

## Showdown over schools / Be prepared -- Uncertainty over merger gives way to talk of 'inevitable' as attorney advises board members to focus on ways to make marriage work

*Commercial Appeal, The (Memphis, TN) - January 9, 2011*

- Author/Byline: Zack McMillin zmcmillin@CommercialAppeal.com
- Edition: Final
- Section: News
- Page: A1

The complex of office buildings off Hollywood between Union and Central, sitting smack in the center of Shelby County, have always been known locally as simply the "Board of Education."

For more than 40 years now, Memphis City Schools and Shelby County Schools have occupied the buildings, with SCS paying \$1 per year for a lease that goes through 2039. The parking lot they share, unlike the buildings, has no demarcated boundaries, and in recent weeks has featured an armada of TV trucks, their retractable towers pointing high into the air to signal to passersby that something newsworthy is afoot.

On Monday evening, those vans alighted on the vast parking lot's southern end, in front of the entrance to Shelby County Schools, where SCS board chairman David Pickler warned at a press conference of many dire consequences that could visit Memphis students unless the MCS board rescinded its Dec. 20 vote to ask voters to dissolve the district.

Less than 100 yards north, visitors streamed into the MCS entrance, most attending a swearing-in ceremony for two of the winners of 2010 board elections, Rev. Kenneth T. Whalum Jr. and Sara Lewis. They were singing a song similar to Pickler - it would be a mistake to merge MCS with the county, they believed.

By the end of the week, other voices were rising above theirs, one of them a long solo performance from a lawyer hired by SCS directly debunking many of the warnings Pickler had earlier offered.

And on Friday came a chorus from the Vasco Smith County Building on North Main Street, where a collection of elected officials, civic leaders and citizens came together with a politically appealing slogan ("Vote YES on School Unity") and title (Citizens for Better Education).

Although the Shelby County Election Commission chose midweek not to set a date for the referendum, based on State Election Coordinator Mark Goins' opinion that the City Council must be heard from, it was clear that forces were coalescing to determine how the showdown over schools consolidation will play out.

City Councilman Shea Flinn is among those who has embraced the "Vote YES" mantle, reframing the current showdown as an opportunity for the county to overhaul public education entirely.

Not that it will come easily. And whatever is decided about a referendum, or how that referendum goes, Flinn and most involved say the Tennessee Supreme Court will likely be the final arbiter.

"We're probably going to be in court on this on several fronts," Flinn said. "And that's OK. This is going to be a messy omelet, but it could taste delicious."

Tennessee's foremost expert on school consolidations, Chuck Cagle, told the SCS board Thursday that whatever their current wishes about makeup of schools or frustration with MCS, they need to prepare.

Cagle used the word "inevitable" early and often, and offered this "admonition," as he called it, having dealt with school consolidations in other places: "If it is, in fact, inevitable, then we've got to make sure students are educated...."

To understand how crucial the rest of the state considers the schools showdown here, consider that before Christmas, the Chattanooga Free Press, that city's morning daily, published a lengthy editorial on the subject, opining that the difficult consolidation process there passed the long-term test.

"Given the ground Hamilton County and Knox County school systems have covered since similar merger referendums in 1994 and 1986, respectively, the Memphis school board has made the right call," they wrote. "A merger of the two systems may be hard initially, but in the end it will bind Memphis together and force progress to solve what has become an untenable and, ultimately, unsustainable fracture in the Memphis area."

Whether and when Memphis voters ultimately get to decide if Memphis schools are moved under control of Shelby County remains to be determined.

On Wednesday, Goins said a referendum could not be triggered until the Memphis City Council proffered a resolution agreeing to surrender the MCS charter, citing a 1961 state statute that describes how Memphis City Schools could dissolve its charter. That opinion has drawn howls of disagreement and will be challenged.

Seeking another route, Flinn delivered a petition Friday with many more than the 25 signatures another state statute said is needed to call for a referendum to abolish a special school district.

Election Commission chairman Bill Giannini has drawn withering criticism, including State Rep. G. A. Hardaway's call for a resignation, for what some believe are political motivations - Giannini is a former chairman of the Shelby County Republican Party who lives in Lakeland.

They believe Giannini and other Republicans are in cahoots with suburban state legislators to stall the referendum long enough for the Republican-dominated state legislature to devise some way to prevent MCS from forcing consolidation.

Giannini insists his top priority is making sure any called election will withstand legal challenge. "The last thing we want is to spend \$1 million then have to turn around and spend another \$1 million for another vote."

Those involved with the Citizens for Better Education rally said Friday they were filing a lawsuit in Chancery Court to force the Commission to set a referendum date pegged to the original Dec. 22 notification by MCS requesting a referendum.

Cagle, the attorney SCS has retained, spent much of his 90-minute presentation Thursday forcing board members to focus on that potential transfer. While he did tell them he could see a legal challenge to the referendum asking for suburban voters to have a say, Cagle advised focusing their energy on planning ways to make the impending marriage harmonious.

He said a realistic transition period would be 12-18 months.

Cagle also worked to tamp down any "panic." He directly contradicted some of SCS's political talking points - posted on district's website - such as the idea that the state's maintenance of effort funding law would automatically require SCS students to be funded at the same per-pupil rate as MCS students.

The latest state report card on schools, just released Friday, shows SCS's per-pupil expenditure pegged at \$8,439 and MCS at \$10,767. SCS has asserted that alone would create more than \$100 million in new costs.

Not likely, said Cagle. He said the state's maintenance of effort formula is fluid and complex - "voodoo mathematics," he said - and predicted the likely number for a consolidated system would be somewhere in between.

Cagle did say it is possible that, if the state allows, SCS could become a special school district, but he warned that state law would flip the current taxing dynamic such that residents in that special district would likely pay two education taxes - one to support the county's education expenditures for all schools and another to support the special district.

Pickler, the board chairman, has also asserted raising MCS facilities to current building and fire codes could create hundreds of millions in new costs. Cagle, again, shot that down, pointing out that older buildings would still be "grandfathered" in and SCS could pick and choose which buildings to improve, keep the same or close down altogether.

The issue of facilities touches on what has long been a compelling reason for merging schools - the way in which school construction costs exploded county debt. One big reason for that is the need to follow what is known as the ADA formula, whereby any capital money approved for use by Shelby County Schools must be met at what has been about a \$3 to Memphis City Schools for every \$1 allocated to Shelby County Schools, based on numbers of students in each system.

Proponents of school merger have long said it would drive down capital improvement costs significantly.

It would allow the county, if it so desired, to put new facilities in the suburbs without worrying about the ADA formula. SCS currently has plans, for instance, to build a new central office headquarters and move its staff from the Board of Education that now serves as a de facto duplex.

When SCS voted in 2009 to start the process for the move, Pickler said he would not be "applying a price tag," perhaps to avoid any squabbles with MCS about making sure taxpayer money spent on a new SCS facility gets apportioned equally.

Whether that move will make sense for the Shelby County Schools will depend much on what happens if - or when - voters are presented with the referendum to give the county full administrative control of Memphis schools.

- Zack McMillin: 529-2564

-----

Tale of the tape

Comparing Memphis City Schools and Shelby County Schools:

MCS schools in good academic standing by state standards: 41.7%

SCS schools in good academic standing by state standards: 88.7%

MCS per-pupil expenditures: \$10,767

SCS per-pupil expenditures: \$8,439

-----

Memphis City Schools / Shelby County Schools / Tennessee graduation goal

Number of students / 103, 593 / 47, 342

Economically disadvantaged students / 87.2% / 37.1%

Graduation rate / 70.8% / 91.2% / 90%

-----

SCS racial makeup

African-American / 37.8%

Asian/Pacific-Islander / 4.9%

Hispanic / 4.6%

Native American/Alaskan / .4%

White / 52.3%

-----

MCS racial makeup

African-American / 85%

Asian/Pacific-Islander / 1.3%

Hispanic / 6.5%

Native American/Alaskan / .1%

White / 7.1%

-----

BY THE NUMBERS

SCHOOLS

187

total schools in MCS

69

optional or charter schools in MCS

53

total schools in SCS

0

optional or charter schools in SCS

527

average number of students per MCS school

893

average number of students per SCS school

#### EMPLOYEES

7,458

MCS teachers and administrators

3,214

SCS teachers and administrators

14.3

MCS students per teacher rate

15.6

SCS students per teacher rate

15

MCS teacher per administrator rate

16.9

SCS teacher per administrator rate

#### INCOME

\$36,535

MCS median household income

\$83,998

SCS median household income

36.9%

MCS area residents 18 and under living in poverty

8.2%

SCS area residents 18 and under living in poverty

#### STUDENTS WITH DISABILITIES

15.2%

MCS students with disabilities

17.3%

SCS students with disabilities

Sources: Tennessee Department of Education Report Card, U.S. Census 2009 data profiles

Shane McDermott and Lindsey Turner/The Commercial Appeal

-----  
[commercialappeal.com/education](http://commercialappeal.com/education)

Online : For more coverage of the charter-surrender issue, plus links to related databases and information, visit our our website.

- 
- **Caption:** Charts
  - **Memo:** News Analysis

---

• *Index terms:* shelby co school memphis consolidation comparison statistic

• *Record:* 134AE43551EA4DC0

• *Copyright:* Copyright (c) 2011 The Commercial Appeal, Memphis, TN