



## **Zero-Tolerance in Memphis (B)**

Contract negotiations over school safety and other issues went smoothly in 1997, according to Marchand and Davis. For the previous two rounds of negotiations, the union and administration had engaged in “interest-based” bargaining, an approach to negotiation in which the sides negotiated by being frank about their respective interests, rather than locking themselves into positions and begrudgingly compromising their way to a halfway result that satisfied no one.

Marchand and Davis said they used the interest-based model in addressing the zero-tolerance/safety issue during the 1997 negotiation. The parties agreed to a two-pronged solution. First, the union agreed to help the district communicate to teachers exactly what the policy was and what its limits were. Second, the two sides agreed that the schools would appoint their own site-based discipline committees consisting of at least two teachers, a guidance counselor, a union representative, the principal, two parents and, where appropriate, a special education specialist. Faculty committee members were to be elected by a majority vote of the school’s faculty. Assistant principals and student representatives could be included as well, at each school’s discretion. Each discipline committee was then charged with developing a comprehensive school discipline plan, to be approved by the local site-based council and a two-thirds majority of the faculty. (See Appendix A.) This plan was consistent with the new district philosophy of site-based management.

### **Questions Remain**

School reform in Memphis continued, with all schools preparing to adopt an innovative schools design by 1999. By then, some of the first schools to adopt alternative models would have

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been operating for five years under their new arrangements. It would be imperative that those schools show results. House believed that the success of her reform would depend on the teachers and their ability to transform classroom learning to serve the new type of students they faced. But to make this transformation, she was convinced, teachers needed to recognize that they had the power to change student behavior by adopting more constructivist, inquiry-based teaching practices. They could not simply wait for the students themselves to change. She knew that teachers' unwillingness to see things this way could undermine her reform agenda.

Questions remained for teachers as well. Why, they asked, did it seem that the superintendent trivialized the violence they faced in their schoolyards, hallways, and classrooms? Why was it that whenever she spoke of their concerns, she seemed to characterize them as the complaints of teachers wanting to throw students out of their classes for using bad words? In one sense it seemed there was plenty of dialogue—House made the classroom visits, convened the table talks, communicated regularly with the teachers union—but many teachers still felt unheard.

**Appendix A**  
**CONTRACT**  
**ARTICLE VIII**  
**STUDENT DISCIPLINE PROCEDURES**

**Section A.** The Parties recognize that good discipline is needed to foster a warm and accepting school and classroom atmosphere in order that students may develop self-control and self-discipline. Both Parties further agree that the maintenance of discipline is necessary for an effective educational program.

**Section B.** The Parties recognize the responsibility of the teacher to maintain discipline and a climate for good instruction and the responsibility of the Board to give the teacher reasonable support with respect to student discipline.

**Section C.** A teacher may refer a student to the school office for disciplinary reasons. The teacher shall at the time of the referral complete and submit to the principal the Discipline Referral Form. In case of emergency, it shall be submitted as soon as possible. Upon request of the teacher, the principal shall within a reasonable amount of time initiate a conference involving the administrator, the student, the teacher and, if applicable, the parent for the purpose of improving the behavior of the student. Students who continue to engage in unacceptable behavior(s) will be subject to disciplinary action(s) as provided in the Memphis City Schools Code of Conduct.

**Section D.** The principal shall establish a school discipline committee at each location. The committee will consist of four (4) members of the faculty comprised of at least two (2) teachers, a guidance counselor, an association representative and, whenever appropriate, a special education teacher. These faculty committee members will be elected by the majority of vote of the school's faculty. In addition, the committee will consist of the principal and two (2) parents. An assistant principal and/or student representative may be included at the discretion of the school discipline committee.

It is the responsibility of the school discipline committee to develop a comprehensive school discipline plan and to review and update such plan as needed. The school discipline plan must be approved by the local school-based council and by two-thirds majority of the faculty prior to implementation. Once the plan is approved it shall be implemented.

The school discipline plan will be reviewed on an annual basis for possible revisions. The existing school discipline plans and any such revisions will be reviewed and approved by the local school-based council and by two-thirds majority of the faculty at the beginning of each school year.

**Section E.** The Board and the MEA agree to establish a joint committee to develop student discipline guidelines to be utilized by the local school discipline committee when developing the school discipline plan.

The Board will establish procedures to monitor and resolve problems or concerns at school locations regarding the school discipline committee or plan.

**Section F.** This article shall in no way diminish the responsibility of the principal as chief administrative officer of the school over conduct within the school.

**Section G.** Sections D and E of this article are not subject to grievance or arbitration except that limited procedural issues that significantly impede implementation, such as failure to permit an election of a committee or failure to implement a school discipline plan, are grievable beginning at step three of the grievance procedure but not arbitrable.