

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

SONNIE WELLINGTON HEREFORD,)		
IV, <i>et al.</i> ,)		
)	
PLAINTIFFS,)		NO. 5:63-cv-00109-MHH
)	
and)		
)	
UNITED STATES OF AMERICA,)		
)	
)	
PLAINTIFF-INTERVENOR,)		
)	
v.)		
)	
HUNTSVILLE BOARD OF)		
EDUCATION, <i>et al.</i> ,)		
)	
DEFENDANTS.)		

**NOTICE OF FILING OF DAC'S
2021-2022 ANNUAL REPORT
AND SUPERINTENDENT'S COMMENTARY**

COMES NOW, Defendant, Huntsville City Board of Education (hereinafter, the "Board") and submits the Desegregation Advisory Committee ("DAC") Annual Report for the School Year 2021-2022 (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 her response to the Board. (Id.).

The DAC and the Superintendent completed their obligation on September 8th, 2022, and the documents are now due to be filed.

Respectfully submitted this the 20th day of September 2022.

/s/Christopher M. Pape
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CERTIFICATE OF SERVICE

I certify that I have filed the foregoing with the Clerk of the Court using the CM/ECF electronic filing system which will send notification of such filing to those parties of record who are registered for electronic filing, and further certify that those parties of record who are not registered for electronic filing have been served by mail by depositing a copy of the same in the United States mail, first class postage prepaid.

/s/ Christopher M. Pape
Christopher M. Pape

EXHIBIT A

Desegregation Advisory Committee

For Huntsville City Schools

2021-2022 Annual Report

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Findings of the DAC

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Introduction

This year's DAC was comprised of the following members:

Parents

Ayoke Billions
Lisa Brizendine
Navid Foroughi
Christopher Gregory (Chair)
Andre Jackson
Nicholaos Jones (Vice Chair)
Cyle Lewis
Kristen Mendiola
Lakeshia Wheeler
Jeniece Willis Wilmer

Students

Salaam Nahasi
Sarina Myneni
Elizabeth Sierzego
Zaraph Greene
Kensley Jones
Darrion Thomas

The DAC held all public meetings including:

District Wide Public Meetings

November 8, 2021
April 11, 2022

Feeder Pattern Meetings

Columbia – February 22, 2022
Jemison – February 24, 2022
Huntsville High – March 3, 2022
Grissom – March 8, 2022
Lee – April 7, 2022

In person participation at the events was light however all meetings were streamed via Facebook and there was much more participation online. The DAC did have a single resignation and the court as well as the District were notified of this resignation.

DAC Chair's Comments (Christopher Gregory)

It has been an absolute honor to serve as chair for the 2021-2022 Desegregation Advisory Committee for Huntsville City Schools. Specifically, the 2021-2022 was a pivotal year in which

the District was finally able to get back to a sense of normalcy after a long global COVID pandemic. I believe that among the areas affected by COVID, the relationships that may have been previously established with the DAC also experienced a measure of deterioration. It is critical that the DAC be held in high regard so that the community feels comfortable with sharing pertinent information. Our efforts this year have been focused on reestablishing those relationships and initiating new ones to ensure that we capture a wide range of perspectives.

As we have met with personnel at all levels within the District, parents, and representative from the faith, civic and business community, a guiding principle that has resonated with me is the court's admonition from #541 2017 Memorandum Opinion Regarding Status of Consent Order Implementation page 3 which states, *"Therefore, in examining the District's progress in its implementation of the consent order, the Court is paying close attention to the public will and the extent to which the Huntsville community supports not only the letter but the spirit of the consent order."* What this means to me is that we are looking for what cannot merely be found by analysis of data, but by the energy in which our community embraces the progress that is made on the implementation of the Consent Order.

Positive Actions Regarding DAC Interactions with the District Leadership

Huntsville City Schools has hired a Chief Equity Officer which has positively impacted the DAC'S day-to-day interactions with the District. Dr. George Smith has been very responsive to the questions, and activities of the DAC. Dr. Smith is very visible in the community and on several occasions when I have visited schools, I have seen him, and he has been well received by all those in the community that have had interactions with him.

Notifications regarding upcoming DAC public meetings were sent ad-nauseum to the community. I have personally received at least four separate channels of communications including email, text, phone call, and a paper notification. I have passed by multiple schools and saw the notifications on the marque. While there have been significant communications regarding DAC meetings, this year was plagued by several issues which made the meetings less accessible. There were two feeder pattern meetings moved (Huntsville and Lee) due to other activities happening at the school. Additionally, there were technical issues with the Facebook feed at several feeder pattern meetings (specifically at Grissom) that limited the public's ability to remotely engage the DAC. In the future I would like to see a better presentation of the meetings that enables the remote participants to clearly see the slides and the presenters.

I have met with four of the five school board members to gauge their understanding of the Consent Order. I was pleased to find that they were generally well versed in their understanding of the Consent Order and more importantly supportive of the work required to continue its implementation. Some of the board members attended the DAC public meetings. In the past, my understanding was that there was an intentional desire for board members 'not' to attend these meetings, but I firmly believe that the true success of this school District is found not in arbitrary lines of feigned separation, but in authentic cooperation based in honesty, transparency, and collaboration.

Actions Regarding DAC Interactions with the Community

This year's DAC had a strategic interest in building (or rebuilding) community relationships. COVID undoubtedly caused some of the DAC's previous relationships with community partners to diminish, therefore I spent a lot of time this year meeting with different groups to talk about the work of the DAC. Some of the relationships the DAC attempted to strengthen were:

Huntsville Council of PTAs
Huntsville Committee of 100
Huntsville chapter of National Association for Advancement of Colored People (NAACP)
North Alabama Pastors United for Change (NAPUC)
Huntsville Rotary Club
Huntsville Office of Diversity Equity and Inclusion
Huntsville Human Relations Commission
Greater Huntsville Interdenominational Ministry Fellowship (GHIMF)
Huntsville Hispanic Latino Advisory Commission
Huntsville Young Men Christian Association (YMCA)
Huntsville United Way
Free To Teach
University of Alabama at Huntsville Education Department
Athens State University Education Department (Men of Kennis)

I believe that relationships like these are critical in building awareness and cooperation within the city for the purpose of accomplishing lasting support for the District's unitary efforts. When meeting with these groups and others in the community, the question always comes up regarding how much longer the District will be under the Consent Order. My response tends to be inline with the words of Pastor Oscar Montgomery of north Huntsville and former superintendent Dr. Matt Akin who said, "the recipe for success is simple: do what is right for all of the students in the Huntsville district, and satisfaction of the goals of the consent order will be a natural consequence of that effort. (2017 MEMORANDUM OPINION REGARDING STATUS OF CONSENT ORDER IMPLEMENTATION)" To me, this means that we are not implementing policy merely for the purpose of obtaining unitary status, but the policy should be intended for permanent implementation.

Overall Chair's Assessment

I believe that the Huntsville City School District continues to make good faith efforts to follow the spirit of the Consent Order. To use the words of Superintendent Finley, I would recommend that our community "re-engage" in finding creative ways to address areas of inequity whether they be in education, extracurricular activities or teacher supports. I recommend our reengagement be setting a new goal of doing something like what this city did 60 years ago by leading this state in the integration of K-12 schools. Sixty years ago, this integration was physical, but in 2022 this integration should be a commitment to remove the segregation of achievement. As one teacher told me during a private meeting, "all children can learn." I look forward to hearing the District speak more about the achievement gap and declare a "state of emergency" as it pertains to this most conspicuous effect of racial segregation of schools.

Chair's Recommendation

In addition to the recommendations that will follow from my fellow DAC members, I recommend the District consider the following:

1. Advocate for additional teacher input.

Since our final public meeting, I have had the pleasure of meeting with nearly a dozen teachers on the condition of anonymity. These teachers felt that if they were identified, their jobs could be threatened. Their concerns centered around their local school administrators creating a toxic climate that was affecting instruction of (many who are at-risk) students. I have made this concern known to the superintendent and the board. Both Mrs. Finley and board president Carlos Matthews have made public comments encouraging teachers to come forward with concerns. I believe their comments are authentic and I have seen them actively address concerns that have been presented. I would however like to see the DAC make presentations at In-Service meetings for teacher and administrators. When the DAC is brought into these spaces, teachers and administrators are more comfortable coming forth with their concerns because they know that the DAC is an actual sounding board that will advocate for anything that aids in student success. Additionally, there are teacher surveys completed by the Schools Foundation. To date, the DAC has not been provided access to the results of this data. I believe receiving this information is imperative to gauge overall effectiveness of the work done to not only make the teacher and administrator ranks more diverse, but also more inclusive. Finally, with the political nature of education, recent attention has been given to the Culturally Responsive Training. When the training was provided in 2020 - 2021, feedback was received from teachers and administrators. I am in possession of the results of that training which demonstrated 95% satisfaction from new teachers and certified personnel. Personnel at the middle and high school level showed a 91% satisfaction rate with the training. While I did not receive these results from the District, I believe these statistics demonstrate a personnel body which understands that there is no 'one size fits all' approach to education. I look forward to hearing how teachers have helped to guide policy that results in more effective pedagogy. I also understand that there has been a change to the training vendor. I would hope that the surveys from this training will be presented to the DAC for review.

2. Mentoring at the elementary school level

When we speak to administrators, and teachers, parental involvement is identified as a fundamental driver to student success. The fact is that often our most at-risk children are the ones who lack parental involvement. I would like the District to redouble efforts to work with community partners to produce 'sustainable' mentoring programs at the elementary level like those at the high school level. My grandfather would always say, "an ounce of prevention is worth a pound of cure." It is at the elementary school level that we should be exposing our children to more opportunities that are available with them. I was given the opportunity from a middle school principal to meet with about 10

young men who were considered ‘at-risk’ from a discipline perspective. I asked this group what they wanted to do when they grew up. Approximately 80% of the responses were professional sports. This might be expected in early elementary school, but in a room of 13-year-old boy who live in the ‘Rocket City’ this says these students have not been exposed to the wide range of opportunities that are available. In my opinion, this is the 21st century version of June 19, 1865, in Galveston Texas. I believe with all the centers of higher learning locally including three HBCUs, the abundance of faith organizations, the plethora of government contractors as well as the other local industry, our schools should be overflowing with mentors willing to volunteer for an hour or two per month. I call on our business community to put hands and feet to their financial resources and connect with principals whose schools are falling below the District averages in reading and math and develop ways to connect struggling students to mentors who can motivate and work with them and if possible, their families to help that student succeed.

3. Create a local education consortium

I am not sure if consortium is the right word, but my thought is to have those who educate the educators circle back around and receive input on how their instruction has prepared teachers to enter the classroom. I would envision our major four-year university education departments meeting with HCS (or all three major school districts in the area) and holding breakout sessions regarding issues like classroom management, teaching strategy, etc. The colleges are researching case studies and best practices in the education industry and the local school districts should be able to close the loop by providing feedback on what is working locally and the problems we are facing. Additionally, this gives HCS the ability to deepen relationships with colleges that provide the talent pool of future teachers.

Student Coordinator Comments (Lizzie Sierzego and Salaam Nahasi)

Over the course of the 2021-2022 school year, DAC student representatives have expressed a variety of opinions regarding the district’s implementation of the consent order. Some focus areas were transportation for athletes, the promotion of extracurricular activities, enrichment classes, bus delays, the application of the Behavioral Learning Guide (BLG) and the resulting disparities in discipline, and the No Place for Hate campaign across Huntsville high schools.

Although unitary status has already been achieved by the District in the transportation green factor, late buses have caused many students to miss vital class instruction and announcements. In fact, teachers have feared delays impacting critical end-of-year Advanced Placement (AP) and International Baccalaureate (IB) examinations, which are required to start at the specified time(s) established by their respective governing organizations; there is little to no leniency regarding tardiness.

Many students feel that the lack of transportation to and from extra-scholastic activities for athletes impedes the performance of low and middle-income students. However, the DAC is

aware of the extraneous circumstances, such as the working hours and shortages of bus drivers and city contracts, that make it difficult to resolve this issue. Additionally, many parents and students have taken issue with the affordability of sports as high fees have resulted in students being forced to quit teams district-wide.

Due to the same transportation issues mentioned above, students have advocated for the reinstatement of Power Hour in lieu of the mandatory enrichment class. Enrichment has an ACT prep component, which is less of a focus for many higher institutions that are increasingly adopting test-optional admission policies. Furthermore, much of the time allotted to ACT prep is not used for its intended purpose, which results in students often being unengaged during this period. Conversely, Power Hour allowed students to use their free time as a study hall or to participate in clubs. More time dedicated to clubs within school hours would mitigate the need for out-of-school meetings. A system alternating Power Hour and Enrichment may be the most beneficial balance of dedicated club time and standardized test preparation.

It was mentioned that some of the high schools lacked the clubs required by the consent order. One of the student representatives was forced to take the lead on re-establishing the robotics team at her school, which had been inactive for two and a half years. This was due to a lack of support from the previous administration in addition to little resource availability to advertise. This ultimately resulted in a low participation rate amongst students even before it closed its doors due to the COVID-19 pandemic in 2020. When she met with one of the mentors who was frequently active in the robotics organization, the most notable comment during the meeting was that he didn't feel that the robotics team was welcomed at the school. Ultimately, the lack of requisite clubs results from reduced club hours, support, transportation, and encouragement in the face of standardized test preparation.

Student representatives have voiced their dissatisfaction with how some school administrators handle discipline issues. Representatives reported cases as extreme as locking bathrooms, where possible, to avoid skipping and other misconduct at the expense of restroom availability. Some teachers have contributed to this mistreatment as multiple anonymous reports were made to a DAC representative that some female students had contracted infections due to habitual faculty refusals in permitting the use of restrooms, despite the fact students have little time to do so before class with the stringent 5-minute transition bell.

The disparities listed above disproportionately affect black students and therefore demand the District's attention so that unitary status can be achieved. However, many students were pleased with efforts that fostered a positive and collaborative atmosphere amongst schools, including the No Place for Hate campaign, the District's handling of rising COVID cases, and the provisions of personal protection equipment (PPE) for students, administration, and staff members. Overall, the efforts on behalf of the District since the implementation of the consent order have been concerted and fruitful, although there is still much progress to be made to meet the needs of every student and provide them with the education they deserve. The District should continue its endeavors to comply with the consent order and strive for unitary status.

Student Assignment (Cyle Lewis, Chair)

Student Assignment is foundational to *Brown v. Board of Education of Topeka* and the reference case for this District's Consent Order, *Hereford et al. v. Board of Education*. The determination of where students go to school directly affects the ability of a district to integrate.

Student Demographics

Huntsville City Schools (HCS) has an approximate population of 23,525. The population of HCS is truly diverse.

2021 Student Demographics

Black: 39%

White: 37%

Other: 24%

The population of HCS has decreased by 2% since 2019, representing a 1% decrease in the Black student population and a 1.5%+ decrease in the white student population. It is unclear whether this is due to COVID fallout or if there are underlying causes for the decline. Now the largest city in Alabama (<https://www.usnews.com/news/best-states/alabama/articles/2021-08-13/huntsville-now-alabamas-largest-city-overtakes-birmingham>), Huntsville has seen a 19% increase in population since 2010, according to The US News and World Report. In conversation with the area business community, there is every indication that the population of Huntsville will continue to grow. Because of the continued growth, the following programs remain critical in providing options for every student to receive the best possible education.

School Zoning

DAC members had multiple conversations with individual parents and community members who questioned the wisdom of "forced integration." The concerns focused on 'white flight' and children's discomfort when taken from their own neighborhoods. Among these was the concern that bussing children would "lower the quality" of schools due to their presence. Improving education quality at schools with high numbers of Majority to Minority applications has also been a community recommendation.

Section II.C.5 references the annexation of property which affects its corporate limits. The Huntsville Planning Commission (<https://www.huntsvilleal.gov/development/building-construction/planning/planning-commission/>) shows significant building projects that may affect zoning. The DAC would like to see more community conversations regarding how these building projects will affect school populations in general and specifically in low/no-availability schools.

Majority-To-Minority (M2M)

Of the 542 applications that requested changes to student assignment, 392 of those were for M2M type transfers, 121 were personnel-related transfer applications, eight were Redstone

Arsenal transfer requests (Section II.D.3), 3 Special Education Siblings applications, and 18 Superintendent Assignments.

The results of the M2M applications were as follows

- Thirty-nine denied due to ineligibility
- Fifty denied due to space not available
- 373 offered and accepted
- Eighty offered and declined

The number of denials due to space has increased significantly since 2019. In 2019, there were 631 M2M requests with only twenty-two denials. Adequately addressing the increase in denials due to space requires capital construction projects.

Space availability can limit the success of the M2M program. According to the 2022/2023 M2M Student Transfer Space Availability document (<https://www.huntsvillecityschools.org/sites/default/files/2022-23%20Majority-to-Minority%20Student%20Transfer%20Space%20Availability%20Table.pdf>), the following schools have either limited or no space availability.

- Goldsmith Schiffman Elementary School (GSES)
- Hampton Cove Elementary School (HCES)
- Hampton Cove Middle School
- Columbia High School
- Monte Sano Elementary School
- Grissom High School

According to Section II.D.7, Hampton Cove and Goldsmith Elementary schools have a specified goal of a 15% Black student population. Currently, GSES has a 4% Black population, and HCES has a 6% Black population. With the growth in this area, there is no near-term solution for addressing this racial disparity in the schools through M2M.

The DAC did receive parental concern about seeing more preparations and support for students entering the M2M program. Perhaps the District could create a Buddy program, allowing students to volunteer to be a buddy for students entering a new school. Additionally, there was concern regarding separate orientations for M2M students, but the District explained to the DAC that this was part of Section II.D.6.a. The District does have information regarding M2M on its website under the heading of enrollment (<https://www.huntsvillecityschools.org/departments/strategy-and-innovation>). The primary complaint regarding the M2M program was regarding transportation. Forty percent of M2M parents were unhappy with their child's zoning requirements and time spent on busing, but no reports exceeded the maximum 90-minute period (Section II.D.5.c).

One M2M recommendation made by a high school administrator was to allow students approved for transfer to a different feeder pattern school to automatically obtain approval to follow their classmates zoned for the next level school. For example, a student zoned for Chapman Middle School and Lee High School (LHS) on an M2M transfer to HCMS should receive automatic approval to attend Huntsville High School (HHS). The reason is that because this student has developed relationships with friends at HCMS as opposed to Chapman, they would be more acclimated at HHS than at LHS. This would be a return to what appears to be Section II.D.1.c, thus eliminating Section II.D.1.d.

Magnet Schools/Programs

HCS runs the following magnet programs:

- College Academy – Jemison
- STEM / Foreign Languages – ASFL (K-8)
- STEM – New Century (9-12)
- Creative and Performing Arts – AAA (K-8), Lee (9-12)
- Academy for Gifted/Talented – Williams (6-8)
- International Baccalaureate Education – ASFL (K-8), Columbia (9-12)

Enrollment Goals

For the District to be compliant with the enrollment goals as established by the Consent Order, the racial percentages should fall within the +/-15% of the district's racial demographics in accordance with II.E.3.a:

Black: 54% / 24% White: 52% / 22% Other: 39% / 9%

Magnet Program	# Black	# White	# Other
Academy for Academics and Arts (AAA)	53%	28%	18%
Academy for Gifted and Talented (AGT)	33%	53%	14%
Academy for Science & Foreign Language (ASFL)	54%	24%	22%
College Academy	44%	43%	13%
Columbia High School CP	46%	33%	21%
Columbia High School DP	39%	44%	17%
Columbia High School MYP	62%	15%	23%

Lee Creative and Performing Arts - Dance	63%	37%	0%
Lee Creative and Performing Arts - Media Arts - Film and Video	71%	24%	5%
Lee Creative and Performing Arts - Media Arts - Creative Writing	26%	70%	4%
Lee Creative and Performing Arts - Musical Arts - Instrumental Performance	44%	31%	25%
Lee Creative and Performing Arts - Musical Arts - Vocal Performance	82%	14%	5%
Lee Creative and Performing Arts - Theatrical Arts - Dramatic Arts	64%	36%	0%
Lee Creative and Performing Arts - Theatrical Arts - Technical Theater	58%	36%	6%
Lee Creative and Performing Arts - Visual Arts - Art	46%	44%	10%
Lee Creative and Performing Arts - Visual Arts - Photography	63%	37%	0%
New Century Technology High School	35%	41%	24%

The DAC did not request additional information on the selection criteria, process, and committee makeup. In the future, there should be a deeper understanding of these areas to explain the reason for the denials. AAA had a 10% increase in the Black student population, while ASFL had a 13% decrease. These two magnet programs represent the highest number of submitted applications, denials, and acceptances.

Columbia IB Program

In meeting with administrators from the school, they are immensely proud of the IB program at Columbia. One of our student DAC members participated in the program and was a U.S. Presidential Scholar nominee! There was a 57% decrease in the student population within the Columbia IB. Even with the significant population reduction, there were still three denials due to space.

Academy for Gifted and Talented

AGT more than doubled its student population. It is very encouraging that this increase includes a 110% increase in Black student population.

College Academy

The College Academy is a tremendous program where another one of our student DAC members is currently enrolled. This student will have a college degree upon program completion. Enrollment in the College Academy has remained consistent through the pandemic. There are minimal areas that need addressing, but based on the data provided, the DAC is unable to evaluate Section II.E.3.c, which states that priority will be given to students from McNair. Additionally, students and parents find themselves limited in the dual-enrollment classes that they can take due to the conflict with the College Academy.

Lee Creative and Performing Arts - Dance

Parents expressed concern with the Consent Order at Section II.E.7.e.3 which states that “the District will ensure that the breadth and quality of the dance program at the Creative and Performing Arts magnet program exceeds that of the dance programming at other high schools.” The DAC has no expertise to gauge the *breadth* and *quality* of a dance program. Stating the methodology by which to evaluate this implementation would be beneficial.

Student Assignment – Conclusion

The District is at a critical stage due to reasons beyond the control of the HCS Board of Education. Previous concerns over mask mandates, teacher culturally responsive training, as well as proposed Alabama legislation (<https://legiscan.com/AL/text/HB312/id/2551327>) have the potential to create increased animosity toward the public school system. HCS is making progress in this, and there is substantive support in the business, civic, and faith communities for the school district's work. With school board elections upcoming, it is imperative that newly elected board members understand the role of the Consent Order and advocate for its implementation, not merely to remove federal government oversight but to ensure that "racial discrimination in public education is eliminated, root and branch" (Case 5:63-cv-00109-MHH Memorandum Opinion).

Equitable Access to Course Offerings and Programs (EACOP) (Jeniece Willis Wilmer, Chair)

The EACOP chair strongly suggest that a third-party agency be hired and use professionals to assist this committee with these proceedings. Some of the data to me seems to be off. As it pertains to the Gifted programs, there are concerns of unfair personal beliefs, prejudices, using one's likes or dislikes, as well as possible favoritism from the person referring the students that were considered possible hindrances that may prevent a lower number of African American students from being referred or selected. After requesting data we received the following from Dr. George Smith (most of my resource data comes from him):

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2021-22 Data

As part of the implementation of the Consent Order, the District has developed and implemented its own unique gifted identification process. Students in grades three through five can be referred for gifted services, and for each referred student, the District follows a combination of its identification procedures and the state- mandated procedures to determine whether the referred child is gifted. The reason for the combination is due to a settlement between the District and the state regarding the District's use of Consent Order's identification procedures.

As of fall of 2021, 18% of all students in grades three through five were identified as gifted. Disaggregated by race, 10% of Black, 29% of White, and 12% of Other students

were identified as gifted. This represents an increase for Black and White students from last year's report.

I also received this as well:

Here are the referred and qualified numbers for gifted. These are for last year. Remember for this year, one of the goals we worked towards and were able to achieve was equitable representation in the referral process (see slide 4 in the deck I sent you). Identification is on-going.

2020-21 Grade 2	Black	White	Non-Black/White	Total
# Referred	117	227	108	452
# Qualified	47	196	62	305

And it was noted by Dr. Smith that:

- *Gifted Identification – create referral list at each school that reflects the school's demographics and represents no more than 20% of Grade 2*
- *Centralized scoring of all products related to gifted referrals*
- *Referrals mirror district demographics (referral race breakdown is 41% Black, 40% White, and 19% non-Black/non-White)*
- *This year, around 200 students in 3-5 were referred for gifted services who had not been previously identified*

We were also informed in our meeting with the superintendent and other officials and addressed by Ms. Elizabeth Long, PH D, Director of Special Education Services that now all third graders are being tested for the gifted program and there was a change in the testing process to a format that was more culturally sensitive to all students.

The updated data for the AP, IB, and Honors programs was reported as follow:

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The District also reviews the participation rate in its Honors, AP, and IB courses. The District reviews middle school Honors courses and high school Honors courses separately.

The District's review showed that 52% of students in grades six through eight are currently taking at least one Honors course. In the sixth through eighth grade band, 41% of Black students, 67% of White students, and 46% of other students are taking at least one Honors course. These numbers are lower than the numbers reported last year.

In high school, 23%, 41%, and 28%, of Black, White, and other students, respectively, are taking at least one Honors course. 31% of all high school students are currently taking at least one Honors course, which is a decrease from last year. The District also reviewed participation rates in AP courses. 22% of high school students are currently taking at least one AP course, which results from 12%, 34%, and 20% of the Black, White, and other student populations taking those courses. These numbers represent a decrease as compared to last year's report.

- Honors and AP Classes are open enrollment
- Each P6 school offers at least 5 core honors classes
- Each Middle school offers at least 10 core honors classes
- Each Jr. High school offers at least 6 core honors classes
- Each High school offers at least 10 core honors courses and 13 AP courses (except Columbia, which has the IB program)

Program enrollment by race is as follows:

- Honors – 41% of Black students enrolled; 67% of White students enrolled
- AP – 12% of Black students enrolled; 34 % of White students enrolled

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The district also reviewed the performance of AP students during the 2020- 21 school year. That review showed that 53% of Black AP students, 83% of White AP students, and 71% of Other AP students scored an 80% or higher in at least one AP course. Those numbers show a decrease from last year. During that same school year, 14%, 48%, and 39% of Black, White, and Other students, respectively, passed at least 1 AP exam. Those numbers also show a decrease from last year.

When questioned about recruiting methods this was given by Dr. Smith:

- *Recruitment for Honors/AP occurs at the school level by teachers/counselors/administrators and at the district level by identification of students with academic potential, recruitment at district events (such as curriculum showcase), etc.*
- *AP parent conferences are conducted for 1st time AP students*

The biggest concern at this time is the little information and breakdown that's given for our special education programs. I personal would like more on this subject as far as the breakdown on referrals, admissions, denials and so on. All we were given this:

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Another area the District team reviewed was special education referrals and identifications. This review showed that during the 2020-21 school year 462 students were evaluated for Special Education services under the Individuals with Disabilities Education Act ("IDEA"). Of this 462, 215 were Black and 168 were White. Of 215 Black students evaluated, 93 were identified as Learning Disabled and 18 were identified as Intellectually Disabled. Of 168 White students evaluated, 56 were identified as Learning Disabled and 2 were identified as Intellectually Disabled.

There are no graphs of schools per students. None of the elaborated details given like the other programs like the Gifted and AP. We need more about this program as well.

• Program enrollment by race:

	% of Black Students Enrolled	% of White Students Enrolled	% of Other Students Enrolled	% of All Students Enrolled
2020-21 Middle School Honors	48%	71%	50%	57%
2021-22 Middle School Honors	41%	67%	46%	52%
2020-21 High School Honors	26%	45%	31%	35%
2021-22 High School Honors	23%	41%	28%	31%
2020-21 AP	16%	39%	26%	28%
2021-22 AP	12%	34%	20%	22%

Magnet programs updates as follows:

- Sample of the magnet recruitment efforts:
- Use of all HCS platforms (HCS Calendar, mass messaging in district wide newsletters, use of Blackboard)
- Magnet Virtual Information Sessions
- Magnet Programs Open Houses for all programs
- Program shadowing opportunities
- Magnet Fair

- Targeted Recruiting with mailings, virtual classroom visits, virtual meetings, etc.
- Partnership with public media with advertisements (radio spotlights, posters around the community)
- Revision of magnet programs marketing videos
- ETV magnet spotlight
- Updates to magnet marketing materials

- Enrollment in the Academy for Academics & Arts School is by lottery application
- Enrollment in the Lee Magnet is by application

Magnet Program	Applications Submitted			Offered and Accepted			Total Enrolled (as of October 13, 2021)		
	# Black	# White	# Other	# Black	# White	# Other	# Black	# White	# Other
Academy for Academics and Arts	383	120	122	75	31	24	355	189	122
Lee Creative and Performing Arts - Dance	26	3	9	4	1	4	12	7	0
Lee Creative and Performing Arts - Media Arts - Film and Video	31	9	6	1	3	1	15	5	1
Lee Creative and Performing Arts - Media Arts - Creative Writing	9	11	3	1	8	2	6	16	1
Lee Creative and Performing Arts - Musical Arts - Instrumental Performance	11	4	3	0	1	0	7	5	4
Lee Creative and Performing Arts - Musical Arts - Vocal Performance	15	2	4	4	1	1	18	3	1
Lee Creative and Performing Arts - Theatrical Arts - Dramatic Arts	6	9	1	3	2	0	16	9	0
Lee Creative and Performing Arts - Theatrical Arts - Technical Theater	22	15	6	8	3	0	29	18	3
Lee Creative and Performing Arts - Visual Arts - Art	29	14	13	9	7	4	23	22	5
Lee Creative and Performing Arts - Visual Arts - Photography	26	8	6	1	2	1	12	7	0

Recent DAC Reports regarding Equitable Access to Course Offerings and Programs focus on the District's obligations for professional development for teachers (III.A.2), academic proficiency of students in Math and English (III.F.2, III.G.1-2), AP course availability and participation (III.H.1-2), and participation rates at workshops for parents/guardians (III.K.4). This report revisits these areas of focus and raises a concern regarding the District's obligation to review performing arts classes (III.I).

Specific Items relating to EACOP

Professional Development. Item III.A.2 tasks the District with providing teachers with professional development on culturally responsive strategies for serving a diverse student population and addresses implicit bias.

Support Services for Math and English. Item III.M.1.b tasks the District with reporting academic proficiency of students in English and Math, as measured by State assessments. This

reporting provides some evidence of the effectiveness of District efforts to satisfy obligations noted in items III.G.1-2 (and perhaps also aspects of item III.F), which task the District with providing students, at all grade levels, access to support services in Mathematics and English Language Arts. We focus, accordingly, on academic proficiency data for AY 2020-2021.

Beginning Spring 2021, the District used AL DOEs ACAP test to assess academic proficiency in English and Math for students in Grade 3 through Grade 8. Before delving into an analysis of data from this test, we note a rather technical concern about the District's reporting of this data. There seems to be an error in the formula the District uses to calculate proficiency rates within and among schools. Within a specific school, the district averages the proficiency rates for each grade within the school. This average sometimes diverges from the actual proficiency rate at the school. Consider four examples from AY 2020-2021 data for ACAP Reading:

1. At Chapman Elementary School, 12 Black students were tested, and 3 Black students measured as proficient. So the reading proficiency rate for Black students at Chapman was 25% rather than the District-reported 20%.
2. At Mountain Gap Elementary School, 25 Black students were tested, and 11 Black students measured as proficient. So the reading proficiency rate for Black students at Mountain Gap was 44% rather than the District-reported 50%.
3. At Highlands Elementary School, 16 White students were tested, and 6 White students measured as proficient. So the reading proficiency rate for White students at Highlands was 38% rather than the District-reported 44%.
4. At Sonnie Hereford Elementary School, 12 White students were tested, and 5 White students measured as proficient. So the reading proficiency rate for White students at Sonnie Hereford was 42% rather than the District-reported 33%.

This same error affects the District's calculation of District-wide proficiency rates for Reading and Math. District-wide, 3,961 Black students were tested for reading and 1,144 measured as proficient, while 3,689 White students were tested for reading and 2,597 measured as proficient. So the District-wide reading proficiency rates for Black and White students were 29% and 70%, respectively, rather than the District-reported rates of 33% and 60%. Similarly, District-wide, 3,941 Black students were tested for math and 189 measured as proficient, while 3,684 White students were tested for math and 1,480 measured as proficient. So the District-wide math proficiency rates for Black and White students were 5% and 40%, respectively, rather than the District-reported rates of 7% and 28%. One effect of this error is that the District's reporting overstates proficiency rates for Black students and understates proficiency rates for White students. We thereby recommend that the District update the formula it uses to calculate proficiency rates within and across schools.

Turning now to the ACAP data itself, we note that data for individual schools—and data for specific grades at individual schools—is rather noisy. For this reason, we focus our analysis on comparisons of proficiency rates between schools with at least 45% Black students, schools with at least 45% White students, and other schools. For each ACAP test, and for each grade level at each school, we used District-reported data about numbers of students tested and percentages of students who tested as proficient to calculate numbers of students who tested as

proficient. We then used District-reported data about student listing for AY 2021-2022 (Doc. 723-9) to aggregate schools into our three selected categories. The calculation of proficiency rates for each category of school, disaggregated by race, is then a matter of straightforward arithmetic. The tables below summarize the results of our analysis, using headers that mimic those the District uses to report ACAP data.

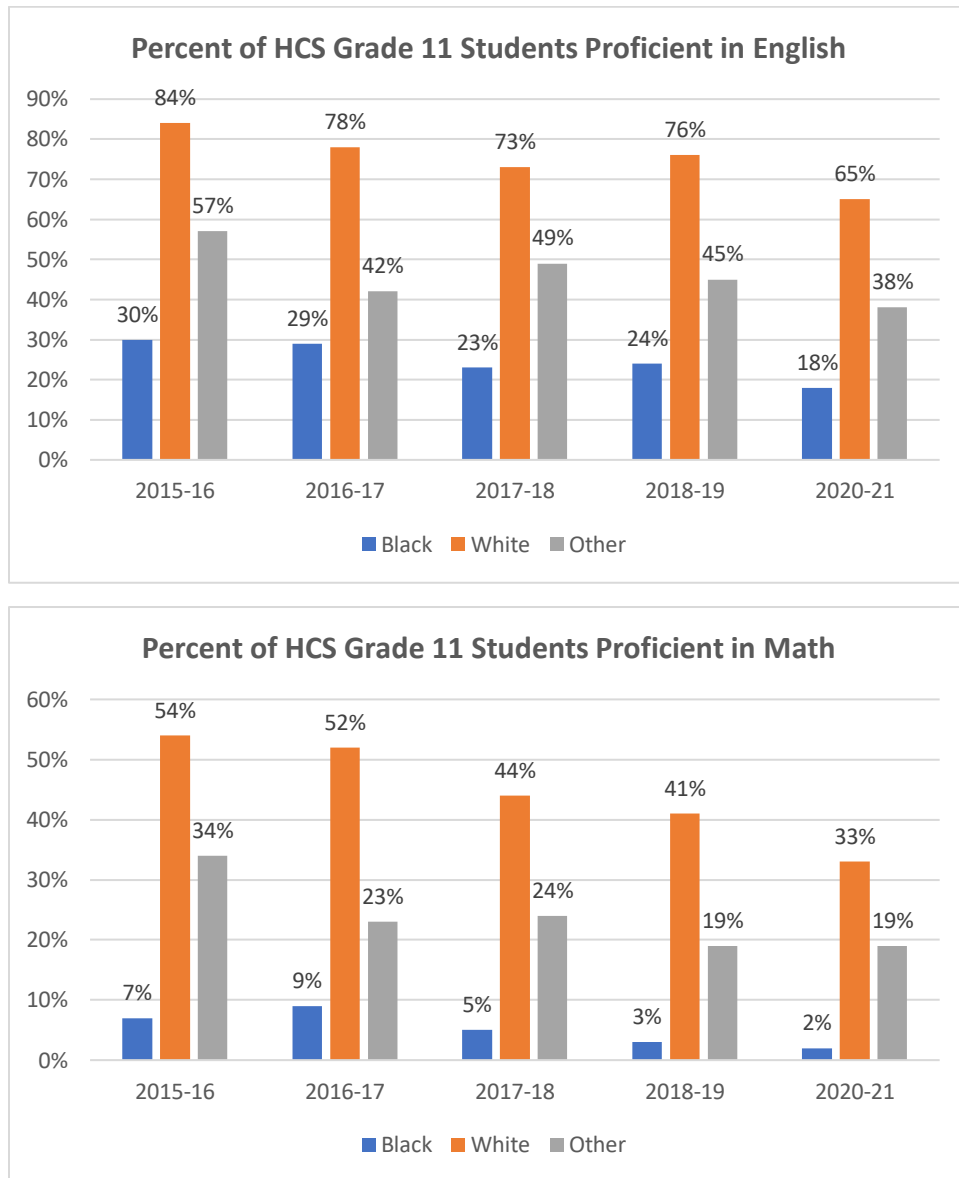
ACAP Reading	Total Students Tested			Total	Tested Proficient		
	#B	#W	#O		%B	%W	%O
≥45% Black	2423	583	844	3850	30%	65%	36%
≥45% White	746	2665	848	4259	34%	73%	56%
Other	574	430	711	1715	25%	62%	33%

ACAP Math	Total Students Tested			Total	Tested Proficient		
	#B	#W	#O		%B	%W	%O
≥45% Black	2412	585	837	3834	4%	30%	11%
≥45% White	744	2661	854	4259	9%	43%	29%
Other	573	429	714	1716	3%	36%	6%

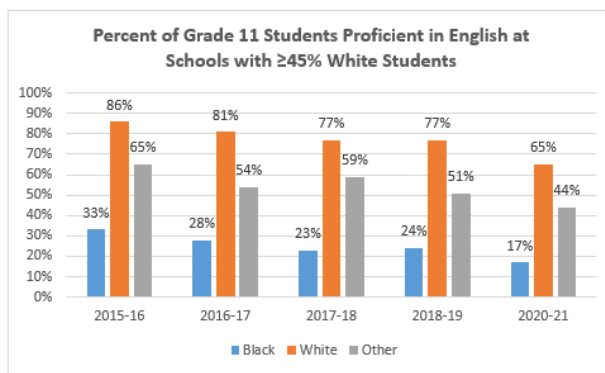
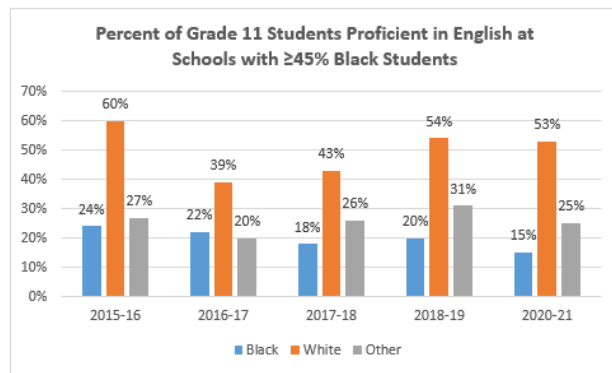
This analysis indicates that, for all racial groups, District-wide proficiency rates for both reading and math are higher at schools with at least 45% White students. We did not use formal statistics to determine whether these differences are statistically significant. For reading proficiency, we conjecture that the differences are not significant. For math proficiency, we conjecture that they might be because, for all racial groups, proficiency rates at schools with at least 45% White students are either twice as high or >10 percentage points higher than rates at schools with at least 45% Black students. Since this is the first year the District is using ACAP tests to assess reading and math proficiencies, we have no specific recommendations to make on the basis of our analysis. We provide the analysis, instead, for its potential relevance to concerns about ACT testing, to which we now turn.

Past DAC Reports note a persisting pattern of disparity between Black students and White students regarding English and Math proficiency as measured by the ACT, as well as a persisting pattern of low Math proficiency among Black students. These trends continue with the

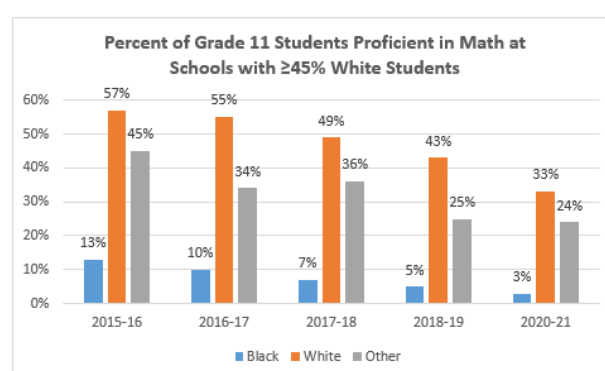
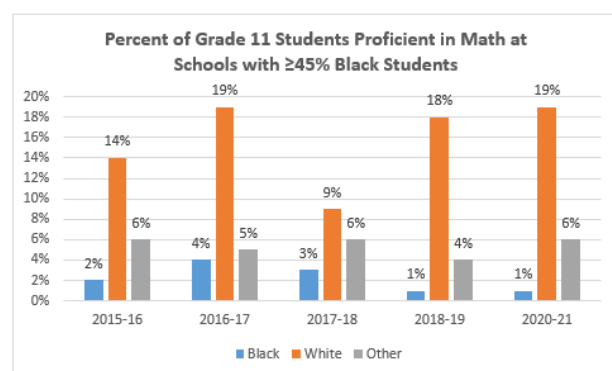
most recent ACT data. (Note: Because of the COVID-19 pandemic, there is no data for ACT testing from AY 2019-2020.)



To better understand these patterns, we disaggregated trend data by type of school, comparing in particular schools with at least 45% Black students and schools with at least 45% White students.



For proficiency in English for Black students, as measured by the ACT, there seems to be no significant difference in outcomes or trending pattern between types of school. This does not seem to be the case for proficiency in Math for Black students, because Black students at schools with at least 45% White students consistently perform better than Black students at schools with at least 45% Black students.



We commend the District for its efforts to address disparate and low proficiency rates in English and Math among Black students by offering to Black high school students ACT Bootcamp, ACT Mastery Prep, ACT mock testing, and free tutoring. We recommend that, in addition to continuing this programming and confirming that it is done to fidelity, the District also investigate potential causes of low and disparate proficiency in Math for Black students other than familiarity with ACT testing. Our analysis indicates that proficiency in Math for Grade 11 Black students, as measured by the ACT, varies by type of school ($\geq 45\%$ Black vs. $\geq 45\%$ White). Our prior analysis of ACAP data also indicates that low and disparate proficiency in Math for Grade 11 Black students, as measured by the ACT, tracks low and disparate proficiency in Math, for Black students in Grades 3-8, as measured by the ACAP. So there is, perhaps, room for the District to improve implementation of its mathematics curriculum for students at schools with $\geq 45\%$ Black students.

One consideration relevant to potential District efforts to improve curricular implementation concerns perceptions of preparedness for advanced coursework. We focus on perceptions of preparedness as reported in the District's Survey Results from Spring 2021. Several teachers express concern that a noticeable number of students are not ready for advanced coursework, and they report adjusting to this perception of the situation by lowering rigor and standards in their courses. Student survey responses indicate that, for Grade 6-12 Honors students, roughly 10-20% indicate they are not ready for Honors courses, while for Grade 6-12 students in neither Honors nor AP, roughly 20-30% indicate they are not ready. (These responses are fairly consistent across racial groups and school assignments.)

It is difficult to assess whether there is general agreement between teacher and student perceptions of preparedness for advanced coursework, because teachers will have different thresholds for deciding when to lower rigor and standards in advanced courses. Nonetheless, insofar as ACAP and ACT proficiency results track preparedness for advanced coursework, those results indicate that teachers' concerns are not unfounded. The response to these concerns that some teachers report—lowering course rigor and standards—would seem to undermine rather than advance the District's efforts to improve academic proficiency rates. We thereby recommend that the District review the rigor and standards for advanced mathematics coursework—and perhaps other kinds of coursework as well. We recommend that this review attend not only to formal documentation relating to rigor and standards, but also to teacher practices for implementing relevant lesson plans and standards. We also recommend that the review identify specific factors that might lead teachers to feel pressure to reduce the rigor or standards for their courses, for the sake of either correcting teacher perceptions about preparedness (if the perceptions are incorrect) or else devising constructing solutions (if the perceptions are correct).

AP/IB Course Offerings. Item III.H.1 tasks the District with offering, at each high school, at least one AP or IB course in English, Math or Computer Science, Science, and History or Social Science, as well as offering no fewer than 12 AP or IB courses at each high school. We commend the District for satisfying these obligations for AY 2020-2021. The District offered 6 AP and 21 IB courses at Columbia High School, 24 AP courses at Grissom High School, 23 AP courses at Huntsville High School, 12 AP courses at Jemison High School, 13 AP courses at Lee High School, and 21 AP courses at New Century High School. The District's past stance toward the lower number of AP offerings at Jemison and Lee seems to be that these schools serve fewer students. We add to this a few observations. For AY 2020-21, two AP courses at Jemison (Chemistry and Spanish) enrolled only one student, and there was no AP offering for Statistics. There was, however, good enrollment of Black students in AP Statistics at Grissom and New Century. Similarly, two AP courses at Lee (Biology and Computer Science) also enrolled only one student, and there was no AP offering for Psychology. There was, however, good enrollment of Black students in AP Psychology at Grissom and Huntsville High. If the District aims to not only offer AP courses but also improve enrollment of Black students in AP courses, we recommend that the District consider modifying its procedure for determining which AP courses to offer at schools like Jemison and Lee. (We have no specific recommendations to make, and

we acknowledge the challenges of balancing a range of offerings—across the four areas mandated by the Consent Order—with staffing availability.)

Performing Arts. Item III.I tasks the District with ensuring that performing arts offerings in non-magnet programs do not duplicate or compete with offerings unique to magnet schools. This item came to our attention this year when parents from the Grissom High School Dance met with members of the DAC to discuss concerns relating to their program. The parents’ concerns were twofold: first, they requested guidance for how to determine whether potential developments of their program might compete with offerings with the Dance Magnet program at Lee High School; second, they expressed concern that recent changes to staffing for their dance program seem to have resulted in changes to the structure of the dance program at Grissom in ways that risk disproportionately and negatively affecting Black students.

Outreach Efforts. Item III.K.4 tasks the District with hosting events that provide specific kinds of support and information to parents/guardians. The District reports holding a variety of relevant events. Past DAC Reports express some concern about relatively low parent/guardian participation rates. According to data provided by the District for AY 2020-2021, these rates remain relatively low. For example, the District reports hosting 33 parent meetings relating to Title I, with 190 attendees across these events for an average attendance rate of 6 people per meeting. Similarly, the District reports hosting 15 parental advisory committee meetings, with 91 attendees across these events for an average attendance rate of 6 people per meeting. We find no significant difference in attendance rates based on the time of day at which the meetings are hosted. Moreover, the District itself has noted that it uses a variety of strategies to advertise these meetings—including direct messaging, newsletters, websites, social media, and fliers. We commend the District for these efforts.

It is difficult to discern causes for relatively low attendance rates. The District’s advertising efforts would seem to rule out lack of awareness. That seems to indicate that the causes likely pertain to lack of interest or desire among parents/guardians. For example, according to the U.S. Department of Education’s State Support Network, “For families that have not yet built trust and communication with school staff, it can be challenging or intimidating to become more involved.” ([1] Catherine Jacques and Alma Villegas, *Strategies for Equitable Family Engagement* (Washington, D.C.: American Institutes for Research, 2018), 11.) Since at least some parents/guardians of current students will have attended a local school themselves prior to the District’s current desegregation efforts, we think it is not implausible that lack of trust might contribute to low participation rates. Invitations to attend meetings are unlikely to address a lack of trust or overcome feelings of intimidation. We thereby recommend that, in addition to continuing its advertising strategy, the District also devise strategies directed toward building trust with parents/guardians. For example, the State Support Network offers several strategies that have been successful elsewhere: host short (30 minute) group conferences with family members of all students in a class, focusing on broad expectations and learning goals for all students; create collaborations between schools and community organizations to identify and train family members to work in classrooms other than the one in which their child is enrolled;

train staff on protocols and interpersonal communication techniques for the sake of conducting home visits to listen to families' expectations and goals for their child; partner with community organizations likely to have the trust of families to advertise and encourage attendance at outreach events.

Summary of Recommendations relating to EACOP

1. Update the formula used to calculate ACAP proficiency rates within and across schools.
2. Review the rigor and standards for advanced mathematics coursework, and the implementation thereof.
3. Consider modifying procedures for determining which AP courses to offer at schools with relatively low AP course enrollments.
4. Devise strategies directed toward building trust with parents/guardians, for the sake of improving participation rates at outreach events.

Extracurricular Activities (Ayoke Billions)

Transportation for Sports

I would like to address an issue that I have noted as both the DAC Chair for Extracurricular Activities and a parent with children playing sports in two different school zones. I have the unique position of being a parent with two children playing the same sport for two different schools in the same year: one for Huntsville High School, our home-zoned school, and one for Columbia High School, our magnet-zoned school. The differences that I have seen have been eye-opening. Per our training in September 2021, athletic activities are not addressed in the Consent Order under Extracurricular Activities. We would like to request that sports be included in future years to allow for increased efforts aimed at finding solutions.

Especially when looking at the Columbia High School zone (51% black, 15% white), access to athletic activities is a huge challenge. The zone covers a much larger area than other zones, requiring some parents to drive ~90 minutes round trip to school. These students typically ride the bus to and from school but are unable to find transportation home from after-school sporting activities. This results in many students being unable to participate. I have personally had a student playing sports in this district for three out of the past four years. From my personal knowledge, the participation numbers for football and tennis have been negatively affected this year, and I have heard that other sports are also impacted. At Williams Middle School (located within the Columbia High School feeder pattern), the after-school transportation issue was addressed by moving many club activities to during the school day. I know that some of the other district high schools schedule athletic practices during the last block of school, which allows students to take advantage of the transportation provided by the District.

Club Offerings

Clubs are an opportunity for students to participate in a focused activity during school hours. Based on the received data all schools except Huntsville Jr. and McNair Jr. are offering the minimum club offerings. Clubs were meant to address student participation issues based on transportation but as mentioned by the DAC Student Coordinator, clubs' participation has been impaired by the loss of Power Hour, late buses, and an ultimate inconsistency in how the club scheduling has been implemented. Certain schools had very limited club participation. In talking with students at a couple of majority black schools, they either were not aware of club offerings such as robotics, or there were no instructors available to teach.

Recommendations

- More advertisement for the academic club offerings.
- Reach out to more community partners to assist in schools that don't have the necessary supplies/infrastructure to bolster club programs.

Faculty (Lisa Brizendine)**Description of Faculty Green Factor**

Recruitment, hiring, and promotion of administrators, faculty, and certified staff will not be based on racial criteria. Administrators, faculty, and certified staff will be assigned to schools so that the racial breakdown at each school represents the District-wide average.

Hiring/Screening Committee Composition

There are 27 members on the Teacher Screening Committee and is comprised of the following demographics:

Racial Demographics of Teacher Screening Committee

Year	Race: Black %/ # of Members	Race: White %/# of Members	Race: Other %/# of Members
2020-2021	44% (12)	52% (14)	4% (1)

There are 25 members on the Administrative Committee and is comprised of the following demographics:

Racial Demographics of Administrative Committee

Year	Race: Black %/ # of Members	Race: White %/ # of Members	Race: Other %/ # of Members
2020-2021	44% (11)	52% (13)	4% (1)

Candidates for Hire

For the Candidate List provided for 2020-2021 year, the same concerns are mirrored in last year's report: V.D.12 The District provides detailed Candidate Lists for each year, per the Consent Order. However, the spreadsheets provided by the District contain a significant number of duplicate entries in which everything from name, date of application, position, and school were listed identically; some of the same candidates were named 5 or more times. Therefore, the data is skewed and not valid to ensure accurate analysis. In order for the data to be parsed, this requires a significant amount of time for DAC committee members. A review of reporting methods is in order as it was recommended in the 2019-2020 report but has not been addressed. As of right now, what is reported by the District is a list of applications rather than a useful list of candidates.

Exigency Circumstances

"Exigent circumstances" refers to sudden absence of Teacher Screening Committee members. Teacher Screening Committees were instituted to ensure that candidates underwent unbiased screening processes.

Persons by Race Who Missed Interviews Due to Exigent Circumstances

Year	Race: Black	Race: White	Race: Other
2017-2018	100%	0%	0%
2018-2019	57%	14%	20%
2019-2020	0%	0%	0%
2020-2021	100%	0%	0%

In 2020-2021, it would appear that the percentage of Black screening committee members that missed interviews would be concerning. However, there was a total of 590 interviews with 3 interviews with exigent circumstances. Therefore, there was only 0.51%, or 3 out of 590, interviews that were impacted by exigent circumstances.

Pay Incentive

There were no new TOSA candidates, and no incentives were disbursed for certified personnel. Covid may have impacted pay incentives.

Recruitment of Minority Assistant Principals and Principals

Various initiatives and strategies were reported regarding the recruitment of Black assistant principals and principals during the 2020-2021 academic year:

- In 2021, a total of 18 classroom teachers were screened and included in the talent pool to be interviewed for administrative positions. Eight were Black and ten were White.
- In June 2021, nine teachers were selected and assigned to the role of assistant principal for the 2021-2022 school year. Seven were Black and two were White.

Racial Demographics of Certified Principals

Year	Race: Black	Race: White
2017-2018	28%	59%
2018-2019	43%	49%
2019-2020	47%	44%
2020-2021	51%	49%

Racial Demographics of Certified Assistant Principals

Year	Race: Black	Race: White
2017-2018	58%	39%
2018-2019	55%	44%
2019-2020	53%	44%
2020-2021	60%	40%

Data Trends and Analysis:

The percentage of Black principals remains well above the baseline percentage in 2017-2018 at 51% and has steadily increased over the last four years. The percentage of Black assistant principals has remained above 50% for the past 4 years. Although there has been a yearly decline in the percentage of Black assistant principals between 2017-2020, there was a 7% increase during the 2020-2021 academic year from the previous year. The

District should continue to monitor the fluctuation of the percentage of principals and continue to recruit from the talent pool of qualified teachers and through various job fairs.

Recruiting and Job Fairs

According to the District's recruiting and job fair data, Huntsville City Schools participated in 13 job fairs at various universities within the states of Alabama, Mississippi, and Tennessee. Two universities are identified as historically black colleges/universities: Alabama A and M University and Tennessee State University. It is understandable for Huntsville City Schools to pursue universities with high student minority populations. However, it is strongly suggested to pursue additional job fairs at local universities such as Athens State University, which produces the most degreed teachers who are certified in the state of Alabama. The College of Education at Athens State University was awarded a grant to fund the recruitment of minority males into the teaching field. This initiative is called the Men of Kennis Program and is spear-headed by Dr. Darlene Turner-White, grant recipient and Professor in the College of Education. This initiative may be a promising resource to Huntsville City Schools in the continuous improvement of recruitment minority teachers and possibly those that want to pursue a Master of Education in administration.

District-Wide Racial Demographics of Certified Teachers and Students

District-Wide Racial Demographics of Certified Teachers

Year	Race: Black	Race: White	Race: Other
2017-2018	28%	69%	3%
2018-2019	27%	70%	3%
2019-2020	28%	70%	2%
2020-2021	28%	69%	2%

District-Wide Racial Demographics of Students

Year	Race: Black	Race: White	Race: Other
2017-2018	40%	39%	22%
2018-2019	39%	38%	23%
2019-2020	39%	38%	23%
2020-2021	39%	37%	24%

In comparing the 2020-2021 data to previous academic years, the racial composition of the District's teacher and student populations has remained steady, varying by 0% to 2% each year.

Singleton Ratio

Description of the Singleton Ratio: *The District will maintain practices that assign classroom teachers such that the racial breakdown of teachers within each school reflects the District-wide average for the grade levels served by that school (e.g., the racial ratio of teachers within a given elementary school will be measured against the District-wide average for elementary school teachers) within +/- 15 percentage points.*

The following information is the district-wide racial demographics of students in the 3 grade levels.

District-Wide Racial Demographic Average of Teachers at Three Grade Levels

Grade Level	Race: Black	Race: White	Race: Other
Elementary	25%	73%	2%
Middle/Junior	27.55% (27%)	70.73% (71%)	1.72% (2%)
High	34%	64%	2%

District-Wide Singleton Ratios for Black Teachers at Three Grade Levels

Grade Level	Ratio Range
Elementary	10% to 40%
Middle/Junior	12% to 42%
High	19% to 49%

In comparing the Singleton Ratio for the district with individual schools at each grade level, the following conclusions were founded:

1. Elementary Schools: All 26 elementary schools met the minimum Single Ratio of 10% and one exceeded 40%. Montview Elementary School's Singleton Ratio was 43%.
2. Middle/Junior High Schools: Of the 11 middle/junior high schools, only one school did not fall into the minimum Single ratio of 12%. Challenger Middle School's Single Ratio was 11%. In addition, Ronald McNair Junior High School's Single Ratio was 54%.

3. High Schools: Of the six high schools, two of them were below the minimum requirement of 19%. Both Grissom and Huntsville High Schools had a Singleton Ratio of 17%. In addition, two high schools exceeded the district level Singleton Ratio of 49%. Columbia High School had a Singleton Ratio of 51% and Mae Jemison High School had a Singleton Ratio of 62%. Thus, only 2 of 6 high schools met the district-wide Singleton Ratio requirements.

Diversity, Equity, and Inclusion-Related Professional Development and Training

Huntsville City Schools included a variety of trainings, professional development such as Culturally Responsive Training Part I and II, Positive School Climate, Equity, Social Emotional Learning (SEL) video training. Some of the resources were provided through the Anti-Defamation League (ADL). According to their website, <https://www.adl.org/>, they provide anti-bias professional learning opportunities for educators and promotes an inclusive and equitable learning environment. In addition, Huntsville City Schools has adopted the ADL's *No Place for Hate*. Furthermore, on their website, it is described as "A student-led school climate improvement program that fits your school's unique culture and needs."

One observation of the data concludes that building administrators did not participate 100% of the time for the various trainings. The ESOL Module trainings which involves training regarding English Speakers of Other Languages, was missed the most. It's assumptive that building administrators were not required to attend the meetings which may have been attended for teachers only. However, there were some instances in which administrators did not attend the training. An example would include a training held on 9/22/2020 for Culturally Responsive Training for Whitesburg MS/ Huntsville Jr/ Mountain Gap ES. According to the data, no administrators were present. It is unclear how many professional developments are required for administrators and teachers. It is strongly encouraged that all stakeholders in Huntsville City Schools, including teachers, staff, school resource officers (SROs), and administrators participate in various trainings related to inclusive and equitable learning.

Teacher Feedback

In several meetings with teachers, they expressed concerns about certain principals who did not foster a collaborative environment amongst their staffs. These were career teachers with extensive experience (10+ years) and several had been in the same school for multiple years. These concerns range from:

- Hostile work environments where there were emotional outbursts
- Threatening teacher credentials over personal disagreements
- Lack of supports to foster learning environments (especially for special needs children)
- Refusal of (or selective) parental involvement within the school

Most of these inputs came towards the end of the year and personnel moves have been made by the District. The DAC will need to follow up to ensure that these teachers are not experiencing similar issues in the 22/23 school year and continue to build relationships with both teachers and administrators to address these concerns earlier.

Facilities (Dr. Nick Jones)

General Overview for Facilities

The most recent District Report indicates a slight shift in the District's assessment of progress toward meeting its obligations from the Facilities Section of the Consent Order. According to the District's Notice of Defendants' Filing from November 2018, "the District has completed all tasks in the Facilities section of the Consent Order" (Doc. 598, p. 38). The District's Notices of Defendants' Filing from 2019 and 2020 repeat this claim (Doc. 667, p. 46; Doc. 698, p. 38). By contrast, in its November 2021 Notice of Defendants' Filing, the District restricts its claims of completion to certain construction and renovation tasks while acknowledging ongoing progress in other areas relating to Facilities (Doc. 723, pp. 38-41). Specifically, the District claims that it has satisfied obligations relating to the construction of various schools, renovations of AAA and Martin King Luther, Jr. Elementary School, and SMALLabs—obligations that pertain to items A.1, A.2, A.3, and A.5 from Section VI of the Consent Order (Doc. 450, p. 68). The District claims ongoing progress in satisfying obligations relating to portables and playgrounds—obligations that pertain to items A.4 and B.3 from Section VI of the Consent Order (Doc. 450, pp. 68-69). The District provides no comment, in its November 2021 Notice of Defendants' Filing, on obligations that pertain to the remaining items B.1, B.2, and B.4 (Doc. 450, p.69).

Past DAC Reports display a similar shift in their assessment of the District's progress on its obligations in the Facilities section of the Consent Order. The DAC Report for 2017-2018 judged that the District had satisfied all of its obligations. The Subsequent DAC Report for 2018-2019 demurred from this judgment, and the DAC Report for 2019-2020 restricted itself to judging only that the District had satisfied all of its obligations relating to construction.

We judge that, at this point in time, more cautious judgments about the District's facilities-related progress are appropriate. There is good evidence that the District satisfies the obligations stated in items A.1, A.2, and A.3 by the end of Academic Year 2017-2018. There is also good evidence that the District satisfies at least part of the obligation stated in item A.5. We agree with the District that progress remains ongoing in relation to portables and playgrounds (items A.4 and B.3). We find a brief reference to Pillar IV of the District's Strategic Plan, in the Superintendent's 2018-2019 Response to "Facility" Findings, that might relate to items B.1 and B.2 (Doc. 651, p. 15). We find no comment, in available District Reports or Notices of Filing, relating to item B.4. Past DAC Reports also do not specifically address any of items A.5, B.2, or B.4.

We summarize this review of available reporting and documentation in the following tables. The first table addresses items under heading A in Section VI of the Consent Order; the second, items under heading B. We interpret maintenance-related concerns, from past DAC reports, as judgments of ongoing progress relating to item B.1. The marker “n/a” indicates that we find no prior information that specifically addresses the item. Question marks indicate uncertainty in attributing a view to the District.

VI.A	A.1	A.2	A.3	A.4	A.5
Past DACs	complete	complete	complete	ongoing	n/a
District	complete	complete	complete	ongoing	complete

VI.B	B.1	B.2	B.3	B.4
Past DACs	ongoing	n/a	ongoing	n/a
District	Pillar IV?	Pillar IV?	ongoing	n/a

Having reviewed attitudes toward the District’s progress on facility-related obligations, we focus the remainder of this section on four specific items from the Consent Order: A.4, A.5, B.1, and B.3.

Specific Items relating to Facilities

Playgrounds. Item VI.A.4 tasks the District with modernizing playground equipment at elementary schools in accordance with a priority list. We have no access to anything designated as a priority list or plan for modernizing playground equipment. We do, however, have access to several of the District’s 5 Year Plans for Capital Projects Funding. Those plans assign priority rankings to various facilities-related projects, and those projects include playground additions and renovations. The 5 Year Plan for FY2020-FY2025 lists Challenger Elementary School, Lakewood Elementary School, and Blossomwood Elementary School as prioritized (in that order) for playground renovations after Ridgecrest Elementary School (with priority numbers 25, 26, 27, respectively, for FY2022). The most recent 5 Year Plan, for FY2021-FY2022, omits Challenger Elementary School, moves Blossomwood Elementary School into highest priority, adds McDonnell Elementary School and Rolling Hills Elementary School, and moves Lakewood Elementary School into lowest priority (with priority numbers 13, 30, 34, 35, respectively, for FY2023). We note that, for schools that appear on both capital plans, the most recent plan reverses an earlier plan that prioritized a majority Black school (Lakewood) over a majority

White school (Blossomwood). We also note that the earlier plan omitted two schools that are not majority White (McDonnell and Rolling Hills) in favor of a school that is majority White (Challenger). Even if the priority rankings in the District's capital plans are not significant, and even if the current plan corrects earlier omissions, the situation is cause for some concern that the District's priority list for modernizing playground equipment does not always align with the District's obligations regarding item VI.A.4 of the Consent Order. Our concern here is tentative, because we acknowledge that playgrounds are subject to unexpected wear and tear. (This would help to explain earlier omissions and subsequent shifts in priority rankings, but it would not help to explain the omission of Challenger Elementary School's playground updates from the most recent capital plan.) So we encourage the District to revisit its policies for prioritizing playground modernizations as well as its policies for monitoring the quality of playgrounds in order to ensure an equitable distribution of maintenance and renovation efforts with playground modernization.

SMALLabs. Item VI.A.5 tasks the District with two obligations relating to Simulated Multimedia Arts Learning Labs) SMALLabs. The first is to ensure that all schools with Grade 7 and Grade 8 are fitted with a SMALLab. The second is to ensure that all SMALLabs are "of comparable quality." Regarding the first obligation, there is good evidence of completion. Whether this is also true of the second obligation depends upon the meaning of "comparable quality." There are two ways to interpret this phrase. According to the first, different labs are of comparable quality if the materials from which they are built are of comparable quality. According to the second, different labs are of comparable quality if their suitability for educational instruction is comparable. The first interpretation treats SMALLabs as material objects; the second, as educational spaces. The difference matters. Consider a (perhaps unrelated) example. Two playgrounds with identical equipment might have exactly the same equipment. But if one is for children with physical handicaps, and if the equipment is not handicap-accessible, the playgrounds will be of comparable *material* quality but not comparable *play* quality. Similarly, even if two SMALLabs have identical equipment, they might not be of comparable quality if the school served by one differs in some relevant and significant way from the school served by the other.

We have no reason to judge that the District's SMALLabs differ from each other in the quality of the materials used to build them. We have no comment on whether the District's SMALLabs remain of comparable quality several years after their original installation. This is for three reasons: wear and tear likely affects materials over time, and these effects might not be comparable at different schools; we find no information, in documents provided by the District, that addresses current material quality; and we did not manage to visit SMALLabs at various schools to inspect them for ourselves. We are also uncertain about whether the District has ensured that all SMALLabs are of comparable educational quality. We received an informal report that several SMALLabs are no longer in use. We distributed a brief electronic survey (using Google Forms) to administrators at schools with Grades 7-8, asking whether their school uses its SMALLab; of three responses, two indicated that they do, and one indicated that they do not. We do not have sufficient information available to determine whether variations in use of SMALLabs at different schools correlate with differences in the racial composition of the student

bodies at those schools. If it does, that would be grounds for concern that the District lacks effective policies to ensure that all SMALLabs are of comparable educational quality (and perhaps also comparable material quality).

A SMALLab typically includes an interactive surface augmented by an overhead mounted video projector, a 3-dimensional object tracking system, audio speakers, and trackable physical objects.¹ Some brief remarks from Superintendent Finley, during the April 19 Board of Education meeting, provide some reason to suppose that the District intended for SMALLabs to be a vehicle for expanding a version of its Entertainment Technology Academy (ETA) from schools in the feeder pattern for Huntsville High School to all feeder patterns. (These remarks occur between roughly the marks 01:12:00 and 01:14:00 in the recorded video for that meeting.) We are not sure what to make of these remarks, because as of AY 2021-2022, the ETA remains available, but only to schools in the Huntsville High School feeder pattern. So the elementary school-level preparation for SMALLabs does not track the extension of SMALLabs to all schools with Grades 7-8. Recent ETAs also seem to be successful in a way that SMALLabs are not. For example, in an application for the U.S. Department of Education Blue Ribbon Schools Program, Superintendent Finley mentions the ETA at Hampton Cove Elementary School as "a unique opportunity...to develop computational and critical thinking skills at an early age."

During the same remarks from April 19, and in the context of a discussion about SMALLabs, Superintendent Finley also mentioned that the District is planning to reconfigure and expand ETA into a district-wide computer coding program for all elementary schools. The apparent intention of this plan is to provide elementary students with exposure to computer science and computer engineering, thereby supporting eventual matriculation into high school engineering programs for career and technical education. We are uncertain about the role of SMALLabs, if any, for bridging the gap in this planned trajectory between elementary school and high school. Perhaps the plan is a vehicle for reinvigorating the use of SMALLabs. Or perhaps it is a vehicle for repurposing SMALLabs spaces. (The latter would be understandable, given the annual cost associated with calibrating SMALLabs equipment.) In either case, we recommend that the District revisit the use of SMALLabs—or SMALLab spaces—with attention to evidence-driven research on ways to improve middle school student achievement in science. We also encourage the District to consider how any such improvements affect item VI.B.2 of the Consent Order, because such improvements are likely to involve teaching technology, and because Pillar IV of the District's Strategic Plan does not include comparable treatment of school facilities as an explicit goal or priority (except insofar as the treatment concerns safety).

The SMALLab immersive environment is designed to facilitate student learning through multiple sensory modalities and to afford teachers experiential learning opportunities. Because the design supports collaborative learning, the environment is also expected to generate for students higher achievement outcomes, higher level reasoning, better retention, improved

¹ David Birchfield, Thomas Ciufo, and Gary Minyard, "SMALLab: A Mediated Platform for Education," *SIGGRAPH '06: ACM SIGGRAPH 2006 Educators Program* (2006), 33-es.

motivation, and better social skills.² Because these expected benefits are relevant to the District's ongoing efforts to address the racial achievement gap for its students, and because the District did not expand ETA to all elementary schools as part of its original plan with SMALLabs, there is some reason to suppose that the Consent Order includes the availability and quality of SMALLabs among the District's obligations, at least in part, for the sake of helping to address the lingering vestiges of racial segregation in the District's schools. So we also recommend that the District revisit the use of SMALLabs—or SMALLab spaces—with attention to evidence-driven research on ways to ameliorate racial achievement gaps among middle school students.

We offer two leads for pursuing this recommendation. The first is the Engineering is Elementary (EiE) Project, developed by Boston's Museum of Science, is a hands-on engineering curriculum for elementary students. There is evidence that EiE increases student engagement and decreases racial achievement gaps after implementation.³ Since AY 2016-2017, EiE is available through the Alabama Math, Science, and Technology Initiative (AMSTI). There is an AMSTI Center locally at The University of Alabama in Huntsville, and EiE is in use at Athens City Schools. We are not aware of Huntsville City Schools using EiE. If it does not, the District might consider bridging the gap between elementary school-level ETA and high school-level engineering programs by redirecting SMALLabs resources toward middle school-level EiE (or EiE-like) programming.

If the District envisions bridging the gap by extending EiE- or ETA-like programming into middle schools, we recommend that the District consult administrators at school districts that are pursuing similar initiatives. This brings us to our second lead. Elizabeth Forward School District (ESFD) in Allegheny County, PA has a program for middle schools that combines art, technology education, and computer science. This program feeds into a similar program for their high schools. The ESFD program is notable for overcoming struggles with enrollment that was predominantly male, thereby bucking a trend in which white males dominate involvement in STEM and Making-related initiatives.⁴ There is a similar trend of white male dominance in computing education.⁵ Moreover, there is some evidence that the specific design of computer science-related high school curricula has a significant impact on whether girls enter and persist in

² David Birchfield and Colleen Megowan-Romanowicz, "Earth Science Learning in SMALLab: A Design Experiment for Mixed Reality," *International Journal of Computer-Supported Collaborative Learning* 4 (2009), 403-421 at 405.

³ Lauren Causey, Shannon McManimon, and Emily Poster, "Modeling Collaboration for Learning: Selected Models of Educator Professional Development from the Science Museum of Minnesota," *Connected Science Learning* 1.2 (2016/2017). Citing C.P. Lachapelle, J. Hertel, M.F. Shams, and C.M. Cunningham, *Evaluating the Impact of Engineering is Elementary: Years 3 and 4 of Implementation in Minneapolis and Hopkins* (Boston: Museum of Science, Boston, 2013), p. 20, fig. 7.

⁴ Keith Trahan, Stephanie Maietta Romero, Renata de Almeida Ramos, Jeffrey Zollars, and Cynthia Tananis, "Making Success: What Does Large-Scale Integration of Making into a Middle and High School Look Like?", *Improving Schools* 22.2 (2019), 144-157 at 152-153 and 154-155.

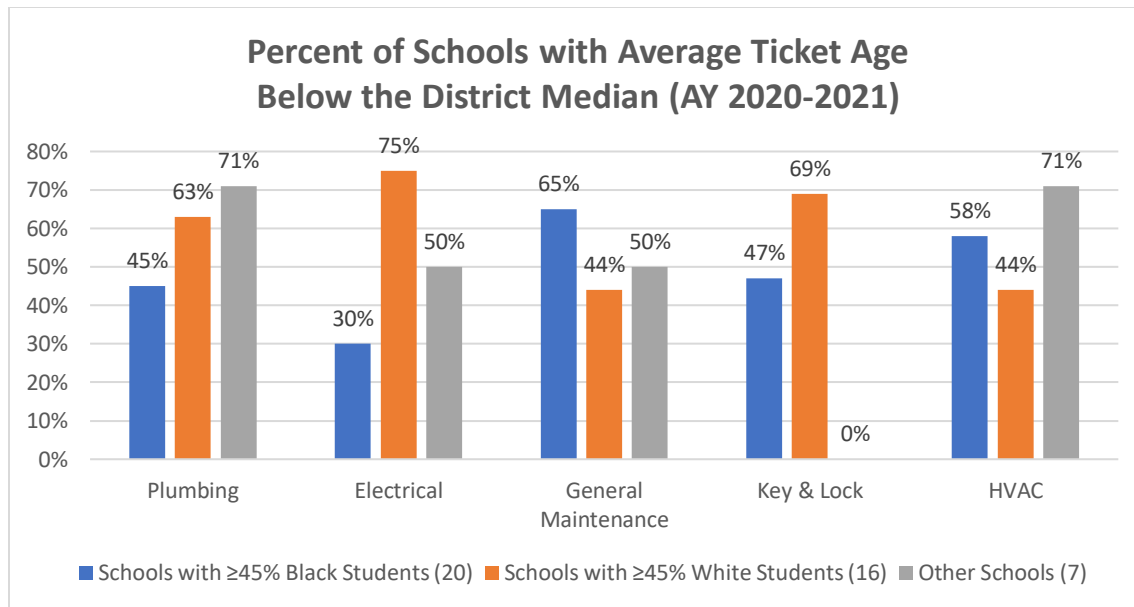
⁵ Amy Bruckman, Maureen Biggers, Barbara Ericson, Tom McKlin, Jill Dimond, Betsy DiSalvo, Mike Hewner, Lijun Ni, and Sarita Yardi, "'Georgia Computes!': Improving the Computing Education Pipeline," *ACM SIGCSE Bulletin* 41.1 (2009), 86-90.

computer science-related education after high school, and this raises concerns about whether there are similar impacts for Black and other minority students.⁶ So even if the District plans for a program that focuses on computer coding more than making, we believe consulting with ESFD—or a similar group, such as one associated with the “Georgia Computes!” alliance.⁷

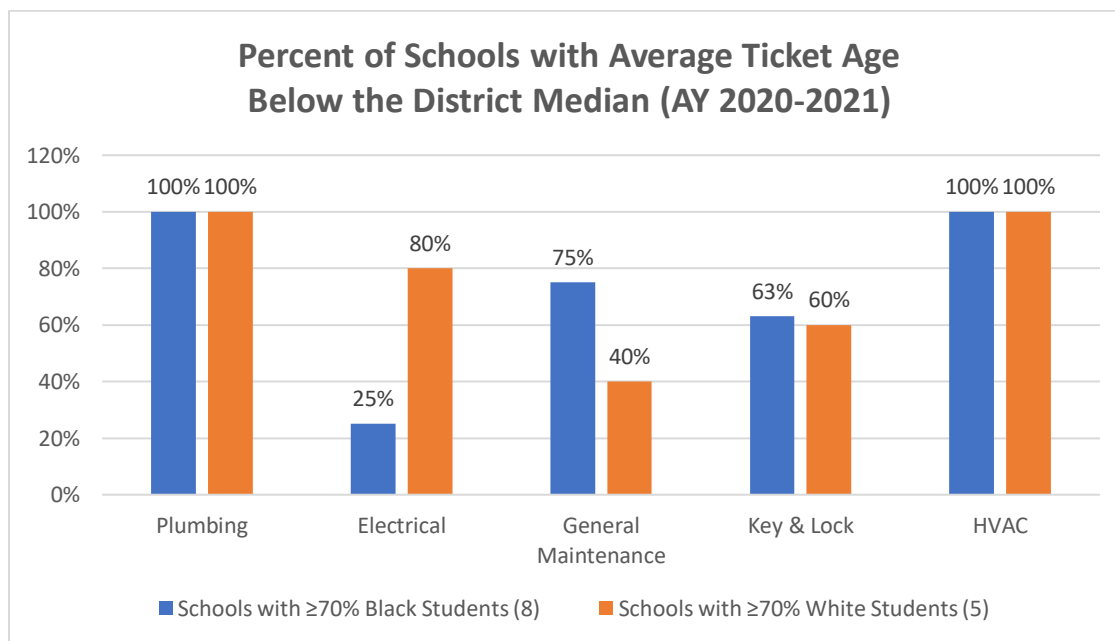
Renovation and Construction. Item VI.B.1 tasks the District with two obligations relating to renovation, replacement, and construction projects for schools and sections thereof. The first is to ensure that all such projects adhere to District-wide standards. The second is to ensure that areas affected by such projects meet the same quality standards, upon completion, as the District sets for newer schools. Regarding the first obligation, past DAC reports raised concerns about whether the District addresses facilities issues equitably. Several of these concerns pertain to maintenance issues (Doc. 651, p. 21; see also 2019-2020 and 2020-2021 DAC Reports). Beginning with the 2018-2019 report, the DAC requested that the District provide information about its maintenance procedures and policies. We are pleased to report that the District complied with this request during the past academic year. In November, we received quantitative information about the average time (in days) that work orders are completed, disaggregated by school and craft (plumbing, electrical, general, locksmithing, and HVAC). The District’s has a standard that aims for work orders to be completed within 15 days on average (Doc. 651, p. 54). Given this standard, we find no evidence of systematic bias between majority (>45%) Black schools and majority (>45%) White schools with respect to completion time for work orders. The following chart is the basis for this judgment.

⁶ Timothy J. Weston, Wendy M. Dubow, and Alexis Kaminsky, “Predicting Women’s Persistence in Computer Science- and Technology-Related Majors from High School to College,” *ACM Transactions on Computing Education* 20.1 (2020), 1-16 at 13.

⁷ Mark Guzdial and Barbara Ericson, “Georgia Computes! An Alliance to Broaden Participation across the State of Georgia,” *ACM Inroads* 3.4 (2012), 86-89/



Focusing on schools in which demographics are more extreme ($\geq 70\%$ Black or $\geq 70\%$ White), there also does not seem to be systematic bias between schools with $\geq 70\%$ Black students and schools with $\geq 70\%$ White students. The following chart is the basis for this judgment.



In February, the District also arranged for members of the DAC to meet with maintenance staff. The staff explained their procedures for receiving and addressing work orders. There is no explicit racial bias in these procedures. Our understanding is that, in at least some cases, solutions to work order requests are temporary patches for more systemic issues, and some persisting issues facing the District include needs for funding that is not available and restrictions

on how specific funds may be spent. (One example of this, for the sake of illustration, is receiving a work order to repair a toilet and completing the repair only to have the toilet malfunction again.)

We acknowledge that funding issues are endemic in public education. But we believe that the Consent Order is relevant to District's efforts to ameliorate or manage these systematic issues with facility maintenance. Part of the context for the Consent Order is prior direction from the Court for the District to pursue equity in facilities (Doc. 449, p. 5). The Consent Order also frames equitable facilities as relevant to ensuring that students have equal access to a quality education (Doc. 450, 71). According to an October 2014 *Dear Colleague* letter from the Assistant Secretary at the U.S. Department of Education's Office for Civil Rights, "Research has shown that the quality and condition of the physical spaces of a school are tied to student achievement and teacher retention."⁸ The same letter also indicates that differences among school facilities contribute to race-based differences of educational outcome regardless of how old the school facilities are. So although *Dear Colleague* letters provide guidance on the interpretation and enforcement of existing law but do not create new legal obligations, and although VI.B.1 does not explicitly mention equity in facility maintenance, there is good reason to suppose that procedures for addressing systematic issues with facility maintenance—including procedures for allocating capital funding to school renovations and replacements—are within the scope of the spirit of item VI.B.1. We thereby encourage the District to consider revising its work order procedures in ways that help to better inform budgeting decisions. For example, for the sake of better identifying systematic issues with facility maintenance that might affect facility equity, the District might adopt a procedure for designating certain work order tickets as recurrent. The District also might adopt a procedure for reclassifying a work order from a ticket to a project. (Tickets are handled through the District's work order system; projects, through capital fund planning.)

Regarding the second obligation in VI.B.1, the main focus of the most recent DAC reports has been renovation and construction at Highlands Elementary School. The AY 2020-2021 DAC Report requested that the District provide investigate causes for the displacement of Highlands students to the Calvary Hill campus at the beginning of the school year, as well as the District's plans for avoiding similar displacements in the future. The Superintendent's Response to this report attributes the cause to miscommunication with custodial staff and an overreaction, by the District, in response to community misperceptions and confusions about the safety of the Highlands building. (This view coheres with subsequent communications between District representatives and members of the DAC.) The Superintendent's Response also mentions the District's construction phase management process, and in particular the policy of shifting students to alternative rooms when the roof above their classroom is under construction.

With respect to staff miscommunication, to the best of our knowledge, in July 2021 there was one full-time custodian assigned to the Highlands campus. We lack the expertise about custodial

⁸ For a brief overview of peer-reviewed evidence on the connection between facility quality and student achievement, see Mary Filardo, Jeffrey M. Vincent, and Kevin J. Sullivan, "How Crumbling School Facilities Perpetuate Inequality," *Phi Delta Kappan: The Professional Journal for Educators* 100.8 (2019), 27-31.

work and information about the state of the Highlands building during May, June, and July 2021 to judge whether one month (roughly) is sufficient time for one custodian to prepare the building for the opening of the school year. Since the District tasks the Operations Directorate with maintaining holistically sustainable learning environments, we recommend that the Operations Directorate develop procedures to ensure that its Maintenance Department and relevant custodial staff receive and acknowledge information about special duties and timelines arising from building renovation projects.

With respect to community misperceptions, the DAC distributed a survey to parents/guardians of Highlands students. The survey contained questions about perceptions regarding the relocation to the Calvary Hill campus, as well as perceptions regarding the eventual return to the Highlands campus. Participants were asked to rank their agreement with a series of prompts using a Likert scale (1 = strongly disagree, 4 = strongly agree), and survey results were subsequently shared with a District representative. The first set of questions asked whether the District provided a satisfactory explanation of the decision to relocate, of whether the District was honest and transparent about the reasons for relocation, about whether there was agreement with the decision, and about whether the relocation had no significant impact on their family. Of 62 responses received, the average response was “disagree.” The other set of questions asked whether there is confidence that the renovated Highlands campus will be in good condition, whether there is a preference to return to the Highlands campus sooner rather than later (the survey was distributed during the Fall semester, before the District announced its plans for the Spring semester), and whether there is a preference for longer but more extensive renovation. Of 62 responses received, the average response was “agree.” Based in part upon these survey responses, members of the DAC recommended to the District that the District increase the frequency and detail of its communications to community members during all phases of construction and renovation projects. These recommendations included communicating information about delays as well as information about in-progress status. We commend the District for its subsequent work with the Highlands PTA to provide the Highlands community with several detailed updates about the status of construction and renovation efforts at the Highlands campus. We encourage the District to adopt a similar communication strategy at other schools undergoing renovation, and even to err on the side of over-communicating with relevant community members.

With respect to confusions about building safety, our understanding is that the Highlands building, prior to renovation, was unique within the District for its (internal) ceiling being identical to its (external) roof. (This would help to explain why, in late July 2021, dust and other particulate material were collecting on internal surfaces that were not below areas of roof construction. If there were no ceiling separate from the roof to act as a barrier between the roof and the building interior, construction disturbances to one section of the roof would displace particulates directly into the building interior.) Several buildings within the District predate the year 2013—the year in which the District developed its construction phase management process. We thereby recommend that the District review this management process to ensure that it is appropriate for older building structures.

Portables. Item VI.B.3 tasks the District with two obligations relating to the use of portables. The first is to eliminate from use, before AY 2017-2018, any portable that was in use during AY 2014-2015. The second is to use further portables only as necessary, and only as an interim solution. Regarding the first obligation, there were four portables in use during AY 2014-2015: one at Martin Luther King, Jr. Elementary School, one at McDonnell Elementary School, two at University Place Elementary School, and three at Ridgecrest Elementary School (Doc. 463-1, p. 20; Doc. 507-3, p. 3).⁹ By AY 2016-2017, only the three portables at Ridgecrest Elementary School remained in use (Doc. 507-3, p. 3). By AY 2017-2018, only one of these remained in use (Doc. 569-3, p. 3). By AY 2018-2019, none of the portables that had been in use during AY 2014-2015 remained in use, and moreover none were in use at any schools within the District (Doc. 637-3, p. 4). Hence, although the District did not meet the timeline specified in the Consent Order for this obligation, we judge that the District has in fact satisfied this part of item VI.B.3.

Regarding the second obligation in VI.B.3, there were no portables in use during AY 2018-2019, and only one in use—for the District’s culinary arts program at the U.S. Space and Rocket Center—in AY 2019-2020 (Doc. 667-55, p. 4). This portable remained the only portable in use for AY 2020-2021 (Doc. 698-7, p. 3). It also remained in use for AY 2021-2022, in addition to thirteen new portables at various schools throughout the District (Doc 723-7, p. 3). In its November 2021 Notice of Defendants’ Filing, the District introduces new language to describes portables—“modular buildings”—but discusses neither the causes for the sudden rise in its use of portables nor policies relating to ensuring that these portables are only an interim solution (Doc. 723, p. 39). For this reason, we find no reason to disagree with the District’s claim of ongoing progress as it relates to this obligation. Nor do we find reason to agree, because the idea of progress implies a principled plan of action and we have not acquired documentation for such a plan.

In terms of recommendations, we encourage the District to explicitly integrate considerations about educational achievement and racial equity, as well as considerations about M-to-M transfer capacity, into plans for ameliorating the current and future use of portables. There is some peer-reviewed evidence that small-sized elementary schools (fewer than 400 students) best support student learning in mathematics and felt responsibility among teachers for student outcomes.¹⁰ These effects are likely indirect: elementary schools with smaller enrollment likely facilitate more frequent and personalized social interactions among school members, and these interactions likely facilitate student achievement and collective responsibility. There is also some empirical evidence that middle-sized high schools (600-900 students) best support gains in

⁹ Document 463-1 does not mention any portables in use at Ridgecrest Elementary School during AY 2014-2015 or AY 2015-2016. But Document 507-3 does (cf. Doc. 569-3, p. 3; Doc. 637-13, p. 4; Doc. 667-55, p. 4). Charitable interpretation suggests that accidental omission of portables at Ridgecrest Elementary in the District’s earlier documentation. Note that Sonnie Hereford Elementary School replaced University Place Elementary School for AY 2016-2017.

¹⁰ Valerie E. Lee and Susanna Loeb, “School Size in Chicago Elementary Schools: Effects on Teachers’ Attitudes and Students’ Achievement,” *American Educational Research Journal* 37.1 (2000), 3-31.

mathematics and reading over the course of high school, and that this is especially so for schools that enroll more disadvantaged students.¹¹ These effects are also likely indirect: when enrollment is too high, high schools lose the benefits that come from more personalized social interactions among school members (as with elementary schools), and students are less likely to share common social and academic experiences; but when enrollment is too low, high school students risk struggling to live down social or academic infelicities and negative reputations of their siblings or parents, and teachers are more often assigned to teach beyond their specializations.¹²

Although the District's report on portables groups together elementary and middle schools, none differ significantly in the racial composition of their elementary and middle school students for AY 2021-2022. Goldsmith-Schiffman, Hampton Cove, and Grissom are majority (>45%) White. Morris and Whitesburg are neither majority White nor majority Black. In terms of the above empirically-supported recommendations about optimal school sizes, all schools with portables except Whitesburg Elementary School exceed the recommendation cited above.

	AY 2021-2022 Size	Recommended Size (Lee and Smith 1997)	AY 2021-2022 Portables
Goldsmith-Schiffman ES	917	< 400	2
Hampton Cove ES	708		3?
Morris ES	453		2?
Whitesburg ES	314		2?
Hampton Cove MS	720	n/a	3?
Morris MS	438		2?
Whitesburg MS	575		2?
Grissom HS	1921	600-900	4

We believe that the use of portables at these schools is due primarily population increases among families zoned for the schools, with some secondary contribution from M-2-M demand by families not zoned for the schools. The bases for this judgment are tallies of the number of M-2-

¹¹ Valerie E. Lee and J.B. Smith, "High School Size: Which Works Best, and For Whom?", *Educational Evaluation and Policy Analysis* 19.3 (1997), 205-227.

¹² Douglas D. Ready, Valerie E. Lee, and Kevin G. Welner, "Educational Equity and School Structure: School Size, Overcrowding, and Schools-Within Schools," *Teachers College Record* 106.10 (2004), 1989-2014 at 1992-1994.

M requests that involved denying transfer to a specific school, and of the number of M-2-M transfer requests offered and accepted for a specific school. (The first tally counts requests that were denied in their entirety as well as requests that were offered for a school that was not the first or second request. Together with the second tally, these counts provide a rough estimate for total M-2-M transfer demand for specific schools during AY 2021-2022.)

AY 2021-2022	Portables	Transfer Requests Denied to Specific School	Transfer Requests Accepted	Total Transfer Requests
Goldsmith-Schiffman ES	2	6	3	9
Hampton Cove ES	3?	7	6	13
Morris ES	2?	3	0	3
Whitesburg ES	2?	17	7	24
Hampton Cove MS	3?	7	6	13
Morris MS	2?	11	0	11
Whitesburg MS	2?	18	11	29
Grissom HS	4	23	14	37

We understand that each portable accommodates 25 to 30 students. (This understanding derives from the 2020-2021 DAC Report.) Our rough estimate of total M-2-M transfer demand for specific schools indicates that M-2-M transfer demand, by itself, would account for roughly 5 of 20 portables at schools during AY 2021-2022 if no requests were denied due to lack of space.

The 2020-2021 DAC Report noted that some uncertainty about the District's plan or policy for ensuring that portables are only an interim solution. The Superintendent's Response to that report noted that the District aims to ensure that the use of portables does not segregate or disadvantage any group of students, and that the District is working with a demographer and the City's administration to address spikes in student population. M-2-M transfers are part of the District's strategy for integrating the student bodies of schools located beyond the center of the District (Doc. 449, p. 17). Insofar as at least some of the need for portables is due to M-2-M transfer demands, we recommend that the District not only aim to ensure that the use of portables does

not segregate or disadvantage any group of students, but also, when responding to demographic changes, also aim to ensure that plans to ameliorate the use of portables give due attention to M-to-M transfer demand in ways that support the integration of student bodies throughout schools in the District.

Capital Planning. We conclude this section with some remarks about capital planning. Capital planning has been raised by community members in the context of concerns about facilities. For example, one parent and PTA officer contacted us about when expressing concerns about roof leaks and mold concerns at her childrens' school, wrote,

It appears that almost everywhere that we look needs maintenance/repair or remodeling.... [I]t appears that the resources are available to take from the schools that have updates already and give them to the schools that haven't been fortunate enough to receive updates as of yet. Please ensure that [my childrens' school] receives the necessary and much deserved repairs to safely thrive sooner than later.

(District representatives received a copy of the email expressing these concerns.)

Capital planning affects the District's approach to several facility-related obligations from the Consent Order. It affects the prospects for revising the use of SMALLabs, insofar as such revisions—like the original funding for SMALLabs equipment—require significant financial investment. It also affects the way in which the District pursues its plans to modernize playgrounds, renovate old buildings, construct new buildings, and ensure that portable use is only an interim solution. So although the Consent Order does not impose upon the District specific obligations for capital planning, the District's policies and procedures for capital planning are relevant to assessing the District's good-faith commitment to operating in a non-discriminatory manner after federal supervision ends (cf. Doc. 675, pp. 3, 6).

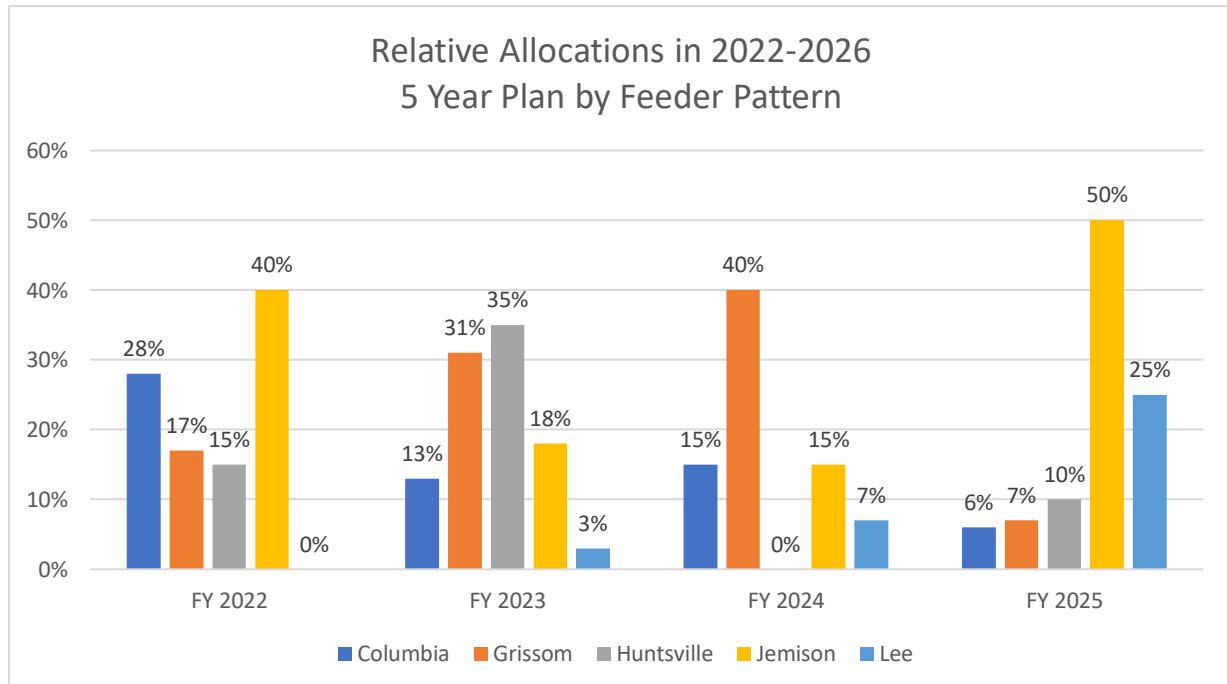
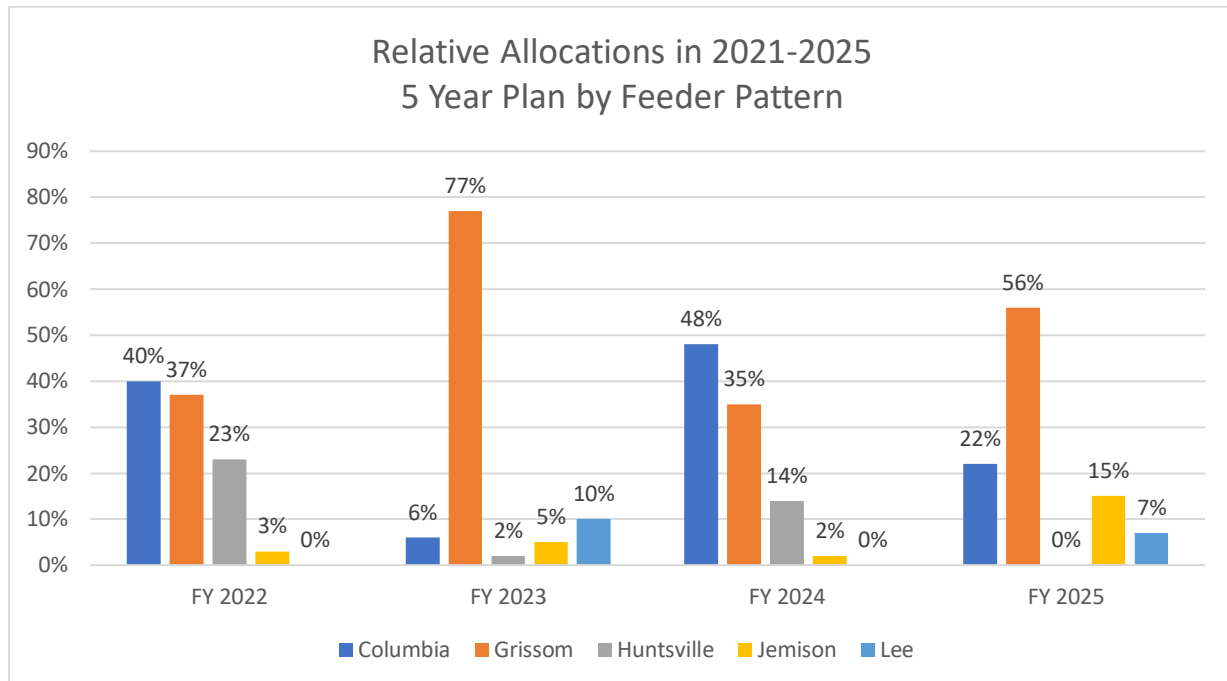
We understand capital plans as planning documents that help to inform specific budgeting decisions, rather than as firm commitments for allocating funds. Even so, they provide at least some indication of commitments. Moreover, there is some evidence that, when acted upon, commitments of funding and other resource allocations risk supporting or enhancing racially segregated schools.¹³ There is also evidence that schools districts have it within their power to allocate resources in ways that reduce or prevent racial segregation of schools.¹⁴

The District's 5-year plans for FY 2021-2025 and FY 2022-2026 are available to the public. For the sake of examining concerns about budgeting received from the community, and because we suspect that demographic growth in Huntsville is a significant factor in budgeting, we analyzed these plans to determine how much each plan allocates to different feeder patterns each fiscal

¹³ For a survey of some relevant social and legal history, see Lauren Mittan, Nikhil De, and Philip Tegelar, *State Support for Local School Construction: Leveraging Equity with Diversity* (Poverty & Race Research Action Council, August 2020).

¹⁴ For a relevant case study involving schools in Nashville, Tennessee, see Adam Gamoran and Brian P. An, "Effects of School Segregation and School Resources in a Changing Policy Context," *Educational Evaluation and Policy Analysis* 38.1 (2016).

year. The tables below visualize the results of this analysis for the FY 2021-2025 and FY 2022-2026 plans, respectively.



The allocations in the FY 2021-2025 plan seem mainly to track feeder patterns in which there is substantial actual or anticipated demographic growth and/or significant M-to-M transfer demand.

The FY 2022-2026 plan, by contrast, seems to indicate a shift toward distributing resources more broadly across feeder patterns. (The table for 2022-2026 plan omits FY 2026, which shows allocations of 41% to schools in the Columbia High feeder pattern, 50% to schools in the Grissom High feeder pattern, and 9% to schools in the Huntsville High feeder pattern. These allocations seem mainly concerned with demographic growth for communities in these feeder patterns.)

Echoing the parent concerns expressed in the above quotation, we encourage the District to balance demography-motivated budgeting with a commitment to operating in a non-discriminatory manner. We bring to the District's attention three relevant recommendations from the Poverty & Race Research Action Council.

- Conduct or require an impact analysis/equity assessment of any school construction or expansion proposal on school diversity and segregation in the region.
- Prioritize limited state aid for school construction/renovation that will promote diversity.
- Coordinate school construction and diversity policies with affordable housing policies.¹⁵

Summary of Recommendations relating to Facilities

1. Revisit policies for prioritizing playground modernizations as well as its policies for monitoring the quality of playgrounds in order to ensure an equitable distribution of maintenance and renovation efforts with playground modernization. (VI.A.4)
2. Revisit the use of SMALLabs—or SMALLab spaces—with attention to evidence-driven research on ways to improve middle school student achievement in science. (VI.A.5)
3. Consider revising procedures for handling work order in ways that help to better inform budgeting decisions. For example, adopt a procedure for designating certain work order tickets as recurrent; or adopt a procedure for reclassifying a work order from a ticket to a project. (VI.B.1)
4. Have the Operations Directorate develop procedures to ensure that its Maintenance Department and relevant custodial staff receive and acknowledge information about special duties and timelines arising from building renovation projects. (VI.B.1)

¹⁵ Lauren Mittan, Nikhil De, and Philip Tegelar, *State Support for Local School Construction: Leveraging Equity with Diversity* (Poverty & Race Research Action Council, August 2020), 12.

5. Increase the frequency and detail of communications to relevant community members during all phases of construction and renovation projects, including communicating information about delays as well as information about in-progress statuses. (VI.B.1)
6. Review the construction phase management process to ensure that it is appropriate for buildings constructed prior to 2013. (VI.B.1)
7. Integrate considerations about educational achievement and racial equity, as well as considerations about M-to-M transfer capacity, into plans for ameliorating the current and future use of portables. (VI.B.3)
8. When responding to demographic changes, aim to ensure that plans to ameliorate the use of portables give due attention to M-to-M transfer demand in ways that support the integration of student bodies throughout schools in the District. (VI.B.3)

Student Discipline, Positive School Climate, Effective Classroom Management (Navid Foroughi)

This area of the Green Factors has seen little improvement since the consent order was issued. Black Students represent 39% of the student population across Huntsville City Schools. Black Students are disciplined at higher rates across all stages of the Discipline matrix.

Examples:

- Bloom ODR (Includes ES, MS, HS).
 - Black students 3% more likely to be disciplined in comparison to White and Other students combined.
- In-School Suspensions
 - Black students 1% more likely to be disciplined in comparison to White and Other students combined.
- Out of School Suspensions
 - Black students 1.2% more likely to be disciplined in comparison to White and Other students combined.

One detail to note is that there is a general consensus that Covid has impacted the total discipline numbers and that as we move through this impact we may see a negative swing within the area of discipline, due to students attending school as normal pre-covid.

We have received reports from various discipline issues and how schools handled them. A specific issue at the end of the year occurred in Hampton Cove MS. A DAC member was present at a parent/principal conference and heard the complaint of a family who felt there was direct bias in the handling of discipline with their child. The general issue seems to be a lack of communication by administration with the parents.

A meeting was held with Dr. Smith (Chief Equity Officer, HCS) to review various aspects of the consent order and actions currently being taken by the school board. One key aspect was hiring an outside expert around discipline. The school system informed DAC that a contract has been signed with an expert from the University of Alabama in Tuscaloosa. The DAC is looking forward to seeing how this expert helps to move the needle in the handling of discipline by teachers and administration.

One key component that DAC members called for was more clarity on the discipline data. Currently the data are very general and do not clarify the true nature of how equitable the discipline infractions are being handled between the student population (black, white, and other). We are hoping that an effort is made by the school administration to provide the DAC more clarity or information to be able to do a deeper dive in neutrality in how discipline is handed out.

Transportation (Christopher Gregory)

The commitment to providing transportation for students in Huntsville City Schools is a core component of school integration. Because of the racial demographic distribution in the city, transportation is critical for programs such as M-2-M, and the Magnet Schools. HCS has already obtained unitary status in Transportation. Consistent with the Consent Order, the DAC will still report and make the court aware of any issues that may arise with the particular factor.

Findings

During the Curriculum Showcase in March 2022, the DAC had a booth setup and received many visitors to our table. One of the more significant interactions were with the employees of Apple Bus Company. The drivers expressed concern that many of them were required to run multiple routes during the daily morning and evening rotations, which would cause children to be late to school. In conversation with several high school principals, they mentioned that this bus tardiness directly affected the security of their school due to many students waiting outside with minimal security staff. Additionally, this tardiness had a disparate effect on black students who, as the primary bus riders in their school, lost instructional time due to late buses.

Another point of consideration was the dissatisfaction of M2M parent and students with transportation. According to the survey results in document II.D.8.b,2 M2M Spring 2021 Results, 33% percent of students and 39% of parents were dissatisfied with the bus transportation to and from my student's school. M2M student concerns included a desire for students involved in extracurricular activities such as sports to have transportation provided. This was also heard from a sports team at Columbia that had multiple students quit a team due to (among other reasons) lack of transportation. Another frequent complaint was that M2M students should be picked up from their home and not their zoned school.

Recommendations

The DAC does not offer a recommendation of decreasing the ride time for M2M students but would encourage the school to investigate and provide statistics on ride times for each route and look for ways to address routes with high tardiness to and from the school. Additionally, future contracts with bus systems should include verbiage that mitigates risk of tardy buses.

EXHIBIT B

Christie Finley
Superintendent



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Superintendent's Response to the Desegregation Advisory Committee's 2021-2022 Annual Report

Introduction

First and foremost, I want to thank the members of the 2021-2022 Desegregation Advisory Committee ("DAC") for their hard work. One of the DAC's most important tasks is completing an annual report that provides insight into the Huntsville City Board of Education's ("District" or "Board") implementation of the Consent Order. I know that completing this report is an arduous task. I was extremely impressed with the level of detail and thought that was put into the 2021-2022 DAC's annual report. The level of hard work, dedication, and commitment evident in this report is reflective of the DAC members passion for this community, this school system, and the many students we serve every day.

The Consent Order requires the DAC to "advise the Superintendent and to inform the Court through this process about its assessment of the implementation of the terms of the Consent Order." (Doc. 450, p. 86). The DAC assesses the District's implementation by conducting public meetings, soliciting community feedback, and, when necessary, seeking information from the District. The Consent Order requires the DAC to complete an "annual report" to the Superintendent regarding the District's implementation of the Consent Order. (Doc. 450, p. 89). The Consent Order requires me to provide "commentary" on the DAC's report and present that commentary to the Huntsville City Board of Education at a public meeting.

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(Doc. 450, p. 89). The remainder of this response will consist of my commentary on the DAC's report following the order the issues are presented in the DAC report.

Before getting into my commentary, I want to emphasize that I consider and review all of the DAC's comments and concerns. Below, I have provided a summary of the comments in each section of the DAC report along with my commentary. Generally, my comments only touch on the DAC Report's main points or an issue of particular interest or concern to me. Importantly, even if I do not specifically address a comment or feedback from the DAC below, I have reviewed and will consider all of the DAC's comments, data analysis, and recommendations.

I. Superintendent's Response to Chair's Comments

Summary of Comments:

- The Huntsville community needs to "re-engage" and work together to find creative ways to address areas of inequity in education, extracurricular activities, and teacher supports.
- The District should make additional efforts to establish community partners than can help produce a sustainable mentoring program at the elementary level.
- There needs to be increased collaboration between the District and local colleges regarding best practices for teachers in the classroom. This would allow local colleges to share advice on new strategies and the District to share feedback regarding what is working locally.
- The DAC would like more opportunities to speak directly with teachers and administrators.

Response:

I thank the Chair of the DAC, Chris Gregory, for his hard work and dedication. Mr. Gregory handled his duties as chair with the utmost professionalism and integrity. I was extremely impressed with Mr. Gregory's leadership and willingness to engage in conversation



with the community. Mr. Gregory went above and beyond in his work as DAC chair, especially with his work to “re-engage” and rebuild the DAC’s relationships with community members and local organizations. This work will have a lasting and important impact on the long-term success of the DAC. I sincerely appreciate all of Mr. Gregory’s work and look forward to his continued involvement on the DAC.

I agree with Mr. Gregory that parental involvement is a critical component of student success. I would welcome community organizations to work with the District to help establish sustainable and beneficial mentorship programs at all of the District’s elementary schools. It is impossible to overstate the impact a positive mentor can have on a child’s life. A mentor has the ability to open a student’s eyes to new experiences and new opportunities while also providing support and a safe space for honest conversation.

I have taken all of Mr. Gregory’s recommendations to heart and will brainstorm with my team regarding his thoughts and ideas. I appreciate the DAC’s willingness to engage in conversation with the Board’s teachers and administrators. I believe the many conversations and meetings that occurred between the DAC and my team were extremely beneficial. I will continue to encourage teachers, staff, and administrators to engage with the DAC. I will continue to do my best to foster an open, honest, and transparent relationship with the DAC. I am also working with my team on finding time for the DAC to speak at some of the monthly meetings I hold with my principals throughout the school year.



II. Superintendent's Response to Student Coordinator Comments

Summary of Comments

- Students are concerned that late bus arrivals are causing many students to miss class instruction and announcements.
- Students are concerned about lack of engagement during Enrichment. The Student Coordinators propose implementing a hybrid system that involves alternating Enrichment with the former Power Hour. Students want to balance dedicated club time with standardized test preparation.
- While students were pleased with the District's efforts to foster a positive and collaborative atmosphere, students are concerned about disparities in student discipline. Students are also concerned about how some administrators have handled discipline issues, such as locking bathrooms to prevent skipping class.

Response:

The student DAC members play an important role on the DAC. The student DAC members are in our schools every day and provide valuable, on-the-ground insight into the District's implementation of the Consent Order. In this DAC report, I was especially impressed with the Student Coordinator's thoughtful, well written, and helpful comments. Our District is blessed to have such wonderful and intelligent students that are willing to serve in leadership positions. I applaud the student DAC members for their work and commitment.

I am concerned by some of the information provided in the Student's Comments. For example, it is unacceptable for a school administrator to lock restrooms as a way to prevent skipping. I have asked my team to investigate this concern and address this issue with our school leaders. I am also concerned by the comment related to the insufficient number of required clubs caused by lack of administrator support. I will address this with our school leaders. It is



important that students in our extracurricular clubs feel welcomed and supported. These extracurricular opportunities play an important role in providing unique learning and engagement opportunities for students.

Unfortunately, school transportation has been an issue nation-wide. School districts across the United States are struggling with bus driver shortages and lack of critical support staff. Nonetheless, my team has done its absolute best to ensure that transportation is provided in an equitable manner that ensures all buses arrive safely and on-time. It is worth noting that, in 2021-2022, the District's on-time rate for school buses District-wide was 96.9%. Still, the driver shortage and support staff shortages has had an impact on bus routes. I have shared the Student Coordinator comments with the District's Transportation Coordinator, Scott Gillies. I will work with Mr. Gillies to brainstorm next steps. In addition, I am working with the District's Director of Operations, Dr. Jeff Wilson, to establish a Transportation Task Force.

Again, I will consider all of the Student Coordinators' comments, even if not addressed directly above. I appreciate all of the valuable feedback and input.

III. Superintendent's Response to "Student Assignment" Findings

Summary of Findings

- The DAC is concerned by the increased number of denials due to space in the District's Majority-to-Minority (M-to-M) transfer program. The DAC notes that facility capacity directly impacts the M-to-M program. The DAC is concerned that continued growth in the City of Huntsville will negatively impact the availability of M-to-M transfers.
- The DAC recommended that the Consent Order be amended to allow students on a M-to-M transfer that are feeding into a new school in their feeder pattern be allowed to
-



transfer, without regard to capacity, so that the student could follow their classmates to the next level school.

Response:

Thank you to Ms. Lewis and the DAC for their work and recommendations related to student assignment. There are two issues that I want to address directly. First, the DAC is correct that school capacity impacts the availability of Majority-to-Minority (“M-to-M”) transfers. I share the DAC’s concerns about the District’s capacity issues. It is something I think about often. As the Superintendent, I have to ensure that the District has and maintains adequate facilities to meet the educational and extracurricular needs of our students. This includes ensuring that our schools maintain adequate capacity to serve the students within each school zone. To that end, I have been working with my team and a team of outside experts in facility planning to identify facility needs. The goal of this process is to develop a thorough and targeted construction and renovation plan for the District tied to bond issues for capital projects approved by the Alabama legislature. When this process is complete, I will share my team’s plans publicly with the Board of Education, the DAC, the United States, and the community at large.

The DAC proposed allowing students to automatically continue their M-to-M transfer to the next level zoned school. Currently, this is not an option under the Consent Order because of concerns related to capacity and overcrowding. It is important to note that the Consent Order does provide students seeking M-to-M transfers to the next school in their feeder pattern priority for receiving M-to-M transfers over other students. In other words, where M-to-M transfers are



available, these students attempting to feed into the next school are given priority and selected first. This priority is discussed in Section II.D.1.d.(1)-(2) of the Consent Order. Additionally, whenever possible, my team errs on the side of granting as many M-to-M transfers as possible while considering a school's capacity. For example, if there is ever a mistake in an application that impacts a student's M-to-M transfer, we grant the transfer even if the school is at capacity when the mistake is discovered.

IV. Superintendent's Response to "Equitable Access to Course Offerings and Programs" Findings

Summary of Findings

- The DAC is concerned that "unfair personal beliefs, prejudices, using one's likes or dislikes, as well as possible favoritism from the person referring the students" may be preventing Black students from being referred or selected for Gifted programming.
- The DAC believes there is an error in the formula the District uses to calculate academic proficiency. The DAC believes the District is overstating proficiency for Black students and understating proficiency for White students. The DAC recommended that the District update the formula used to calculate proficiency rates.
- While the DAC remains concerned by the achievement gap between Black and White students, the DAC commended the District for its efforts to address low proficiency rates in English and math among black students.
- The DAC recommended that the District review and consider modifying the AP courses offered at Lee High School and Jemison High School. The DAC noted that AP Statistics and AP Psychology, not offered at Lee High School and Jemison High School, had higher enrollment at other high schools in the District.
- In order to improve attendance at the District's outreach events, the District should work to build trust with families. The DAC believes lack of trust and feelings of intimidation negatively impact attendance at outreach events.



Response:

I want to thank Ms. Wilmer and the DAC for their hard work on this report. It is clear to me that Ms. Wilmer dedicated herself to analyzing the District's implementation of the Consent Order. I appreciate her efforts. I was sincerely impressed with her report. I also want to thank her for her willingness to engage in conversation and reach out to District staff to ask questions.

Ms. Wilmer raised a concern about a possible calculation error in the District's data regarding student proficiency on the Alabama ACAP assessment. I have reviewed her comments, reviewed the information she was provided, and reviewed the District's internal proficiency calculations for the ACAP assessment. At this point, my belief is that the District's calculations of student proficiency are correct and consistent with data provided by the Alabama State Department of Education. However, I will plan to have someone from my team speak with Mrs. Wilmer and the DAC to ensure the District is accurately reporting its student proficiency data.

I also want to take a moment to highlight a big success for the District in 2021-2022 – gifted identification. Since the implementation of the Consent Order, the District has worked tirelessly to increase equity in its gifted identification and gifted referral process despite state regulations that hinder our efforts. In 2021-2022, the District implemented a new gifted referral process that was designed to create increased equity in the students referred for gifted assessments. In short, the District required schools and teachers to ensure that the students referred reflected the demographics of the school. Additionally, the District had additional central office staff assist with identification, including creating a centralized scoring system for



all student product. The system worked. In 2021-2022, the demographics of the students referred for a gifted evaluation nearly matched the demographics of the District as a whole. This was a big success for the District. This will be reflected in the District's upcoming reports to the Court.

Finally, I appreciate Mrs. Wilmer's comments regarding the selection of advanced placement courses at Jemison High School and Lee High School. I will discuss Mrs. Wilmer's recommendation with the principals at both schools and my leadership team to determine if there is a better way to ensure that the advanced placement courses at each school match student interest. If the members of the DAC hear any concerns during the 2022-23 school year pertaining to the topic of A.P. course interest, I would ask them to share that information with my team as soon as possible. That will help us act more quickly in responding to these types of concerns.

V. Superintendent's Response to "Extracurricular Activities" Findings

Summary of Findings

- The DAC is concerned about differences in athletics between the District's high schools. The DAC recommended that sports be included in any amended Consent Order.
- The DAC recommended that the District do a better job of educating students on extracurricular club offerings. The DAC is concerned that the loss of Power Hour, late buses, and inconsistency in club scheduling is reducing club participation by students.
- The DAC recommended that the District seek out additional community partners to assist schools in bolstering club programs.

I want to thank Mrs. Billions and the DAC for their comments regarding extracurricular activities. My team works hard to ensure equity between athletic programs. My team engages in school walk throughs, including walk throughs of any athletic buildings, to evaluate and compare



the resources at each school. I also do my best to attend events throughout the District so that I can see with my own eyes the resources available to each school.

Importantly, during the 2021-22 school year, the Board approved a construction project for Columbia High School related to athletic facilities. This project is currently underway. Columbia High School will be receiving a football locker room addition, a new weight room, and a softball/baseball batting cage. Jemison High School is also receiving an athletic facility upgrade that includes a renovation of the baseball/softball fieldhouse, batting cage relocation, addition of football/soccer and baseball/softball gates, a new football storage building, a new guard house, and new decorative fencing.

VI. Superintendent's Response to "Faculty" Findings

Summary of Findings

- The DAC remains frustrated with Report V.D.12. The report contains a significant number of duplicate entries. The DAC believes the data as reported does not promote accurate analysis.
- The DAC recommended that the District attend additional job fairs at local universities, including Athens State University.
- The DAC is concerned that school level administrators did not attend certain trainings required for certified teachers. The DAC recommended that all stakeholders in the District participate in trainings related to inclusive and equitable learning.
- The DAC noted concerns about lack of support for teachers. The DAC received comments from certain teachers that raised concerns about hostile work environments and lack of parental involvement at schools.
- The DAC noted that the percentage of Black principals has increased every year for the last four years. In 2020-2021, 51% of District principals were Black.

I want to thank Ms. Brizendine and the DAC for their work on the faculty and staff section of the DAC's report. First, my team is always looking for ways to improve the District's



recruitment of faculty and staff and to improve on the training of our faculty and staff. As such, I will share the DAC's suggestions regarding recruitment and training with Human Resources and Talent Management. Also, I know that the DAC has expressed concerns in the past about how the District tracks its data. I know that the attorneys for the District and the attorneys for the United States Department of Justice train the DAC each year on the Consent Order, and I want to emphasize that the data the District prepares for the annual reports is done according to the Consent Order. That said, my team is happy to help by pulling data that may help the DAC better analyze a particular facet of faculty and staff assignment – if we have the requested data.

I want to let the DAC know that I plan to present the Board with a Motion for Release of Supervision of the Faculty and Staff Factors later this fall. Following the presentation of the motion, I will share the information with the DAC as part of the District's receipt of public comments. After receiving that information, the District will update its motion as necessary and prepare to file that motion with the Court. Also during this process, the District will work with and share its motion with the United States' legal team prior to filing it with the Court.

VII. Superintendent's Response to "Facility" Findings

Summary of Findings

- The DAC recommends that the District ensure consistency between its five year plans for capital projects and its playground additions and renovations list. The DAC recommends that this review also ensure equitable distribution of resources for playground additions and renovations.
- The DAC recommends that the District revisit the SMALLabs program. The DAC recommended that the District review and consider the "Engineering is Elementary Project" by the Boston Museum of Science. The DAC also recommended that the District



review the programming offered by the Elizabeth Forward School District in Allegheny County, Pennsylvania.

- The DAC recommended that the District increase the frequency and detail of communications with relevant community members during construction and renovation projects. The DAC commended the District for its work with the Highlands PTA. The DAC applauded the District's efforts to provide the Highlands community with several detailed updates about the status of renovation efforts at Highlands Elementary School.
- The DAC recommended that the District consider, as part of its long term facility planning, ways to use resources to improve M-to-M transfer capacity at high interest schools and improve educational equity.

I want to thank Dr. Jones for his hard work and dedication. I have thoroughly read and thoughtfully considered all of Dr. Jones recommendations and comments. His work on the facility Green factor was determined and impressive. His passion for education and for this school district is shown through his work on this report. I cannot overstate how appreciative I am of his recommendations and commitment to the work of the DAC.

I agree with Dr. Jones that the District must continue to ensure that it communicates with frequency and detail regarding ongoing construction and renovation projects that are relevant to a school community. I believe we can use the work of the District with the Highlands PTA as a model for communicating with local parents regarding ongoing facility projects. As my team works on new capital projects in the near future, stakeholder communication will be at the forefront of my team's action plan.

I agree that the District needs to analyze and reconsider the SMALLabs program. I have tasked my team with reviewing the programs recommended by Dr. Jones. I will provide additional information regarding the District's plans for SMALLabs in the future after taking



time to consider and evaluate Dr. Jones's recommendations, and consulting with the United States' legal team

VIII. Superintendent's Response to "Student Discipline, Positive School Climate, and Effective Classroom Management" Findings

Summary of Findings

- The DAC is concerned that the District has made little improvement in closing disparities in student discipline since the Consent Order was implemented.
- The DAC noted that as students continue to adjust to full time in-person learning the District may see an increase in student discipline.
- The DAC is excited to see how the District's discipline expert will help the District move the needle on closing the disparity in student discipline.
- The DAC requested that it be provided more detailed data on student discipline so that the DAC can analyze how discipline infractions are being handled between students in similar situations.

I continue to analyze data by race in the area of student discipline. This is (and has been) an area of focus for my team as we continue to implement the Consent Order. Like Mr. Foroughi, I am excited to see the fruits of the District's work with its discipline consultant, Dr. Sara McDaniel from the University of Alabama. The District will be working with Dr. McDaniel throughout the 2022-2023 school year.

I understand the DAC to be requesting more clarity on discipline data. Specifically, I believe the DAC would like more granular data that would better allow the DAC to analyze equity between student populations by infraction. My understanding is that the DAC wants to analyze data to determine whether it is true that similarly situated students receive the same



punishment for the same infraction across schools. I understand and appreciate the DAC's desire to analyze this data, but I want to highlight our challenges with meeting this desire.

First, it is very difficult for the District to provide granular data to the DAC that would allow them to analyze this question without risking providing information that would allow the DAC to identify students in violation of student privacy laws. Second, the District implements a progressive discipline policy. Thus, it is not always true that students receive the same consequence for the same behavior. For example, assume two students engage in classroom disruption. For Student A, this is his first offense. However, this is Student B's fifth offense. Student B may receive a more significant consequence or intervention because of Student B's prior behavior. Student B's interventions and consequences have progressed to a higher level because of his prior history. Analyzing why a given consequence or intervention was provided to a student requires an analysis of the student's behavioral history, including: a determination about what has worked and not worked for the student; any disability information; the facts of this situation; and other data points. It is difficult for the District to provide this level of granular data to the DAC in a format that would be useful while also complying with all student privacy obligations.

In short, I do not want the DAC to think that my team is hiding the ball from them. Instead, I simply want to ensure that the District complies with its student privacy obligations



while also avoiding flooding the DAC with thousands of granular data points that will not be conducive to analysis.

IX. Superintendent's Response to "Transportation" Findings

Summary of Findings

- The DAC is concerned about the impact late bus routes have on students. Similarly, the DAC was made aware of concerns about bus drivers being required to run multiple routes during the morning and evening rotations.
- The DAC remains concerned about dissatisfaction among parents with transportation of M-to-M students. The DAC noted that 39% of parents and 33% of students were dissatisfied with M-to-M transportation in the Spring of 2021.

As I noted earlier in my response to the Student Coordinator comments, school transportation has been an issue nation-wide. In 2021-2022, the District's on-time rate for school buses District-wide was 96.9%. This is consistent with the on-time rate for the 2020-2021 school year (97%). Still, it is true that 3% of District bus routes were late. This is largely due to bus driver shortages and support staff shortages. I have shared the DAC's comments with the District's Transportation Coordinator, Scott Gillies. I will work with Mr. Gillies to review the issues presented and brainstorm next steps. In addition, I am working with the District's Director of Operations, Dr. Jeff Wilson, to establish a Transportation Task Force.



Conclusion

I truly appreciate the hard work of these volunteer parents and students. I think it is easy to forget that the members of the DAC are committed parents and students of our District and not paid employees. I applaud their efforts and hard work. I look forward to continuing to foster a positive relationship with the DAC during the 2022-2023 school year.

Very Respectfully,

Christie Finley
Christie Finley
Superintendent 9/19/22