant part, “Cameron College Prep is a school district/charter turnaround partnership”.

This work began when Metropolitan Nashville Public Schools chose LEAD Public Schools as its partner to help turn around Cameron Middle School, which had been on the state’s list of lowest performing schools (bottom 5%) for at least six years. As the Report states, “Since assuming the charter in 2011, Cameron has been a TVAAS Level 5 school for overall growth every year and, over the past five years, has been the only ***zoned*** middle school in the district to receive Level 5 growth every year.” *See* MNPS Report at p.7 (emphasis added)¹.

That same recitation of the turnaround partnership between MNPS and LEAD regarding Cameron, a zoned middle school, appears in LEAD's 2020 application for charter renewal. *See* Charter Renewal Application, attached as **Exhibit C**. In the section on English learners on p. 36 of the application, LEAD discusses the challenges of attrition rates "as a zoned school." In the Operational Stability section on p. 38 of the Application, LEAD states, "Cameron is proud to be a neighborhood school, enrolling 100% of all students who live in the zone and wish to attend the school. Unlike other, more common fresh start charter schools, Cameron is contractually obligated to serve all in-zone students and allow new students to come in throughout the entire school year."

The 2021 Charter Agreement incorporates the Charter Application and Section 2.1 specifically states, "The Charter School is a "zoned enrollment" Charter School with no limits on the number of students that attend such school, other than the overall capacity of the facility. Any students residing in the Cameron Middle School zone, as it exists on the date of execution of this Agreement, shall be entitled to submit a "Cameron Application" and to attend the Charter School; or, in the alternative, they shall be entitled to enroll in another MNPS school according to established MNPS policies and procedures." *See* 2021 Charter Agreement, attached as **Exhibit D**. The 2021 Charter Agreement is in effect until 2031.

The recitations above are simply to point out what both parties have understood and never questioned since 2010—Cameron is a zoned neighborhood charter school. This fact was the very essence of the joint venture and partnership and the turnaround success could not have occurred without this material fact. As part of this joint venture, LEAD has the contractual obligation to operate Cameron as a zoned school and MNPS has the contractual obligation to continue to authorize the charter in accordance with the application and charter and keep Cameron as a zoned school.

As you can imagine, when my client received MNPS's proposed rezoning plan, it was shocked to see that MNPS was proposing rezoning that would not just change district lines but would be contrary to its contractual obligations in the 2021 Charter Agreement by changing Cameron from a zoned school to a choice school. In other words, MNPS was removing Cameron from its zoned status, which was the very essence of its original contract starting in 2011. LEAD was further alarmed that at a community meeting on October 21, 2024 at Glencliff High School, Sean Braisted told the audience at a community meeting that under the new plan, Cameron would be an optional school for families to consider, but families would have the

¹ The language above is from the MNPS Report. It is correct that since assuming the charter in 2011, LEAD Cameron Middle has been a TVAAS Level 5 school for overall growth every year with the exception of 2020-21 (a hold harmless year heavily influenced by the pandemic). In addition, Cameron Middle has been named a Reward School for top academic growth three times: 2013-14, 2016-17, and 2017-18.

opportunity to send their child only to an MNPS zoned middle school in the Glencliff cluster so that families could stay in the MNPS system.

This rezoning effort would not only be a material breach of MNPS's Charter Agreement with LEAD, but it would inevitably cause such a material change in enrollment that it would force LEAD to require an amendment and possibly even force LEAD to cease operations at Cameron all together.

Prior to the school board vote in November, LEAD wanted to make MNPS aware of its contractual obligations and its proposal, which constitutes an anticipatory breach. If the Board votes to approve this rezoning proposal, it will be voting to allow a breach of MNPS's 2021 Agreement with LEAD and in doing so, will incur liability. LEAD obviously does not want to engage in litigation, but simply wants to ensure that MNPS will uphold its contractual obligations just as LEAD plans to do so that the turnaround success at Cameron may continue.

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My client reserves all rights and remedies. Please let us know if you have any questions.

Sincerely,



Amy Rao Mohan



Christopher C. Whitson

ARM/bdp
Enclosures

cc: Shereka Roby-Grant via email at Shereka.Roby@mnps.org