

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

SONNIE WELLINGTON HEREFORD, )  
IV, *et al.*, )

PLAINTIFFS, )

and )

UNITED STATES OF AMERICA, )

PLAINTIFF-INTERVENOR, )

v. )

HUNTSVILLE BOARD OF )  
EDUCATION, *et al.*, )

DEFENDANTS. )

NO. 5:63-cv-00109-MHH

**NOTICE OF FILING OF DAC’S 2016-17 ANNUAL REPORT AND  
SUPERINTENDENT’S COMMENTARY**

COMES NOW, Defendant, Huntsville Board of Education (hereinafter “the Board”) and submits the Desegregation Advisory Committee (“DAC”) Annual Report for the School Year 2016-2017, (Exhibit “A”) and the Superintendent’s Commentary to the report (Exhibit “B”). The Consent Order requires that the DAC provide the Superintendent a copy of its report by June 1. (Doc. 450, p. 89). The Consent Order also requires that the Superintendent present the DAC Report and his response to the Board during its first regular meeting in July. (Id.).

Unfortunately, due to issues beyond the DAC's control, it was not able to send a final report to the Superintendent until October of 2017. In light of this, the District and the United States held a conference call with the Court about how to proceed. As the District understands it, the parties and the Court agreed that the Superintendent could, for this year only, share his commentary with the Board via email prior to filing it with the Court. The Superintendent has done that, and the documents are now due to be filed.

Respectfully submitted this the 13<sup>th</sup> day of February.

/s/ J.R. Brooks  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 13, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following counsel for the parties in this case:

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/s/ J. R. Brooks

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J. R. Brooks

# **EXHIBIT**

**“A”**

# Desegregation Advisory Committee 2016-2017 Annual Report

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## *Annual Report to the Superintendent*

*October 15, 2017*

### **I. Introduction**

Monitoring the activities of Huntsville City Schools (the District) as they implement the strategies and policies aimed at achieving unitary status is a significant undertaking. It goes beyond the monitoring by the entities directly involved and extends to other stakeholders who are involved by associations through the community and as parents.

The purpose of the DAC, in its simplest form, is to “advise the Superintendent and to inform the Court through this process about its assessment of the implementation of the Consent Order.” In order to achieve this, 16 DAC members were selected for 2016-2017 term by a joint process between the Huntsville City Schools and the Department of Justice to ensure a broad representation of parents and students across the District. The DAC members for the 2016-2017 term are:

- Celena Anderson (Columbia Student)
- Vincent Argentina
- Oshea Beckford (Lee Student)
- Kimberly Flint
- Preeti Francis
- Isha Greene
- Talya Hargrove
- Hudson Honeywell (Huntsville Student)
- Chaundra Jones
- Tanisha Lee (New Century Technology Student)
- Laura Lemley
- Keith Poe
- Henry Reynolds (Grissom Student)
- Ashley Sparks
- Millie Steber
- Malik Williams (Jemison Student)

The DAC has several activities that are part of every year's activities that guide its work, including the following:

- Received training from the Department of Justice's Community Relations Service
- Elected officers (Chair, Co-Chair, Secretary, and Communications Officer)
- Held monthly non-public meetings
- Held two public meetings for the solicitation of comments and concerns
- Held two meetings with the District Superintendent of Schools (with Mr. Thomas Drake in January and Dr. Matthew Akin in May)

In addition to these standard activities, changes were made to the Consent Order through an Amendment issued by Judge Haikala which assigned more provisions to the DAC for promoting free communication of concerns by the public. The tasks that were completed include:

- Established independent email ([hsvdac@gmail.com](mailto:hsvdac@gmail.com)) outside the control of the District
- Created an independent web site for the DAC ([hsvdac.com](http://hsvdac.com)) with a DAC mission statement and simplified descriptions of the sections of the Consent Order
- Held 6 additional public meetings - one in each the District's 6 high schools to allow opportunities to hear concerns specific to each school and feeder pattern
- Installed drop boxes in each school in the District to allow for written comments to be submitted
- Created subcommittees to look at specific areas of the Consent Order implementation to ensure that all areas are covered

A Post Office box for establishing an independent mailing address was also directed but has not been established but will be a high priority for the incoming DAC.

The DAC received feedback from community stakeholders, although not as much as anticipated, through many of the channels mentioned above. The written feedback submitted during the 2016-2017 school year to date has been modified to remove any personally identifiable information and is included in Appendix A of this report.

This year the DAC was faced with the additional challenge of transition. Not only the transition of DAC members, but also experiencing a two month hiatus while the process of meeting with Judge Haikala, and subsequently Mr. Carlos Gonzalez, and allowing time for the Amendment to the Consent Order to be drafted. That was quickly followed by the transition of newly elected members of the Board of Education (October), the resignation of the Superintendent of Schools (November), the appointment of a new District liaison for the DAC, the appointment of an interim Superintendent (December through March), a search for an new Superintendent, and the selection of a new Superintendent (March to present).

The following sections of the report identify the concerns that were presented to the DAC and provide recommendations or observations that the District should consider in the upcoming year while developing their plan for implementation of the Consent Order.

## II. Student Assignment

Comments and feedback in this area tend to focus on M-to-M transfers and travel times to schools (some of these are in the transportation comments below). M-to-M transfer comments center around the number of available M-to-M transfer spots since rezoning has occurred, especially in schools rezoned to include students from low income housing and Federal Housing Projects. Stakeholders are requesting stopping or slowing M-to-M transfers at Blossomwood Elementary and Jones Valley Elementary until the schools achieve academic and behavioral expectations. Several related comments are in the Student Behavior section and center around the lack of resources to adequately help students who no longer have access to resources they previously had at Title I schools.

***DAC Recommendation: Redirect and prioritize M-to-M transfers to less integrated schools in the system instead of continuing to place transfers at central elementary schools that are struggling to maintain academics and reign-in behavioral issues. This could allow the same number of student M-to-M opportunities while increasing integration throughout the District and reducing pressure at schools that need time to regain their footing.***

## III. Equitable Access to Course Offerings and Programs

The observation of the DAC is that the District has acted in good faith in improving the Equitable Access to Course Offerings and Programs. Below are some of the concerns that were brought to the attention of the DAC during the 2016-2017 academic year.

The distribution or redistribution of teachers, in order to achieve the goals of the Consent Order have resulted in transfers of teachers to parts of the District that are at times distant from their homes. The DAC has been made aware, anecdotally, that this is a contributing factor to some of these teachers choosing to leave the system. The effect of this is that the District is increasingly struggling with teacher retention especially in the area of math and science.

***DAC Recommendation: Consideration of schools location to teachers' homes should be part of the decision process used for teacher assignment if transfers are necessary. Recognizing that this does not make it easier to meet the goals of racial and experience balance in all situations, it may slow the attrition rate and erosion of the experience base of the District as a whole.***

Many concerns have been raised in verbal comments at public meetings and in conversations with

various DAC members attending other meetings (PTA, community town hall meetings, etc.) regarding the availability of resources, both financial and personnel, dedicated to students that are being serviced by special education services. During the 2015-2016 academic year, this was not identified a Consent Order issue. A DAC member attended a community meeting at Rolling Hills Elementary and numerous parents indicated that this shortfall of resources was particularly noticeable in the North Huntsville schools due to the number of students that were identified with those needs.

***DAC Recommendation: The District should reevaluate the distribution of funds and see if there is a creative solution to meeting the needs of the special education students outside of the methods currently implemented. Special attention should be given to the concerns of the North Huntsville elementary schools to ensure that the services are being fully utilized and that the parent of special education students are adequately informed of the options and programs that the District provides.***

Although the District is actively implementing a plan for mathematics acceleration leading to Algebra in the eighth grade and is seeing significant progress as a whole, some teachers have expressed to DAC members that the achievement gap in mathematics does not seem to be decreasing.

***DAC Recommendation: Continued efforts are needed to identify and encourage math acceleration at all levels but particularly in early elementary school so that interventions can be put in place to better prepare all students.***

The DAC has been made aware through attendance of concerned parent meetings and via student observations that there appears to be a lack of understanding of the credit requirements for high school graduation and college preparation by the 11<sup>th</sup> and 12<sup>th</sup> grade counselors at more than one school. Students have expressed that they have had to correct mistakes in the direction that was presented during group counseling sessions in order to ensure that their peers did not act on incorrect information. This appears to be due to an experience gap or lack of understanding due to inexperience within the State of Alabama system.

***DAC Recommendation: Professional development regarding the Alabama High School graduation requirements may be beneficial to provide understanding so that students are adequately informed of the paths available to them in the next phase of their education.***

***DAC Recommendation: The utilization of industry and community partnerships should be researched and improved especially in the areas of psychological/sociological counseling, tutoring in all subjects particularly in math and science, and field specific personal mentorships. Some programs are being utilized (AMARDEC, SAIC, etc. at Jemison) but this can be improved.***



#### IV. Extracurricular Activities

Stakeholder comments received during the 2015-2016 school year indicate that the before and after school transportation and general distance from their schools create barriers for involvement in extracurricular activities or school programs. 2016-2017 DAC members noted that some middle schools have made intentional efforts in recruiting minority students for their Academic Teams, math teams, and other clubs. Furthermore, the District has implemented “Power Hour” designed to allow for in-school time for clubs and organizations as part of the normal school day.

***DAC Recommendation: The DAC is encouraged by the promised implementation of “Power Hour” within the modified block schedule in all high schools for the 2017-2018 academic year. The DAC expects this will provide more opportunities for students with transportation issues to be involved in a wide range of extracurricular activities. Barriers remain for students in elementary and middle schools, because of transportation problems for activities scheduled before or after school, that continues to restrict participation. The DAC recommends that the District evaluate how to increase minority participation in those schools by addressing factors like transportation barriers, the need for alternate meeting times, and intentional recruitment of minorities.***

#### V. Faculty

Unfortunately due to reporting cycles, data for faculty assignment at the end of the academic year is not a completely accurate reflection of the District’s efforts to meet the requirements of the Consent Order. Data regarding faculty assignment is not compiled for the entire 2016-2017 academic year until the start of the following year. The District will not have the data summarizing the trends and status of the faculty assignments compiled until November of 2017. This report contains data related to the the racial composition of the District’s recruitment, hiring, assignment, retention, and promotions. Due to the nature of in-year transitions, retirements, and attrition, the District’s teacher assignment and hiring practices are guided by the end of the year data to ensure that the racial breakdown of teachers within each school reflects the District-wide employment profiles within +/- 15 percent. The DAC is currently working with the District to identify specific data that may be available periodically that will give insight into the trends in the dynamic environment of the employee demographics. Due to the way the data is compiled, the faculty information in the report is based on the last reported data and is not based on the demographics at the time of the report submission.

***DAC Recommendation: The DAC will continue to work with the District to establish a mechanism to obtain in-process data and determine the content of data regarding the Consent Order provisions regarding Faculty. Since the end of the 2016-2017 academic year, the DAC***

***has been made aware of concerns from parents pertaining to recent staff changes and faculty reassignments at Mae Jemison High School. The DAC is seeking to obtain information so that it can ascertain the validity of the concerns with respect to the data at Mae Jemison High School. The DAC will work with the district to gather the information to ensure the Consent Order requirements have been met in those and other faculty changes.***

Stakeholders have inquired about the selection criteria of the various committees used to hire and evaluate teachers and administrators. They have expressed concerns about whether the selection process is fair and objective and whether all certified staff are afforded the opportunity to be considered for such an appointment.

***DAC Recommendation: The District should make available the process or considerations for assignment to the review committees. Having the criteria for these teams available would add to the confidence level that the stakeholders have in the process.***

Stakeholders expressed concern about the impact of frequent reassignment of teachers and administrators impact on school climate and teacher morale. They have reported that teachers have “jokingly” mentioned that they barely have time to unpack boxes before being moved again. Additionally, concerns were expressed that the District’s teacher assignment policies have resulted in retention problems with seasoned teachers who are leaving the District to teach in private schools or other public systems.

***DAC Recommendation: The District should reexamine the practice of frequent faculty transfers and consider the classroom stability and the overall morale of teachers being subjected to the uncertainty and their assimilation into the school climate they are placed in.***

## **VI. Facilities**

The District has continued to work toward its agreed upon plan to meet obligations regarding facilities. Morris P-8 has opened two years in advance of the agreed upon plan. The DAC received very few comments in this area, but did get one question at a public meeting about why the soccer field at Jemison was grown up while the grass at other area high schools was well maintained. We passed that question on to the District and the field was mowed and maintained the following day.

***DAC Recommendation: Consideration should be given in the capital improvement plan for future renovations and improvements of schools not specifically mentioned in the Consent Order. If the planned work (final finishes, landscaping, signage, etc.) are completed at each of the facilities, then the District will have adequately met its requirements of this section.***

## VII. Student Discipline, Positive School Climate, and Effective Classroom Management

Improvements have been established for the 2017-18 school year by the Multidisciplinary Team (MDT), which are offices of HCS, within the Behavioral Learning Network (BLN). The team is led by the Superintendent; Deputy Superintendent, Operations, Behavioral Learning, Strategy and Innovation, Health Services, Directors of Instruction, Counseling, and Student Welfare.

The July 28, 2017 Revised Behavioral Learning Guide (BLG) has three documents: the BLG, the Elementary matrix, and the Secondary matrix. The BLG is the instruction manual for the Elementary and Secondary matrix.

Parents have expressed that they feel teachers do not feel confident in their authority to address discipline issues in their classrooms under the BLG and that savvy students have taken advantage of these uncertainties. The BLG assigns many offenses to Level I, but allows for repeat offenses to be assigned to Level 2, yet some teachers or administrators are reluctant to increase the level for repeat offenses so that they are not addressed adequately for positive school climate or effective discipline.

Stakeholders continue to express a concern that the new focus on positive behavior interventions have resulted in a deteriorated learning environment in some schools because of the time and attention a teacher must give to the students with behavior problems, although things have improved in this area compared to the 2015-2016 school year.

A special education resource teacher commented that resource teachers need to be taught tools to change or shape students' behavior instead of just being trained to manage a crisis.

***DAC Recommendation: All teachers need more training on classroom behavioral management techniques that change or shape students' behavior before they get out of hand. This would help all of our schools and students, not just special ed.***

With regard to student support, the District has implemented Problem Solving Teams to address student needs and interventions for those performing below grade level and for repeated and severe behavior issues. Implementation of PSTs has helped provide support and intervention tools for teachers; however, feedback shows that implementation is inconsistent across the District.

PSTs have not been implemented effectively in every school and some schools have much greater need for this intervention than can be served by the PSTs. At schools that have implemented PSTs, the criteria for determining whether a student is eligible for PST is often tightened because of the large number of students that require that actions and interventions be taken.

Non Title I schools that have rezoned to take in students from lower socioeconomic levels do not have the support services necessary for student success. These services include the need for behavior specialists, social workers, mental health training, and academic interventionists. Behavior interventionist are needed to provide support to teachers dealing with multiple behavior issues. Ideally, the behavior specialists could work with both Special Education and regular education students with severe and/or multiple behavior issues. Stakeholder feedback shows that even with innovative classroom management techniques, regular education teachers are not trained to manage these severe behavior problems.

***DAC Recommendation: Attention should be given to the lack of student services at non Title I schools for those students with severe academic and behavior needs. The need for behavior specialists should be prioritized and evaluated for each school based on information from Bloom and PST evaluations. Additional student services should be considered for those schools without Title I funding including parent liaisons, academic interventionist, social workers, and counseling to promote a more positive school climate.***

***The District should ensure that there is consistency across the District with regard to implementation and operation of PSTs at each school.***

The DAC was made aware of children who have been sent to expulsion hearings and have been sent back to the same class due to a reporting clerical error and therefore the student feels immune to punishment and the teacher is unsupported when dealing with behavior offences. The DAC is looking forward to Leapfrog being able to access the discipline data from Bloom so that parents can access details about their children's discipline problems on a weekly basis.

***DAC Recommendations: The DAC was not notified of changes made to the BLG for the 2017-18 school year. The DAC requests that the District present future changes in the BLG to the DAC before implementing them so that we can provide feedback and help others understand the changes.***

***DAC Recommendation: Teachers need additional training for the BLG and the other content of the Consent Order. In addition, there is a need for BLG training for all substitute teachers to provide consistency when teachers are out of the classroom.***

***Feedback from the District is imperative to monitor the BLG, the Elementary Matrix and the Secondary Matrix school year 2017-18. (See Section VII.B.1 of the Consent Order). The DAC needs input from the District at each report card period stating how the BLG, the Elementary matrix and the Secondary matrix are working in each school.***

## **VIII. Transportation**

Although transportation has been considered to be ready for unitary status for the purposes of the Consent Order, the DAC feels that the status of the transportation in the District may be undermining other efforts that are being implemented in good faith due to the burden of transportation. The DAC has had numerous complaints about the transportation in general, however the concern has been raised that parents may not be taking advantage of all of the transfer and magnet opportunities due to transportation travel times. One parent even mentioned “Why would I want to send my child on a bus for over an hour to get to a magnet program when he can walk to school now?” If transportation time were made more manageable, schools with low M-M utilization and unrepresentative student populations would likely get an influx of new students, increasing the diversity of those schools and also potentially reducing M-M pressure on the system’s central schools.

***DAC Recommendation: The District needs to work with the transportation contractor to implement solutions that remove the burdensome travel times for all students, especially those in M-M transfers and Magnet programs. Reducing the travel times in these areas may increase the utilization of these programs which at their core are meant to increase diversity in the individual student populations. The District should continue to compel the transportation contractor to run routes that are on-time, pick up from schools at proper times, and communicate route changes/delays as quickly as possible to parents.***

## **IX. Conclusion**

The challenge of implementing a Consent Order of this magnitude is to get the people most impacted to embrace the process. This includes the administration in the District leadership, the individual school leadership (both teachers and administration, which is improving but not uniform), but most importantly the parents and students. There seems to be a breakdown in communication and understanding of what the Consent Order provides guidelines for and what will

eventually be accomplished. This is not a breakdown of the content or intent of the Consent Order but more of how it will improve the academic opportunity for “my child”. Everyone seems to understand that the correction of the system as a whole is needed. They just seem to miss the immediacy of the benefit to the student that sits around their kitchen table. The more that understanding and buy-in happens, the more momentum the District will achieve in gaining the support of the community.

The DAC is expanding its effort to assist in this endeavor. After informing the Court of our concerns last summer, Section IX of the Consent Order was amended to give the DAC more autonomy and opportunity to help educate the stakeholders and the District. One member mentioned that the DAC needed to “rebrand” itself to help remove these obstacles. This will be part of the goal of the DAC for the 2017-2018 term. The DAC has embraced Judge Haikala’s challenge and considers it a privilege to be part of this process to “advise” and “inform” on matters regarding the implementation of the Consent Order. The passion and concern shown by each DAC member is refreshing in a time of so much negativity and gives hope that this effort is not in vain. The members of the DAC are looking forward to engaging the community so that they can also feel that they are a part of the solution to this challenge.

Many of the items that have been brought to our attention have been addressed very quickly by the District. Also, the DAC has passed on items not directly related to the Consent Order to the District through our liaison and we have seen changes/modifications to policies in short order. This type of action gives hope that the District will continue to provide prompt attention to the matters of the Consent Order in the future.

## Appendix A Community Feedback

This feedback is organized in the sequence within the Consent Order. Accordingly, some feedback that addressed multiple issues has been divided into the relevant categories contained therein.

### Student Assignment

**Source:** email

Parents eager to leave other schools through M-to-M transfer often choose Blossomwood because of location. Ideally we would be able to accommodate a school filled to capacity, but we aren't there yet. We are at a tipping point. Blossomwood is still adjusting from the recent zoning changes and we need to have some stability. Students need time to acclimate to their new environment and to understand the new academic and behavioral expectations of them. We need time so we can properly invest in all of our current students' social, emotional and academic needs. Capacity for Blossomwood needs to be changed - at least for now. We are on the verge of losing so many more neighborhood families and along with them we are losing the benefits of diversity.

I can not fathom that the vision of the DOJ was a short term sloppy desegregation of two elementary schools in Huntsville. Surely someone is looking at the big picture. Anytime I try to get answers as to why we are so rushed and pushing so hard and fast, I get the feeling people want to get this done. They want to get unitary status and have all of this behind us. That's just not okay. Let's slow way down. Open this thing back up, start from square one. It's time for Judge Haikala to intercede. We need to be in it for the long haul and get it right.

Blossomwood is under capacity because we have lost a great many neighborhood families (50 families and about 100 kids according to PTA records). Our smaller number is one of the main factors in our forward progress this year. We will not be technically overloaded with 50 - 60 new students according to capacity. I believe the problem is that consideration needs to be made to determine the optimum balance between high and low poverty students when deciding on capacity. It seems like a poor decision to push more and more low socioeconomic status students to Blossomwood knowing that so many neighborhood families are on the verge of leaving. It is essentially watching Blossomwood transform into another high-poverty school while neighborhood students leave for private schools, Monte Sano or Hampton Cove. My fear is that we will gain a reputation for having black public schools in the city and white public schools in the suburbs. We will essentially be fast tracking segregation and we will lose all of the benefits of diversity.

**Source:** email

With rezoning that took place two years ago, Jones Valley Elementary is struggling to know our student population. As we finish this second year, we are building relationships and getting to know our students on a more personal level. With the transient nature of students from the Butler



Terrace community in addition to our M to M transfers, it is difficult to build relationships with a revolving door of students. JVE is still getting a grasp on our school community after rezoning and the situation is exacerbated as we take in more M to M transfers each year. The schools that changed the most due to rezoning should be off limits for high numbers of M to M transfers until the school is stabilized, and we know and build relationships within our school community.

**Source:** DAC Feedback form

As a single mother raising grandkids, I moved into the Jones Valley elementary area. At that time, I did not know that local child care centers in the area do not drop children off for working parents. I sent a question to the HCS asking to be allow to change schools (Providence Elementary) due to the fact I have to be at work at the same time as dropping off to school. The daycare center I use does drop off and pick up students at Providence elementary. I received no as an answer. I consider both schools good schools. My grand-daughter is black so it wouldn't be an issue of me trying to buck the system in respect to the majority to minority transfer. Huntsville is considered a big progressive city where parents work and many situations are different. Other school districts accommodate parent by opening the schools early and having parents pay for a teacher or assistant to wait with those children. This should be something HCS consider. In the meantime I am looking at the option of placing her in private school since Huntsville is drawing a hard line on the situation. I believe in the public school system having a degree in education and at one time taught in Huntsville but now I am open not only to charter schools coming to the area but also homeschooling. Many people wonder why HCS is losing students to Madison city, home school or private school, this may be one of the reasons why. Thank you for your time.

**Source:** Feedback form

I have a problem with the words majority to minority. I have a problem for awhile. Why did they not use the words that all students be treated fair and equal. When I heard a majority girl was not allowed a transfer, that's discrimination in itself.

**Source:** Feedback form

School closing - Providence Middle School was liquidated. Williams is not an adequate substitution considering DISTANCE of zoned neighborhoods. BUILD a middle school for Providence zone!

## Equitable Access to Course Offerings

**Source:** email

Today our grade level counselor (11th grade at GHS) was meeting with our class to discuss course registration. However, I found that she did not have accurate information regarding a number of topics. For instance, she was unaware of which classes would be single block classes and which would be multiple block classes. She was also unaware of the specifics of the graduation



requirements. This is an issue for students who are not aware of the graduation requirements. Some students may be relying solely on information received from the counselor for information as to what classes they need to be able to graduate. Inaccurate information from counselors may lead to students not taking all of the classes needed to graduate or taking classes that are unnecessary. This might only be a problem at Grissom but for students at all schools, equal access to information regarding scheduling is key to student success. I appreciate you looking into this matter.

**Source:** Feedback form

HHS/GHS offer double periods for some AP sciences so kids get more instructional time. LHS does not have that & kids aren't given option to sign up for it. Course offerings are not equitable and kids who sign up for classes they want don't get them, even if the required amount of kids do sign up. This is a \$ issue because it would require hiring more teachers and there would be some small class sizes which is economically inefficient. Kids at Lee don't sign up for classes we don't have this year b/c they're already under the impression that we won't have it next year so sometimes they won't even try to sign up for it. Also, this isn't a school issue - our guidance counselors and admin report things as they are signed up for, but class and staffing decisions are made by the central office folks. If they want equitable course offerings, they will have to spend a lot of \$ on people (teachers) to make that actually happen. All they care about is how things look on paper for legal purposes, it's clear that the best interests of students isn't high up on the priority list.

Source: A nameless Lee High Teacher

ALSO, why are Lee's career academies fashion and food/dietetics while Huntsville High has game design, HHS/CHS/GHS have teacher prep academy, Jemison has advanced manufacturing. LHS has the low-rigor programs on site...why? Having to take a bus to get to class is not equality.

**Source:** Feedback form

Before & after school tutoring is not equitable.

**Source:** Feedback form

Huntsville High gets to take 2 periods of their AP Biology class to excel in their children's AP exam scores, while Lee High is limited to one period of this class which is unfair to our education.

**Source:** Feedback form

I am a black student of Lee High School. The grading scale here at LHS is very hard and pressuring. I feel like if you have an AP course, your grade should immediately get the AP boost every report card due to the college level that it is. Another problem is that they (as in teachers) mark us students late at 8:01 when most of the time it's due to the crossing guard and the traffic and they talk about how many student are late but were forced to get the unexcused slip.

**Source:** Feedback form

Grissom and Huntsville are offered several options for history classes while I, a Lee student, was offered one course - it being regular and AP. I want to take year long AP Government and I was given no solution to my problem.

**Source:** Feedback form

Why is the rigor of the coursework different in comparison to HSV City Schools (Providence & Columbia) and Madison County Schools? The coursework is less challenging in HSV City Schools w/in District 5. Relook at the coursework w/in elementary schools to determine if it needs to be revised to improve the academic gaps in high schools.

## Extracurricular Activities

We did not receive any formal comments related to extracurricular activities for the 16/17 academic year.

## Faculty

**Source:** 16/17 1st public meeting

Teacher retention, administration treating teachers with respect, etc. is important.

**Source:** 16/17 1st public meeting

There is a huge problem with retention of qualified teachers in our Title I schools. Please address this with the Superintendent as I intend to address it with my district representative. The teachers we need are people who are VESTED in the school and community because they are settling here or have been raised here. Teachers that are not afraid of students. Teachers that can relate to the students. Teachers that can TEACH. Not just looking for a job where they can have the "summers off". This has a direct affect on a positive school culture and increasing test scores.

**Source:** Feedback form

Ensure that factors such as experience, principal input, etc are considered when moving teachers around to achieve racial diversity. Meeting the mandated percentages can't come at the cost of teachers/school effectiveness.

## Facilities

**Source:** 16/17 1st public meeting

Personally I hated to hear of schools torn down and new ones built. It's sad and it means those alumni no longer have that landmark of their educations. Also I lived in the Detroit metro area until age 11 and abandoned buildings are therefore sad to me.

Parking at AAA is problematic. I was shocked to hear their new theater does not have enough seats to accommodate all students at once.

On a personal note, physical accessibility is important for my daughter and I hope that is well addressed at all schools.

**Source:** Feedback form

Is there a plan to upgrade ASFL facility/school?

## **Student Discipline, Positive School Climate, and Effective Classroom Management**

**Source:** 16/17 1st public meeting

I'd say regarding classroom management, that although children/adolescents are not as mature as adults, students are also a part of that team and should assist in the classroom mgt by exhibiting appropriate behavior and parents should encourage that and reinforce that at home.

I think more support by clinical social workers or licensed professional counselors could help student behavior. And a diversity class.

**Source:** email

I am a grandparent with 2 grandkids at blossomwood and have spent 3 years as a reading buddy as well as helping with field trips and events at school I am very disappointed watching the disrespect that students give teachers and it does not seem like it is getting better due to DOJ ruling for apparently a double standard for the students I feel the learning has gone down for students and it seems like the teachers and administrators at Blossomwood have their hands tied-- I hope the administration will listen and help as more concerned parents and grandparents express their feelings and as I see more situations at school I will be sending more notes this is not my last one-- thanks for having an open line of communication and hopefully changes can be made for the betterment of students

**Source:** email

It has come to my attention from parents and grandparents at Blossomwood school that the teachers have to spend more time babysitting the kids that do not want to learn and less time

teaching those that want to learn. A lot of disrespect to our teachers-I personally came up in the public school in Huntsville having several teachers that helped me and to this day I still use their words of wisdom in my life they were able to teach and were well respected ---

**Source:** email

This is a critical time for Jones Valley Elementary. Parents have been patient and waited on problems with discipline to be addressed at our school for years 2015-2016 and 2016-2017. While we do have some positive behavior outcomes, we have several situations that are beyond anything that our teachers/principal are equipped to handle. For students with severe mental and emotional problems, we need an alternative option for education. We have students in need of behavior counseling because of issues beyond the scope of what teachers are trained to deal with and handle. As these issues continue with specific students, learning and instruction halts for the remaining students in the class. Whole classes are often removed from a classroom in an effort to calm down/control the child causing the disruption. It seems as if teachers/admin hands are tied as to what they can actually do with the most challenging students regarding the BLG. JVE has even more students leaving our school at the end of this school year because families are tired of waiting on discipline problems to be resolved.

I respectfully bring these concerns to your attention as I advocate for all students in our district. However, the longer we wait to acknowledge and address these issues, the more we lose engaged and supportive parents at our schools. I appeal to you on behalf of the teachers, students, and parents at Jones Valley Elementary School. Please help our school succeed and become a school where all are educated in a safe and nurturing learning environment. The faculty/staff and parents are up to the challenge at JVE, and we do it with open hearts for our students, but we need support at the district level so that we can become become a model school system where all students are educated regardless of race and background.

**Source:** email

The teachers/admin at Jones Valley Elementary spend so much time dealing with those students who cause disruptions and have outbursts that classroom instruction is continually interrupted. Our teachers are working overtime on various intervention options, and they need more training, support, and resources available to them. We need to ease the burden on teachers/admin who focus much of their day on discipline issues. Our staff is exhausted and has little time/patience/creativity/interest left for other students.

**Source:** email

The Special Ed department at Jones Valley Elementary is overwhelmed with the volume and severity of the students they serve. The issues are great among these students with limited options for the faculty.

**Source:** Drop Box

I am concerned with the protocol of servicing a child with a Behavior Intervention Plan (BIP). Currently these children are being serviced by our collaborative teachers and aides. These teachers spend a majority of their day dealing with severe behavior from students with BIPs. They are often needed to remove the child from the classroom so the learning of the other children is not disrupted even more. I feel that if self-contained class are not available for students with such extreme emotional and behavior issues then schools need a licensed therapist to intervene daily with these students. While students with BIPs do meet with district or contracted therapists on a scheduled weekly basis, this intervention is just not enough. Schools need someone "on hand" to intervene immediately when the explosive behavior occurs. As it stands now the only person a classroom teacher can call on is a collaborative teacher or aide, and unfortunately they are being called upon so frequently that they are unable to service students with just learning disabilities during scheduled times.

In addition, the limited behavior consequences for these students with BIPs makes it hard for teachers and administrators to discipline situations within the school building accordingly. Limiting the number of suspensions a child with a BIP can have ties the hands of the administration to discipline as he or she sees fit. A therapeutic, alternative setting is needed because unfortunately our school is not fully equipped to truly change the behaviors of these students as it currently stands. It is my hope that as we move even further with the desegregation order that HCS will provide support for schools who educate students with behavior issues.

**Source:** Drop Box

On April 21, 2017 a student in my son's 2nd grade class showed him a bag of marijuana. This student was caught by the resource office in PE when the resource officer saw the bag. I don't care where your child attends school- illegal substances on campus need to be dealt with in a harsher manner than other behavior issues. I could go on forever about this + the behavior guide. This is unacceptable!! I doubt this happens in the worst elementary schools in the country. The principal and teacher handled this manner by following the Behavior Learning Guide and the child was dealt the consequences for this offense. Unfortunately, this student has had behavior issues since Kindergarten and he has had in school suspension, positive behavior tactics, the use of teacher aides, and he still creates disruption in the classroom. There is no way the other students are being given a quality education in a safe environment. The teachers and principal are doing everything they can, but more services are needed to help these disruptive student/students that are not showing any positive behavior changes. These types of students need an alternative place to go to help with getting their behavior under control. They have issues that need professional help.

**Source:** Drop Box

My child has attended Jones Valley Elementary School since Pre-K and is currently enrolled in the 1st grade. I have spent a lot of time volunteering in his classroom as well as throughout the school. I

have observed several situations throughout the year that causes great concern not only for my son, but other students as well. Here are my concerns:

1. I have observed on several occasions students being sent out in the hallway for disturbing their class. The students then proceeded to continue to disrupt not only their class, but the surrounding classrooms. Some of these disruptions included yelling, screaming, cursing, and throwing chairs.
2. I observed a student (in the midst of an angry outburst) sitting in the hallway repeatedly threatening to kill himself. The student was yelling loud enough where other students on the 1 st and Pre-K hallway could hear it. A staff member walked up and told him once he calmed down that they would go talk somewhere else. This allowed the student to continue to cause a scene in the hallway.
3. I walked into my son's classroom to volunteer and saw a 5 th grade boy lying on the middle of the floor. I later found out that the 5 th grade boy was removed from his classroom and placed in the 1st grade classroom because the staff didn't know where to put him/what to do with him.
4. While chaperoning my son's field trip I observed two students in a physical fight (punching and kicking). The students did not stop fighting even after several requests. As a result, I had to physical step in and separate the students.
5. My son became upset one day at home and proceeded to say that he wanted to harm himself. I knew my son did not hear this from home, so I spoke with his teacher. She informed me that my son had overheard that statement from another student in his classroom. Apparently, this student had stated that on a few occasions. I know children will pick up and repeat things we may not want them to, but it disturbs me that my son hears this at school on more than one occasion.
6. My son has repeatedly been exposed to physical and verbal violence (fighting, throwing, yelling, kicking, and cursing) in his classroom throughout the year. Unfortunately, there are a few students in his classroom that have severe behavior problems. I'm a social worker who has fairly good grasp on what is probably occurring in these children's home. I strongly empathize with these children and believe that we need to do everything we can to help them. However, today I'm advocating for my son and all the other children who are exposed to severe inappropriate and unacceptable behavior. I feel as though the "rights" of students with behavior problems comes before the "rights" of the other students. A room full of students should not have to get up and leave their classroom because ONE student refuses to leave and follow directions. Schools should have a designated place for students to go to while they are emotionally and physically calming down. For example, what about sending these students to the counselor's office? This would provide a safe place for a child to de escalate. It is not fair to make the students who are behaving, being respectful,

and learning have to observe such severe behaviors. How can that be a safe learning environment? How can that be a healthy emotional, physical, mental, and educational learning environment? How do these behaviors not impede academic performance?

I'm not a naïve parent who thinks my child is perfect and never misbehaves. But, I can tell you that there is a marked difference in his attitude toward school this year than last year. This attitude shift is not from his teacher. She is engaging, strong, knowledgeable, and enthusiastic. I strongly believe his attitude shift is the result of being exposed to daily severe (not minor) behavior disruptions. I know that I cannot control everything that my son is exposed to at school. I understand and expect to see good and bad behavior exhibited at school. However, there is a difference between age appropriate misbehavior/disruptions vs utter disrespect and/or disregard to authority figures. This is the behavior I have seen in my son's class and throughout the school. I understand that these behaviors are not going away. However, I do believe we should make adjustments on how these students are handled and behaviors are addressed. What is being done now is not working! These disruptions are negatively impacting the learning environment for other students.

I believe JVE teachers do the best they can with what they are permitted to do. I have witnessed my son's teacher spending more time on addressing behavior problems than she should have to. She is there to teach not play referee.

I have spoken with several parents throughout the school year who also share my concerns. They too have witnessed some of the same situations. Sadly, we lost some students to private school last year.

Unfortunately, JVE 1st grade will be losing more students this year. The more students JVE loses the more parental support the school loses, in turn, our children lose. In summary, student behavior seems to be the one of the main reasons why parents are electing to remove their children from JVE. I truly believe that if we can adequately address these concerns more parents will be willing to keep their children at JVE. Thank you for reading and sharing my concerns with Huntsville City Schools.

**Source:** Feedback form

More seminars/workshops for single parents to get them involved.

**Source:** Feedback form

I as a white student at Lee High School was sitting in a new century class with two of my black friends - we all had our headphones on but I was not punished as harshly as both of them were.

**Source:** Feedback form

Teachers will not openly complain about this, but privately they say that, when they encounter discipline problems that they believe should be handled outside the classroom, the principals at their schools consider race and sometimes (too often) refuse to discipline if the student is black

because the numbers will hurt the principal and school statistically because of the consent order. This is not supportive of the teachers and does not help the other students in the classroom. (Honestly, teachers probably will not admit this officially, but the reality is killing morale.)

## Transportation

**Source:** Feedback form

Please look at bus needs for schools - especially what % for each school. Is it really equitable that a higher % of students live 5 miles or more out from school and then need 1.5 hours transport each way? Bus tardiness disrupts schools and schedule majorly when the % is higher. After-School activity buses also may be needed to help more extracurricular involvement with some schools.

**Source:** Feedback form

Can the bus that picks up for AAA at Providence include the pick up of students in District 5 for AAA?

## Desegregation Advisory Committee

**Source:** 16/17 1st public meeting

I would like to see the public meetings even further advertised and more of the community strongly encouraged to attend.

**Source:** 16/17 2nd Public Meeting

1. The DAC must have a parent, student and teacher from each high school and a parent and a teacher from each elementary and middle school.
2. Utilize the established procedures of the affirmative action plan to track the demographics, favorable and unfavorable actions
3. The existing criteria to designate a failing school is unfair and counterproductive.
4. Provide an update of all issues presented by the attendants during the scheduled DAC meetings.

**Source:** Feedback form

Make the students part of the changes. Educate them on the history and sacrifice of their parents and challenge them to be part of the process. Get Sonnie Hereford to make a video of his story and show it at the schools.



# **EXHIBIT**

**“B”**



**Matthew Akin, Ed.D.**  
**Superintendent**

**HUNTSVILLE CITY  
SCHOOLS**  
*Where Young Futures Take Flight*

**BOARD OF EDUCATION**

Elisa Ferrell, President – District 3  
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**Superintendent’s Response to the  
Desegregation Advisory Committee’s 2016-17 Report**

One of the Desegregation Advisory Committee’s (“DAC”) most important roles is compiling an annual report. Its report, like the many internal District self-monitoring reports, is one indicator of effectiveness of the District’s implementation of the Consent Order.

Unfortunately, due to several factors, the DAC was unable to complete its report before the start of the 2017-18 school year. Nevertheless, I applaud the DAC for working to complete its report.

It is my responsibility to complete a response to the DAC’s report, but, given the timing of the report and the fact that many of the items identified in the 2016-17 report took place before my time, I will provide a summary response this year. It is my hope that this document will help resolve some of the concerns raised by the 2016-17 DAC. This document opens with a short summary of the challenges that the DAC faced during the 2016-17 school year, and ends with summary responses to the major items raised in the DAC’s report.

**2016-17 Challenges for the DAC**

The DAC faced challenges on two fronts. First, the DAC, which consists of parents, were required to work with the Court; the Court-assigned expert Mr. Gonzalez; and the attorneys for the Department of Justice, the District, and the proposed plaintiff class to rework the Consent Order provisions pertaining to the DAC. The rework process took up much of the first semester, and this effectively cut the 2016-17 DAC’s time in half. The DAC’s role is challenging enough

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with a full-year, so the shortened timeline was certainly an added difficulty for the dedicated parent volunteers.

The second set of difficulties stems from the transitions that the District faced during the 2016-17 school year. As the DAC correctly points out in its Report, there were many changes in the District during that year:

- Dr. Wardynski resigned;
- Edith Pickens, who had previously served as the District's liaison with the DAC, resigned;
- Deputy Superintendent, Dr. Barbara Cooper, resigned;
- Two new members joined the Board;
- Mr. Thomas Drake served as the Interim Superintendent;
- Christie Finley took over as the District's liaison to the DAC; and
- I took over as Superintendent in March of 2017.

As with the changes to the Consent Order, many of the changes to the District's leadership presented challenges for the DAC in measuring successful implementation of the Consent Order.

The remainder of this document will contain my summary responses to each section of the DAC's report.

### **Student Assignment**

The DAC's main suggestion pertaining to the Student Assignment provisions of the Consent Order is to limit the number of Majority-to-Minority transfers, through prioritization or redirection, to some schools. I am not able to recommend that request. As the Judge explained in her November 14, 2017 Order:

The Court cannot accommodate the request for a suspension of M-to-M transfers at the schools at issue. The legal standards that govern this issue dictate that the

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district's efforts to satisfy the Green factors following the entry of the 1970 desegregation order in this case (Doc. 299-1) already have taken much too long.

I understand the Court's clearly stated position. Nevertheless, I remain committed to ensuring that all students – transfer and non-transfer alike – are able to be successful in their schools. As such, my team will continue to investigate opportunities for supporting schools with larger transfer populations.

### **Equitable Access to Course Offerings**

The DAC's 2016-17 report focuses on a number of issues pertaining the Equitable Access to Course Offerings portions of the Consent Order. I want to address a couple of the suggestions directly. First, the DAC wants the District to consider where teacher's live when considering transfers. Also, the DAC wants the District to continue its focus on closing the various gaps that exist (including both access to industry partners and academic achievement). These two items are related.

When we place teachers, I try to consider which schools will benefit the most from a teacher's skill sets. Considering the many challenges the Consent Order presents, it is difficult to place teachers using any other criteria. However, I understand the need to provide teachers with conveniences where possible. That is why my team is currently working on ways to expand the Dependent of Personnel student transfer options. I want to do whatever I can to support our teachers, and helping teachers keep their children near them is one such way we can do that.

### **Extracurricular Activities**

The DAC highlights the expansion of Power Hour as a positive opportunity for high school students to participate in clubs and activities. I will continue to support high school administrators as they develop modifications to the Power Hour concept (*e.g.* implementing additional ways to blend Power Hour with concepts like Restorative Practices and PBIS). I will

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also continue looking for ways to expand club participation in elementary, middle, and junior/high schools.

### **Faculty and Staff**

The DAC raises many issues in this section, but there are two that I want to address. First, the DAC raises a concern about the District's tracking of the Singleton ratios throughout the year and not merely during the District's annual staffing process. I agree, and that is why the District's Human Resources Department and Talent Management Department track the District's compliance with the Singleton ratios throughout the year. One other issue the DAC raised was to examine the District's practice of frequently transferring teachers. Unfortunately, this is a by-product of the teacher turnover issue that faces the District. The issue of teacher retention is of paramount importance to me, and my team is working diligently to address this issue and will continue to do so.

### **Facilities**

The DAC's report recognizes the District's successes in the area of Facilities. The District agrees and plans to begin preparing a Motion for Unitary Status for this Green Factor during the Spring of 2018.

### **Student Discipline and Positive School Climate**

The DAC's report deals mostly with issues pertaining to the implementation of the District's new positive school climate programs. The DAC's report echoes feedback that the District commonly hears: there is less discipline in the schools and teachers need more training. The District is actively working to address both concerns. My leadership team made student discipline the focus of nearly every principal meetings during the fall of 2017. We are trying to support principals as they support their teachers. Regarding the challenges presented by

discipline and the perception about the lack of discipline in the schools, I believe the Court said it best in its November 14, 2017 Opinion:

**“School discipline may be the area in which teachers and administrators have seen the greatest change.** The district has had four different codes of conduct over a period of four years. (Doc. 537, pp. 61, 140). The last of these is the behavioral learning guide, a “living document” that the district has worked to fine-tune and make more user-friendly over the past two years, implementing changes that teachers and parents have recommended. (Doc. 537, p. 29). Make no mistake -- teachers and administrators have every right to be frustrated and weary of this amount of change in a single area in a short period of time, and the Court recognizes that teachers and administrators have been implementing improvements for all students in a host of areas. It is a difficult task, and the Court enthusiastically thanks teachers and administrators who have embraced the work.

...

Unease about student safety also harms school climate. The Court is aware of recent off-campus social media incidents involving students from Grissom High School, one involving a gun and one involving racial slurs. The Court shares the district’s concerns about incidents of violence or threatened violence and conduct that may incite violence. **The consent decree does not prevent the district from meting out proper discipline to address these behaviors.** The consent decree requires just and equitable discipline, not abdication of the district’s disciplinary role, and the consent decree promotes behavioral learning that equips students to make better decisions.”

The Court’s language, especially the bolded text, speak directly to the DAC’s concerns.

Although student discipline remains one of the most challenging aspects of the Consent Order, I remain committed to improving school climate for teachers and students.

### **Transportation**

The DAC’s concern about transportation – namely, that the District and its transportation contractor need to improve transportation times for students – is one that I share. In fact, during the fall of 2017, our transportation contractor sent a member of its team to work extensively with my staff. The District knows more about its transportation system than it ever has, and I am hopeful that this knowledge will help the District improve its transportation system for all students.

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### **Conclusion**

I want to emphasize how important the DAC's work is to the implementation of the Consent Order. I truly appreciate the hard work of these volunteers. I think it is easy to forget that the members of the DAC are committed parents of our District and not paid employees. I applaud their efforts and thank them. I look forward to continuing my working relationship with the DAC for the remainder of the 2017-18 school year.