

# SCHOOL UNITY

## Q & A

### FAQ

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*Q: How would school unification work?*

A: A referendum would take place throughout Memphis March 8. (Early voting begins Feb. 16). If a majority of those voting vote YES, unification would occur.

*Q: Would suburban voters outside Memphis be able to vote in the referendum?*

A: No. State law established Memphis City Schools (MCS) as a special school district within the City only, and only residents of Memphis can vote in the referendum. Tenn. Attorney General Opinion No. 11-5, Jan. 10, 2011.

*Q: If the referendum passes, what happens then?*

A: There would be just one, countywide school district. A unified school board will then be chosen to govern the new unified school district.

The Unified School Board would be chosen either (a) in August 2013, if the recently enacted state law (the "Norris/Todd bill") governs; or (b) by the end of April, if Norris/Todd does not govern, and the County Commission is free to appoint Unified School Board members until a countywide school board election.

*Q: Would a YES vote mean Memphis schools will be run indefinitely by the Shelby County School Board and the Shelby County Schools Administration?*

A: No. Those bodies would be in operational control for only a very brief time, until the County Commission could act to appoint unified school board members or set up a special election. Alternatively, if the Norris/Todd bill recently passed in Nashville is found by courts to govern this situation, the Shelby County Schools Administration would never be in control until after the Unified School Board is elected in August 2013. See below.

*Q: Could Shelby County Schools use its brief "operational control" period to harm Memphis teachers or students—e.g., abolishing union contracts, eliminating the optional program, abolishing charter schools, etc.?*

A: Not likely. Shelby County Schools has already indicated that it will continue the status quo in Memphis schools until the end of this school year. By then (assuming the referendum passes), either an appointed Unified School Board will be in place, or the Norris/Todd bill will govern. Either way, Shelby County Schools will be unable to make changes to Memphis public schools without the OK of the Unified School Board. The Unified School Board will have a Memphis majority and would be unlikely to approve such changes.

*Q: Do we know how this new Unified School Board would be chosen?*

A: Pretty much. There are general state statutes giving the County Commission the authority to draw districts to elect school board members, appoint interim school board members in the

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case of vacancies, arrange for special elections, etc. There are also general constitutional rules ensuring that Memphis voters be represented on a countywide school board.

*Q: So how would the new unified school board be chosen, then?*

A: The County Commission would draw a unified school district districting plan. It would then appoint interim school board members representing Memphis until such time as an election could be held. State and federal constitutional provisions entitle Memphis voters to representation on the unified school board. See Jan. 7, 2011 Letter from Leo Bearman Lori Patterson, Baker Donelson Law Firm (contracted by the County Attorney to opine on this question).

*Q: Would this unified school board adequately represent Memphians and African-Americans?*

A: Yes. Seven of the 13 County Commissioners come from Memphis-only districts, and 3 more come from districts which are majority-Memphis. Six of the 13 members are African-American, and 7 are Democrats. There is no reason to expect they would use their appointment or redistricting authority to do anything but fairly reflect black and Memphian voting strength.

*Q: How can we be sure the County Commission won't use its power to dilute the voting strength of African-Americans, or Memphians, or suburban voters, for that matter?*

A: Any redistricting scheme which failed to fairly reflect such demographics would be challengeable in court under state and federal law.

*Q: How was the City Council able to vote on Feb. 10 that it accepted the surrender of the Memphis City Schools charter?*

A: There is a 1961 state law which applies just to Memphis (a "Private Act") which says that the City Council can make effective the surrender of the city school board charter without a referendum.

*Q: Does the City Council's vote mean that we don't need to vote in the March 8 referendum?*

A: No. You still need to vote. The City Council has indicated that it acted only to protect the right of Memphians to vote free from what they saw as the unfair state interference of the Norris/Todd bill. If the voters say "NO," they will undo their action and return to the status quo. Also, some people say the 1961 Private Act is invalid, in which case the referendum is the *only* way to accomplish school merger. Either way, Memphians need to go out and VOTE.

*Q: Which governs, the City Council vote or the Norris/Todd bill?*

A: That is in dispute and may end up being decided by the courts. School merger proponents claim that the City Council's vote was legally valid and trumps the Norris/Todd bill, such that the County Commission can proceed with appointing a Unified School Board if the voters vote "YES" on the referendum. They also claim that the Norris/Todd bill is unconstitutional. School merger opponents claim that the Norris/Todd bill is constitutional, that the City Council's vote is not legally binding, and that a "YES" vote would mean that the Norris/Todd bill's 2.5-year transition plan would apply

*Q: Who would run the school system if the voters voted YES? Who would serve as the superintendent?*

A: The Shelby County Schools Superintendent would serve as Superintendent for a brief transition period, until the new unified school board could be appointed or elected. Once the new unified school board was sworn in, it could then choose to retain or replace that Superintendent.

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*Q: What about the current MCS Superintendent?*

A: The dissolution of Memphis City Schools would deprive him of authority. Since his contract has not yet expired, it would be necessary to continue to pay him for one year, though not necessarily to use him. Shelby County Schools, in the interim, and the unified school board, over the long term, could decide to hire him as Superintendent or in some other capacity, but that would be up to them.

*Q: What has been the experience of similar jurisdictions which have consolidated an urban school system with the county school system?*

A: A 2001 study by respected expert Dr. Marcus Pohlman of Rhodes College found improved student achievement in Knoxville and Nashville after school merger. A 2005 study by TACIR, the research arm of the state legislature, found examples of both successes and failures in looking at the 17 or so school mergers which have occurred across Tennessee in the last several decades.

The closest analogy to our situation is Chattanooga, which merged with Hamilton County in 1997. It had a low-income, predominately black city school district and a more middle-class, predominately white county district. A 2006 *Education Week* academic article praised its merger as a success which "went off without any substantial hitch" and led to education improvements. A 2007 Annenberg Policy Institute report detailed specific reforms, like increasing college attendance and improving high school academic rigor through the creation of theme-based high school "academies," which occurred in the years following consolidation. And a recent *Chattanooga Free Press* editorial supported Memphis school merger, stating it would help to reverse the City-County, black-white division in Memphis. Re: its own merger, it said:

"But the evidence here confirms that the merger has focused more effective attention on student performance in urban schools. Efforts to improve teaching standards, raise school test scores and graduation rates, and programs involving magnet schools and minority-to-majority transfers have improved achievement countywide and insured fairer focus on children and schools previously left behind.