

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

SONNIE WELLINGTON HEREFORD,)	
IV., et al.,)	
)	
Plaintiffs,)	
)	
AND)	CV-63-MHH-109-NE
)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff-Intervenor,)	
)	
v.)	
)	
HUNTSVILLE BOARD OF)	
EDUCATION, et al.,)	
)	
Defendants.)	

**NOTICE OF DEFENDANTS' FILING OF
INAUGURAL CONSENT ORDER REPORT**

Introduction

Defendant, Huntsville Board of Education (the “Board”), files this day its first, annual Consent Order Report with the Court. The Board has filed this notice to help the Court, and the citizens of Huntsville, better understand the many documents that compose this inaugural Consent Order Report. This notice provides context and explains notable features of nearly every document in the Consent Order Report.

As the Court is well aware, the Consent Order (Doc. 450) was not adopted until April 24, 2015. The Consent Order requires a variety of reports, but nearly all reports require data from the preceding school year, which began July 1, 2014 and ended June 30, 2015. This means that the Board's reportable implementation efforts began on April 24, 2015 and ended on June 30, 2015. Where possible, the Board attempted to provide data for days that precede April 24, 2015 in the 2014-2015 school year; however, keeping with the requirements of the Consent Order, none of the report documents reflect the Board's implementation efforts during the 2015-2016 school year. In light of this fact, most of the data contained in the inaugural Consent Order Report shows the state of Huntsville City Schools prior to the Board's implementation of the Consent Order. However, a few of the reports, such as the Culturally Responsive Professional Development report, demonstrate that the Board took steps to ensure the equitable treatment of Black students even before the Consent Order was finalized by the parties and adopted by the Court.

The Consent Order Report and this notice provide the Court baseline data necessary to benchmark the Board's implementation of the Consent Order as it is reported in future Consent Order Reports. Where possible, this notice also highlights the steps the Board has taken to begin implementing the Consent Order in the 2015-2016 school year. It is the Board's hope that this filing will provide

the Court and the Huntsville community an update of the Board's implementation progress.

The inaugural Consent Order Report is extensive and consists of numerous, complicated documents. To create this Report, the Board's employees undertook a herculean effort to collect the necessary information and to compile the information into a reportable format. These employees performed this daunting task while simultaneously working to implement the Consent Order. Although there is still work to be done, it is difficult to overstate the Board's commitment to a faithful and successful implementation of the Consent Order.

Description of the Reports

For clarity, this section of the notice will list each Consent Order reporting requirement, in order, along with contextual notes, if any, as to that reporting requirement.

II. STUDENT ASSIGNMENT

D. Majority-to-Minority Transfers

II.D.8.a.: A report containing the following information for each application requesting a transfer effective for that school year: student identification number; applicant name; address; race; grade level; home/zoned school; school(s) to which transfer sought; each type of transfer requested; the outcome (including, for each transfer granted, identification of the school to which the transfer was approved); and the basis for the denial, if any.

Notes:

This reporting requirement is similar to the one required by the 1970 Singleton Order. (Doc. 65). Last year, for the report required by the Singleton Order, the Board filed a document that contained all transfers from November 1, 2013 to October 31, 2014. In order to have adequate time to review the information produced for the Consent Order Report, the Board changed the date range for the report to November 1, 2014 to *September 30, 2015*, which results in an 11-month report. This 11-month report is a one-time occurrence to account for the switch from the Singleton Order's reporting requirement to the Consent Order's reporting requirements. Next year's Consent Order Report will be a 12-month report, from October 1, 2015 to September 30, 2016.

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II.D.8.b.1.: Transfer wait list information maintained pursuant to Section II.D.2.b.12., as of the expiration date of the wait list. The District may report this information separately or as part of the Excel spreadsheet described in Section II.D.8.a.

Notes:

The Board included this information on the document responsive to II.D.8.a. Any student who sought a Majority-to-Minority ("M-to-M") Transfer but was placed on a waitlist and remained on the waitlist as of its expiration will have "Denied Due to Space" under the "Status of Transfer Request" column. The students who were placed on the waitlist initially but were later offered a transfer

will show as either “Offered and Accepted” or “Offered and Declined”, depending on their circumstances.

* * *

II.D.8.b.2.: Results of M-to-M surveys conducted pursuant to Section II.D.6.b.

Notes:

This report includes both parent and student M-to-M surveys.

In order to conduct the parent surveys, the Board used a telephone system. First, the Board identified the schools attended by M-to-M students during the 2014-2015 school year. Then, the Board set up a telephone survey to call every land-line telephone number listed for the students at each of the identified schools. The telephone survey system only called each land-line number one time. This means that if a family had students at multiple identified schools, the system only called the family one time. The answers that parents gave during the surveys are included on the document responsive to II.D.8.b.2.

The Board’s telephone survey process had some limitations. First, it called all families at any school that had M-to-M students, and, therefore, most of the families called would not have had a M-to-M student. To account for this, the Board’s first survey question asked whether the family had a student that participated in the M-to-M process. The survey also had a low response rate, and no parents took advantage of the option to provide a suggestion concerning the M-

to-M process. In light of these limitations, the Board is exploring options for conducting the parent surveys this year.

The Board conducted the student surveys during the school day using the students' laptops. As with the parent survey, all students at schools where there were M-to-M transfers were allowed to take the survey, but, to screen out students who were not M-to-M, the first survey question asked whether the student participated in the M-to-M process. Notably, the student survey had a higher response rate than the parent survey, and the students left suggestions. Where possible, the District has reviewed and investigated the concerns raised by the students.

* * *

II.D.8.b.3.: District marketing efforts regarding the M-to-M program, including examples of marketing materials.

Notes:

During spring of 2015, the Board engaged in extensive marketing efforts for its M-to-M program. This report contains a description of those efforts and includes example materials. The District has repeated most of these efforts and added some new efforts for its 2015-2016 application process. The application window is now open.

* * *

II.D.8.b.4.: Transportation schedules, to be filed under seal.

Notes:

This document, although sealed for the protection of students, demonstrates that all but two, of the 30, M-to-M bus routes met the Board's travel time guidelines. Nevertheless, the Board is currently working to improve M-to-M bus transportation by fine-tuning the routes and by adding features, such as wireless internet access, to the M-to-M busses. The Board's plan is to have wireless access on all M-to-M busses by the Holiday Break in December. Additionally, the Board is working to reduce the travel time for the two M-to-M bus routes that exceed the Board's travel time guidelines. The Board plans to have no routes that exceed the Board's guideline by the start of the spring semester in January 2016.

* * *

F. MAGNET PROGRAMS

II.F.1.: For each magnet program, student applicant data for the previous school year that includes: the number of applicants, disaggregated by race; the number of students accepted, disaggregated by race; the number of students who are not accepted, disaggregated by race (including reason(s) for a student not being accepted); the number of students enrolled, disaggregated by race; and the number of students who withdrew or transferred out of the magnet program, disaggregated by race, (including the reason(s), to the extent available, for the withdrawal or transfer).

Notes:

In order to accurately report the requested data, the reasons for a student not being accepted in his or her desired magnet program have been split into different

categories: ineligibility; committee review score; and space. Each category has its own column on the document so that the data could be disaggregated by race.

As requested by the Consent Order, the document reports the reasons for withdrawals or transfers, disaggregated by race and school, in a separate table. The Board is currently revising its process to include an exit survey/interview with students and their parents/guardians to better understand the reasons why a student, or his or her family, may desire to withdraw or transfer a magnet student. This information is used to strengthen the magnet themes and to hone magnet marketing, recruitment and retention efforts.

* * *

II.F.2.: A report of magnet marketing and recruitment efforts taken for the previous school year, including samples of brochures and advertisements, and where appropriate, the date and location of the marketing and recruitment.

Notes:

During the 2014-2015 school year, the Board engaged in extensive marketing efforts for its magnet schools and programs. This report contains a description of those efforts and includes example materials in the report.

This fall, the Board repeated most of the same efforts listed in the report and expanded its efforts for the 2015-2016 magnet application process. In addition to the marketing efforts, the Board has begun surveying individuals who attend marketing events to learn more about what students, parents and families prefer as

to marketing. The Board will use the results of these surveys to hone the marketing efforts for spring and fall of 2016.

* * *

II.F.3.: A report of the magnet courses offered at each magnet school/program for the current school year.

Notes:

This document lists the current magnet courses offered at each magnet school/program. The Director of Magnet Programs is currently working with school-level leaders and magnet staff to expand these offerings and, for some schools and programs, to redefine these courses.

For next school year, the list of magnet courses will change and grow. Those changes will stem from multiple events. First, the Board expects to reveal a new magnet theme for Williams Technology Middle School during the spring of 2016. Also, in the spring of 2016, the Board will recruit, interview and select a second class of College Academy students (who will begin at Jemison in the fall of 2017). In the fall of 2016, the Board will open the Jemison College Academy for the inaugural class of College Academy students. The impact that these events will have on the magnet courses will be reflected in the next Court Report.

* * *

II.F.4.: The District's efforts to review and respond to duplication of magnet courses in the District since the District's previous annual report.

Notes:

This document is a narrative description of the efforts that the Director of Magnet Programs and her staff are taking to protect unique magnet course programming at the Board's magnet schools and programs.

* * *

II.F.5.: A report that includes for each student enrolled in a dual enrollment course: the student's name or identification number; school attended; the magnet program attended, if any; grade; the name of each dual enrollment course; and the institution of higher education affiliated with each dual enrollment course.

Notes:

An accurate reading of this document requires understanding the difference between courses listed as "CTE" and "General Education" under the "Course Type" column. Section II.D.7.h of the Consent Order (Doc. 450, pp. 33-34) requires the Board to limit the number of dual enrollment courses that a student may take to one per year, unless the Superintendent approves of the student taking additional courses. This limitation does not apply to career technical courses, and in order to identify the dual enrollment courses to which this limitation applies, the Board has designated dual enrollment courses as either "General Education" or "CTE". The dual enrollment courses that are limited by the Consent Order are identified as "General Education," and those that are not are identified as "CTE".

The purpose of this limitation is to protect the College Academy magnet program that has been developed for the new Jemison High School.

* * *

III. EQUITABLE ACCESS TO COURSE OFFERINGS AND PROGRAMS

III.M.1.a.: A list of all AP and IB diploma courses taught in each high school for the current school year and the enrollment in each AP or IB Diploma course in each high school for the current school year, disaggregated by race.

Notes:

This document lists each AP or, for Columbia High School, IB Diploma course taught at each school and the racial demographics of the students enrolled in each class. When reading the table, for each course, the number of students under the race columns represents actual students taking the listed course. However, a student may be included in multiple rows if that student is taking multiple AP or IB Diploma courses, and, in fact, many students are. This means that the “Total” row for each school contains students who are counted multiple times.

During the spring of 2015, the Board engaged in targeted recruiting efforts designed to increase the number of Black students enrolled in AP courses. Despite these efforts, a gap between Black and White student participation in AP courses remains. Most of the Board’s initiatives are targeted, either directly or indirectly,

at closing that gap. Given the systemic nature of the problem, closing the gap will take considerable time, effort and resources.

* * *

III.M.1.b.: Academic proficiency of students in English and Math in the District and by school, as measured by the State assessments for the previous school year, disaggregated by race.

Notes:

This document includes data as to two different assessments: the ACT Aspire for grades three through eight and the ACT for eleventh grade. Both of these assessments contain sub-tests for math and English, and both assessments are tools for determining student proficiency in a given content area. However, the meaning of proficiency differs slightly by assessment.

A student who is proficient as measured by the ACT Aspire is considered on track to benchmark on the ACT and to be college and career ready. Being proficient on the ACT demonstrates that a student is on track to be college and career ready, but proficiency on the ACT is also an indicator of future success in a college courses. More specifically, a student who benchmarks on the math or English sub-test will have a 50% chance of making a B and a 75% chance of making a C in a freshman math or English course in college.

This report demonstrates an achievement gap between Black and White students. The Board's self-monitoring team works with school leaders to address

this issue. The summary of the self-monitoring process, included as report III.M.2., provides details of this process and examples of the plans being developed to reduce the achievement gap.

* * *

III.M.1.c.: A list of teachers hired or assigned by each high school to teach an AP or IB Diploma course in the current school year, the course(s) taught by each teacher, the number of sections taught by each teacher, and the credentials of each teacher.

Notes:

This document contains extensive information about the Board's AP and IB Diploma course teachers. The Consent Order requires the Board to take measures to ensure the comparability of AP and IB Diploma teachers across high schools. Comparability is difficult to measure because of the many variables that factor into the equation, but this report and the work that goes into creating this report serve as tools for helping the Board with this process.

The Board is currently evaluating its teachers based on the categories contained on this document; but, in order to capture the nuances of qualities that make a teacher strong, the Board is expanding the criteria it reviews when determining the credentials of an AP or IB Diploma teacher. For example, the Board is taking steps to staff its math and science classes – the content areas with the greatest opportunity for growth in student achievement – with individuals possessing math and science degrees and not merely a math or science

certification, when possible. In the future, holding a degree in a content area, rather than simply a certification, will be part of the Board's evaluation of AP and IB Diploma course teachers.

* * *

III.M.1.d.: A report for each school that includes the employee number of each teacher, his or her race, professional degrees, certifications, years of experience (3 years of less and more than years) and course or courses taught.

Notes:

To prevent confusion, two aspects of this report require explanation. First, some teachers occupy multiple rows on this document. The reason for this is that these teachers have multiple certifications, and the Board's tracking software for certified staff creates multiple rows for a single teacher to account for each of that teacher's certification. The rest of the information on the row should be identical to all other rows with the same teacher's name.

Second, this document shows that some teachers are responsible for teaching 50, 60, or, in some cases, over 100 classes. Due to the manner in which the Board's computer system tracks certified employees, certain types of teachers appear to be teaching large numbers of classes. More specifically, itinerant teachers, such as English as a Second Language and elective teachers, special education teachers, and credit recovery teachers appear to teach dozens of classes.

The reality is that itinerant teachers visit dozens of classrooms a year, but the teacher is not in all of those classrooms every day. Similarly, credit recovery teachers supervise students who are trying to recover credit for a class that the student did not successfully complete on his or her first try. The credit recovery teacher is listed as “teaching” each course for which a student is recovering credit. In fact, the credit recovery teacher is in a single classroom with multiple students who are each recovering credit for a different course. This gives the appearance of the teacher being responsible for each of those classes.

* * *

III.M.1.e.: A list of professional development activities required by Section III conducted in the previous year, including the date, duration, subject matter, presenter, and number of individuals in attendance by group (e.g., principals, teachers, etc.).

Notes:

This report shows the required professional development performed prior to July 1, 2015. As such, this report does not include most of the professional development completed to date regarding the implementation of the Consent Order.

However, at least one document demonstrates that the Board’s commitment to equity existed prior to its implementation of the Consent Order. Namely, the Culturally Responsiveness Training document shows that the Board conducted Culturally Responsiveness Training as early as September 30, 2014 – months

before the parties reached agreement as to the terms of the Proposed Consent Order. Other reports, such as the Math Professional Development document, will be more expansive in next year's report due to the Board's measures to support its Math Acceleration initiative.

* * *

III.M.1.f.: A list of parent/guardian outreach activities conducted in the previous school year, including the date, duration, and approximate number of individuals in attendance, and estimate of participation levels by race.

Notes:

This report shows all parent/guardian outreach performed prior to July 1, 2015, including the parent/guardian outreach required by the Consent Order. As with other reports, this document does not include the outreach efforts completed this fall as part of the implementation of the Consent Order.

Next year's report will be more detailed for each category of parent/guardian outreach. For example, the Consent Order calls for conferences with parents/guardians of students who are taking AP and IB Diploma courses for the first time. This was not a requirement during the 2014-2015 school year, and while most AP and IB Diploma teachers held conferences with any parent/guardian who requested such a conference, the Board did not have a system-wide requirement for teachers to hold a conference with parents/guardians of first-time AP and IB Diploma course students. The Board does have such a requirement for

the 2015-2016 school year, and those conferences will be reflected in next year's Consent Order Report.

* * *

III.M.1.g.: A list of student support services offered in the previous school year pursuant to Section III.H.

Notes:

This document shows the math support services used by school leaders, teachers and other certified staff during the 2014-2015 school year. While there is significant overlap at each grade band (elementary schools used similar supports, middle schools used similar supports, etc.), each school had its own unique approach to student supports.

As the Board continues to implement its Math Acceleration initiative, it is the Board's intent to streamline and standardize the use of supports across grade bands to ensure that all schools are using best practices in the preparation of students for the accelerated math curriculum. To ensure equitable access to advanced math courses, especially in the secondary grades, the Board's central office instructional team is working with school leaders to develop measures that go beyond standard classroom supports.

* * *

III.M.1.h.: A report for the previous school year of the results of the survey required by Section III.I.7.¹ and action steps taken based on the survey results.

Notes:

The Consent Order requires the Board to conduct a survey of parents/guardians, students, and teachers as to their perceptions about AP, IB Diploma, and Honors courses. (Doc. 450, p. 53). The Board designed a survey to gather information about respondents' perceptions of AP, IB Diploma, and Honors courses in areas including awareness of the courses and preparedness of students for these courses. During May of 2015, the Board conducted an electronic survey of students, parents/guardians, and relevant staff. Although the Consent Order only requires that the survey be of students in grades five through 11, their parents/guardians and relevant staff, the Board expanded the survey to grades five through 12.

To conduct the survey, staff from the Department of Secondary Instruction emailed links to the student, parent/guardian and teacher surveys to the principals of all schools. School leaders instructed students to take the survey during their homeroom. To collect parent information, school leaders sent out a link to the survey in their online newsletters and posted a link to the survey on their school website. Additionally, the Board used the Schoolcast system to call

¹ The Consent Order contains a typo in this reporting requirement. It should read "Section III.H.7." instead of III.I.7. However, to ensure that this document matches the Consent Order, the language from the Consent Order has been used.

parents/guardians of students in grades five through twelve to inform them of the survey. To collect teacher responses, school leaders emailed the survey to them.

The survey responses informed the Board of interesting trends regarding AP, IB Diploma, and Honors courses. For instance, the surveys indicated that teachers are critical to ensuring that all students and their parents/guardians are aware of these advanced courses. Additionally, the majority of parents and students believed they, or their student, are prepared for and could be successful in an AP, IB, or Honors course. Similarly, the majority of respondents believed that all students could be successful in these advanced courses. Interestingly, teachers perceived that students' peers influence whether they take advanced courses, but, on the whole, students and parents did not share that perception.

The Board will continue to hone its survey processes for the 2015-2016 school year to increase the response rate from students, parents/guardians and teachers. Additionally, the Board will use the survey results to shape its recruitment and support efforts as it grows its AP, IB Diploma, and Honors course enrollments.

* * *

III.M.2.: The District will provide the data reviewed and the plans developed pursuant to Section III.M. to the United States. The District will provide a summary of the data reviewed and the plans developed pursuant to Section III.M. to the Court.

Notes:

The Board has provided the data and plans developed during its self-monitoring process to the United States. Report III.M.2. is a narrative summary of those plans and data.

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IV. EXTRACURRICULAR ACTIVITIES

IV.H.1.: A list of extracurricular activities offered in the District, by school and core activity category where applicable.

Notes:

Prior to the Court's adoption of the Consent Order, there was no requirement for documentation, standardization, and tracking of participation for extracurricular clubs and activities. At the time the Court adopted the Consent Order, it was too late in the school year for the Board to begin implementing the new requirements. Despite this fact, many schools met the Consent Order requirement of having certain core extracurricular activities. For the schools that did not already meet the Consent Order's requirements, the Board took measures, during the summer and fall of 2015, to ensure that every school has its required core activities. (Doc. 450, pp. 62-63). The effect of these measures will be evident in the second Consent Order Report.

* * *

IV.H.2.: School participation rates and targets in the Elementary School Core Activity and the Middle/Junior High School Core Activities and any actions taken by the District to support schools in meeting participation targets.

Notes:

As stated above concerning the document responsive to IV.H.1., prior to the Court's adoption of the Consent Order, there was no requirement to track the participants in school clubs. Therefore, in order to create this document, central office staff worked with school leaders to recreate student participation rates. For the 2015-2016 school year, the Board implemented a process for ensuring accurate counts of students participating in extracurricular clubs and activities.

Additionally, the Consent Order did not exist in time for schools to set a specific participation target for activities during the 2014-2015 school year, so every entry under the column "Participation Target" is listed "NA", meaning "not applicable." For the 2015-2016 school year, the Board has been working on developing participation targets for elementary, middle, junior high, and P-8 schools. These targets will appear on the next Consent Order Report.

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IV.H.3.: A description of measures taken by the District to make students aware of academic clubs and related extracurricular opportunities.

Notes:

This document shows that there were no District-wide measures for making students aware of academic clubs and related extracurricular activities. This resulted in each school leader choosing whether to inform students about these activities, and, if he or she so chose, developing his or her process for informing students. This led to inconsistencies across the system.

For the 2015-2016 school year, the Board is taking steps to inform students and their parents/guardians about opportunities for participation in extracurricular clubs and activities. Additionally, the Board is monitoring participation rates in high schools to determine whether there is a need to hold extracurricular workshops designed to increase student participation.

* * *

V. FACULTY

V.D.1.: A list of the members of each committee involved in the recruitment, hiring, assignment, retention, or promotion of administrators, faculty, and certified staff. The list will include: name of committee; each committee member's name; his or her race; position (title and location) and date(s) on which he or she served on the committee.

Notes:

This document shows that for most committees, the individuals on the committee served over many weeks or months. For some committees, such as the Teacher Screening and Teacher Recruiting committees, there are individuals who

served only a single day. Those individuals served as substitutes for other members of the committee on that particular day.

* * *

V.D.2.: Documentation of any exigent circumstances pursuant to Section V.A.1.

Notes:

This document shows the number of times a committee did not match the district-wide racial composition of certified teachers from February 23, 2015 to June 30, 2015. The only committee having exigent circumstances was the Teacher Screening Committee. During the reporting period, the Teacher Screening Committee conducted 476 interviews, and there were 88 times that a committee member was absent. The document shows that out of the 88 times members were absent only 18 were exigent, and out of the 476 interviews, only 46 interview committees failed to match the racial demographics of the Board's certified teachers.

Although a relatively small number of interviews were missed due to exigent circumstances, the Director of Talent Management is working with her team to refine the teacher interview process so that there will be even fewer exigent circumstances. Any new measures developed will be in addition to the steps that the Board currently takes which include: reorganizing interview committees on the date of the exigent circumstance; calling and/or emailing committee members to

substitute on an interview committee to remedy racial diversity issues caused by a member's absence; and reaching out to central office administrators to substitute on an interview committee to remedy racial diversity issues caused by a member's absence.

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V.D.3.: The total number of certified administrators, by race and position, in the District's central office.

Notes:

For purposes of this document, administrator means either a coordinator or director level position.

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V.D.4.: The total number and percentage of teachers and administrators, by race and by position, in each school facility operated in the District. For reporting purposes, principals will be identified separately from assistant principals.

Notes:

This document provides the required information, but there is one aspect of the report that merits additional explanation. The Consent Order requires that the report distinguish between principals and assistant principals. For many schools there is only a single principal and assistant principal or Teacher on Special Assignment (who operates as an assistant principal). When there is a single person

filling a category the report will always show that 100% of the individuals in that category are White, Black, or Other depending on the individual's race.

* * *

V.D.5.: A list of each certified staff member, such as administrators and faculty, transferred, including: his or her name; race; position; self-reported years of experience; school to which he or she was previously assigned; school to which he or she was transferred; effective date of the transfer; indication of whether the transfer was requested by the certified staff member or initiated by the District or both; and the reason(s) for the transfer.

Notes:

This document shows a variety of reasons why the Board transferred an employee or why an individual requested a transfer. One that is important to note is "School Closing." At the end of the 2013-2014 school year, the Board closed Ed White and Davis Hills middle schools to consolidate them into the new McNair Junior High School. Prior to closing these two schools, the Director of Secondary Education worked with school leaders from Johnson High School to select teachers from Ed White and Davis Hills to move to the new McNair. The Director of Secondary Education worked with the remaining teachers to place them in other schools, and those individuals are included on this report with the reason "School Closed."

* * *

V.D.6.: A description of the measures the District is taking to ensure the equitable selection of Black principals pursuant to Section V.A.2.

Notes:

The measures listed on this report are designed to ensure that qualified applicants are equitably selected for available principal positions. Many of the efforts are designed to give qualified teachers a chance to gain leadership experience. For example, the Board provides teachers leadership experience by having them participate on selection committees or by learning on-the-job as Teachers on Special Assignment (“TOSA”). These development measures are important for ensuring equity in the selection of school leaders because they ensure that interested individuals have opportunities to gain leadership experience.

Additionally, the Board extends all teachers recommended for the TOSA program an invitation to interview with a racially diverse screening committee. By so doing, the Board ensures fairness in its TOSA selection. In any event, the percentage of Black principals in the system reflects that the Board has been fair in their selection.

* * *

V.D.7.: A list of all recruiting/job fairs in which the District participated, including the date and location of each such fair.

Notes:

This document shows all of the job fairs in which the Board participated along with the date and location of each fair.

* * *

V.D.8.: A list of each central office certified administrator hired, including the administrator's name, race, position, date of hire, and starting salary (including step and grade).

Notes:

This document shows all individuals the Board selected to fill a central office coordinator or director position who were not previously employed at the central office. It includes individuals who were employed by the Board – in a non-central office position – at the time they were selected for their central office coordinator or director position. While such individuals are not “hired” for the first time, they are “hired” to be central office administrators.

* * *

V.D.9.: A list of each central office certified administrator promoted, including the administrator's name, race, prior position and salary, and new position and salary.

Notes:

This document shows all individuals who already worked at the central office who were promoted to a higher central office coordinator or director position.

* * *

V.D.10.: A list of each certified staff member, such as administrators and faculty, who received incentive pay, including his or her name, race, position (title and location), salary grade and step, and incentive amount.

Notes:

This report shows the information required by the Consent Order, but two aspects of this report warrant a brief discussion. First, teachers are not on a grade or step. Instead, teachers are on the State Minimum Salary Schedule for Classroom Teachers, which the Board abbreviates “TS”, and, as such, teachers have “TS” listed under both grade and step on this document.

Secondly, it is important to understand some of the reasons why certified staff members receive incentive pay. For teachers, the Board pays incentive pay to AP teachers for each student who receives a passing score on AP exam. For principals, the Board pays incentives to principals based on established goals.

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V.D.11.: A list of certified staff members, such as administrators and faculty, who were demoted, suspended, or dismissed/terminated, including each person’s name, race, position/title, and date of demotion, suspension, or dismissal/termination.

Notes:

The date range for this document, like most others in the Consent Order Report, is from July 1, 2014 to June 30, 2015. However, if a Board action fell outside of this date range but resulted in a demotion, suspension, dismissal,

termination, or resignation in lieu of termination with an effective date during the date range, the Board included it in this document.

Additionally, this document shows that the majority of teachers who were dismissed from employment for the Board were probationary (non-tenured) teachers. As probationary teachers, these teachers have not worked for the Board for three consecutive years. On this document, these teachers have the designation of “Non-Tenured, Not Returned.” Some non-tenured teachers who were told that they would not be returned for the 2015-2016 school year are not included on this document. The reason these teachers are not included is that these teachers were ultimately returned for the 2015-2016 school year, and suffered no interruption in the teacher tenure process.

* * *

V.D.12.: A list containing information about each candidate submitted to a school for consideration to fill a vacant position, including: candidate’s name; his or her race; an indication of whether he or she was screened at the District level; his or her certification(s), if any; his or her self-reported total years of experience; school and vacant certified position for which his or her name was submitted; date on which that submission occurred; candidate(s) selected by the principal to fill the vacant certified position; and candidate(s) placed in the position.

Notes:

This document contains a considerable amount of information, but the information listed under the column entitled “Verified Certification(s) Unless

Otherwise Indicated” merits explanation. For some applicants, the Board’s information only reflects the applicant’s self-reported certifications. The Board’s process for hiring new teachers explains the reason why this occurs.

The Board screens new teacher applicants prior to their interview. During this screening process, the Board checks the applicant’s teacher certification on the Teacher Education and Certification Web Portal (“TCERT”), an Alabama State Department of Education website used for verifying teacher certifications. Following an interview, if an applicant is recommended for a teaching position, the Human Resources Department (“HR”) again verifies the applicant’s certification using TCERT. At this time, HR also reviews the applicant’s Highly Qualified Status and background check. If a recommended applicant is not currently certified, HR will begin the certification process with the support of the State Department Office of Teaching and Leading Teacher Certification Section. These certifications include reciprocity, alternative route, or emergency certifications.

For applicants who were not recommended for a position, the Board does not perform a follow-up certification verification. As such, individuals who were not recommended for a position and whose first certification check on TCERT returned only self-reported information will have only self-reported certifications on the report.

* * *

V.D.13.: A list of all candidates nominated for the TOSA program, or any similar program, and for each eligible candidate: candidate's name; his or her race; school to which he or she was assigned; grade level(s) and/or course(s) he or she taught; individual who nominated him or her; an indication whether he or she accepted any invitation to interview; members of his or her interview committee; and an indication whether he or she was selected to participate in the TOSA program or any similar program.

Notes:

This document shows that of the 21 individuals recommended for the TOSA Program, 19 accepted the invitation to interview. The Board selected nine Black teachers out of the 19 total interviewees for the TOSA program.

* * *

VI. FACILITIES

VI.C.: The District's progress on the construction of Morris Pre-K-8 School, Jemison High School, McNair Junior High School, Grissom High School, Whitesburg Pre-K-8 School, and Hereford Elementary School, and the District's progress on the renovation of AAA.

Notes:

This document contains a brief description of the progress of each of the above facilities. The document also contains sample photos, where possible, of each facility's current state. Each of these construction projects is on schedule to meet or exceed all relevant Consent Order timelines.

Some of the most notable accomplishments to date are the opening of new Whitesburg P-8 and Academy for Academics and Arts facilities. The Board

completed both of these prior to the start of the 2015-2016 school year, and students are now using both of these facilities. These two openings represent just two of the seven major new constructions and renovations that will occur during next two calendar years. Prior to the start of the next school year, the Board will complete construction on and open Hereford Elementary School, McNair Junior High School and Jemison High School. Then, prior to the 2017-2018 school year, the Board will be opening the new Grissom High School and Morris P-8.

* * *

VI.C.: The District's progress on the renovation of Martin Luther King Elementary School, Jr.

Notes:

As stated in the report, the Board is on pace to complete the renovations of Martin Luther King, Jr. Elementary by July of 2016, which is significantly ahead of the December 2016 deadline in the Consent Order.

* * *

VI.C.: The District's progress towards removing remaining portable classrooms.

Notes:

This document shows that the Board had four portables in use during the 2014-2015 school year, and that it continues to operate four portables during the 2015-2016 school year. Although the number remains the same, the location of the

portables changed from last year to this year. Last year, there were portables at Martin Luther King, Jr., McDonnell, and University Place elementary schools. The Board was able to eliminate the need for the portable at McDonnell Elementary during the summer of 2015, but the construction of the new Morris P-8 has necessitated the use of a single portable at Morris Elementary School until the new Morris P-8 facility opens. The Board will remove the portable that remains at Martin Luther King, Jr. when renovation is completed in July 2016, and the Board will remove the portables at University Place when it closes the school and opens the new Hereford Elementary School in the fall of 2016.

* * *

VI.C.: Implementation of the District's Playground Plan.

Notes:

This document shows that the Board has continued to implement its Playground Plan, the document that sets out the order for rebuilding playgrounds based on the need of each school. This report does, however, appear to show McDonnell and Providence elementary schools receiving updates out of order.

McDonnell and Providence elementary schools are receiving updates to their playground equipment, specifically their equipment for ages two through five, ahead of the Board's previously determined schedule. The reason for this is that the Board was awarded a grant from the State of Alabama's Office of School

Readiness for these schools. These grants are designed to support Pre-Kindergarten programs. When the Board's Playground Plan was developed, the Board did not know it would receive such grant money. The work that the Board will do to update McDonnell and Providence elementary schools' playgrounds using the grant money is in addition to the Board's current playground upgrade process and will not affect the order of other schools on the Playground Plan.

* * *

VI.C.: Implementation of the District's SMALLab Plans.

Notes:

The Consent Order requires the Board to “ensure that each existing school with grades seven and eight and each school with grades seven and eight that is built as part of the District's Construction Plan is fitted with a SMALLab and that all SMALLabs are of comparable quality.” (Doc. 450, p. 71). The Board is nearly finished with this requirement because all schools with grades seven and eight will have a SMALLab when McNair opens in the fall of 2016.

* * *

VII. STUDENT DISCIPLINE, POSITIVE SCHOOL CLIMATE, AND EFFECTIVE CLASSROOM MANAGEMENT

VII.I.1.: The District's Student Code of Conduct implemented after the effective date of this Consent Order or after the previous annual report.

Notes:

The Code of Student Conduct for the 2015-2016 school year, included in the Consent Order Report, is a transitional document. This year's Code of Student Conduct was designed not only to meet the Consent Order requirements but also to start the conversation on the changes necessary to fully implement a positive school climate in all Huntsville City Schools. The participants to this conversation include central office leaders, school leaders, teachers, other staff, parents/guardians, families, and, of course, students.

The Board is currently working on the development of the 2016-2017 Code of Student Conduct. The document will be designed to meet all Consent Order requirements; however, the key feature of the 2016-2017 Code of Student Conduct is that the Director of Behavioral Learning – the person responsible for behavioral education and the implementation of the positive school climate – is not working in isolation to develop the document. He is working with a team of principals and classroom teachers to ensure that the next Code of Student Conduct will adequately support teachers and school leaders as they work to reduce the barriers to creating a positive school climate in all schools.

The Board's goal is to ensure that it has sufficient time to solicit feedback about the new code and to make revisions, as necessary, before finalizing the document. As such, the Board plans to provide teachers, families, students, the

United States, and the Desegregation Advisory Committee with a draft of the new Code of Student Conduct during the spring of 2016.

* * *

VII.I.2.: A list of professional development activities required by Section VII, including the date, duration, subject matter, presenter and number of individuals in attendance by group (e.g., principals, teachers).

Notes:

As to this provision, the Consent Order provides that “[t]he District will provide initial and annual refresher professional development, which may be online, for teachers and administrators on the revised Student Code of Conduct.” (Doc. 450, p. 77). The Consent Order also calls for two faculty meetings per semester on topics pertinent to the new Code of Student Conduct and the implementation of a positive school climate, and it calls for other staff training pertaining to the implementation of the Board’s positive school climate program.

None of the professional development required by the Consent Order was to occur during the 2014-2015 school year, and, therefore, the Board does not have a document responsive to this reporting requirement. However, the Board has and continues to conduct the required professional development for the 2015-2016 school year. These efforts will be on the next Consent Order Report.

* * *

VII.I.3.: The information provided to parents/guardians pursuant to Section VII.

Notes:

This reporting requirement was not applicable during the 2014-2015 school year, and, therefore, the Board's outreach efforts were limited to the Parent Acknowledgement form each family must complete after it receives the Code of Student Conduct. This document also shows the parent outreach conducted by the Board's alternative school, the Pinnacle School, during the 2014-2015 school year.

Although this document does not reflect this, the Board has been performing parent/guardian outreach during the fall of the 2015-2016 school year. The Board has conducted parent/guardian outreach presentations at each high school. These presentations have included a detailed description of the Board's new Code of Student Conduct and the other initiatives pertaining to the Board's implementation of the Consent Order. Additionally, at these presentations, audience members have been able to ask questions of the Board's representatives.

* * *

VII.I.4.: For each school, the total number and percentage of students receiving a disciplinary referral, disaggregated by race, in-school suspension, out-of-school suspension, expulsion, school referrals to law enforcement and alternative school placement and plans/strategies

developed and implemented as a result of the District's review in Section VII.G.²

Notes:

The Board is in the process of reworking its approach to discipline and school climate as part of its implementation of the Consent Order. One goal of these efforts is to reduce the gaps that appear in the document responsive to item VII.I.4. Notwithstanding the issues presented in this document – including the gap between the disciplinary consequences received by Black and White students – this document shows that, on the whole, Black students received fewer disciplinary consequences during the 2014-2015 school year than during the 2013-2014 school year. In fact, over the last four years, the Board has reduced the incidence of disciplinary consequences for all of its students. The Board has largely done so through improvements to its curriculum and instruction. The Board's measures taken to implement the Consent Order – namely, changing the Code of Student Conduct and creating a positive school climate in each school – represent the next step in continuing the Board's efforts to reduce the discipline gap between Black and White students.

As an example of the Board's efforts to reduce discipline rates for Black students prior to the adoption of Consent Order, the tables below show how nearly

² The requirement for the District to meet and review is found in Section VII.H. (See Doc. 450, p. 83) As such, this reporting requirement should read "VII.H." instead of "VII.G."

all high schools saw a reduction in the incidence of discipline received by Black students from 2013-2014 to 2014-2015.

Schools	Number of Black Students with at Least 1 ODR ³	
	2013-2014	2014-2015
Butler High School	48%	37%
Columbia High School	47%	32%
Grissom High School	46%	27%
Huntsville High School	45%	38%
Johnson High School	39%	26%
Lee High School	32%	32%
New Century Technology High School	11%	6%
District High School Average	38%	31%

Schools	Number of Black Students with at Least 1 ISS ⁴	
	2013-2014	2014-2015
Butler High School	19%	25%
Columbia High School	25%	12%
Grissom High School	28%	20%
Huntsville High School	16%	28%
Johnson High School	10%	10%
Lee High School	23%	22%
New Century Technology High School	8%	3%
District Average	18%	17%

Schools	Number of Black Students with at Least 1 OSS ⁵	
	2013-2014	2014-2015
Butler High School	31%	18%
Columbia High School	18%	13%
Grissom High School	19%	14%
Huntsville High School	9%	13%
Johnson High School	23%	16%
Lee High School	20%	21%
New Century Technology High School	10%	1%
District Average	17%	15%

³ ODR is the abbreviation for “Office Discipline Referral.”

⁴ ISS is the abbreviation for “In-School Suspension.”

⁵ OSS is the abbreviation for “Out-of-School Suspension.”

The Consent Order requires that the Board report “plans/strategies developed and implemented as a result of the District’s review in Section VII.[H].” (Doc. 450, p. 85). This reporting requirement references the Board’s obligation under the Consent Order to ensure that its school leaders meet with its School Resource Officers (“SRO”) and Campus Security Officers “to review incidents in which SROs and/or security personnel were involved in the discipline, arrest or restraint of a student. The review will evaluate the effective use of skills learned through professional development conducted pursuant to Section VII and identify areas for continuous improvement.” (Doc. 450, p. 83). Prior to the implementation of the Consent Order, there was no such meeting requirement and no such meetings occurred. Therefore, for the 2014-2015 school year there were no plans developed. This is reflected on the document.

* * *

X. MONITORING, REPORTING, AND OVERSIGHT

X.A.: The District will provide the United States a copy of its student enrollment database electronically in Microsoft Excel or similar format and will file with the Court a report of its student enrollment, disaggregated by school and race.

Notes:

This document shows the student enrollment disaggregated by race and school as of October 2, 2015.

* * *

X.G.: The District will provide the United States and the Court with its annual budget and a list of District expenditures related to the implementation of the Consent Order for the previous school year.

Notes:

This document contains the Board's annual budget for the 2015 fiscal year. This document also contains a list of expenditures related to the implementation of the Consent Order. Because this reporting requirement is limited to the previous school year and the Court adopted the Consent Order on April 24, 2015, this document only covers the Board's expenditures from April 25, 2015 until June 30, 2015 (the end of the school year).

In the next Consent Order Report, the Board will continue to report expenditures related to the implementation of the Consent Order; however, it is important to understand what that entails. There are few, if any, initiatives or expenditures for the Board that are not, at least in part, related to the implementation of the Consent Order. The Consent Order Report will show this.

* * *

WHEREFORE, and in consideration of the foregoing, the Board submits the following Evidentiary Submission of the First Consent Order Report:

EXHIBIT II.D.8.a.: Documents responsive to § II.D.8.a. of the Consent Order

EXHIBIT II.D.8.b.1.: Documents responsive to § II.D.8.b.1. of the Consent Order

EXHIBIT II.D.8.b.2.: Documents responsive to § II.D.8.b.2. of the Consent Order

EXHIBIT II.D.8.b.3.: Documents responsive to § II.D.8.b.3. of the Consent Order

EXHIBIT II.F.1.: Documents responsive to § II.F.1. of the Consent Order

EXHIBIT II.F.2.: Documents responsive to § II.F.2. of the Consent Order

EXHIBIT II.F.3.: Documents responsive to § II.F.3. of the Consent Order

EXHIBIT II.F.4.: Documents responsive to § II.F.4. of the Consent Order

EXHIBIT II.F.5.: Documents responsive to § II.F.5. of the Consent Order

EXHIBIT III.M.1.a.: Documents responsive to § III.M.1.a. of the Consent Order

EXHIBIT III.M.1.b.: Documents responsive to § III.M.1.b. of the Consent Order

EXHIBIT III.M.1.c.: Documents responsive to § III.M.1.c. of the Consent Order

EXHIBIT III.M.1.d.: Documents responsive to § III.M.1.d. of the Consent Order

EXHIBIT III.M.1.e.: Documents responsive to § III.M.1.e. of the Consent Order

EXHIBIT III.M.1.f.: Documents responsive to § III.M.1.f. of the Consent Order

EXHIBIT III.M.1.g.: Documents responsive to § III.M.1.g. of the Consent Order

EXHIBIT III.M.1.h.: Documents responsive to § III.M.1.h. of the Consent Order

EXHIBIT III.M.2.: Documents responsive to § III.M.2. of the Consent Order

EXHIBIT IV.H.1.: Documents responsive to § IV.H.1. of the Consent Order

EXHIBIT IV.H.2.: Documents responsive to § IV.H.2. of the Consent Order

EXHIBIT IV.H.3.: Documents responsive to § IV.H.3. of the Consent Order

EXHIBIT V.D.1.: Documents responsive to § V.D.1. of the Consent Order

EXHIBIT V.D.2.: Documents responsive to § V.D.2. of the Consent Order

EXHIBIT V.D.3.: Documents responsive to § V.D.3. of the Consent Order

EXHIBIT V.D.4.: Documents responsive to § V.D.4. of the Consent Order
EXHIBIT V.D.5.: Documents responsive to § V.D.5. of the Consent Order
EXHIBIT V.D.6.: Documents responsive to § V.D.6. of the Consent Order
EXHIBIT V.D.7.: Documents responsive to § V.D.7. of the Consent Order
EXHIBIT V.D.8.: Documents responsive to § V.D.8. of the Consent Order
EXHIBIT V.D.9.: Documents responsive to § V.D.9. of the Consent Order
EXHIBIT V.D.10.: Documents responsive to § V.D.10. of the Consent Order
EXHIBIT V.D.11.: Documents responsive to § V.D.11. of the Consent Order
EXHIBIT V.D.12.: Documents responsive to § V.D.12. of the Consent Order
EXHIBIT V.D.13.: Documents responsive to § V.D.13. of the Consent Order
EXHIBIT VI.C.: Documents responsive to § VI.C. of the Consent Order
EXHIBIT VII.I.1.: Documents responsive to § VII.I.1. of the Consent Order
EXHIBIT VII.I.2.: Documents responsive to § VII.I.2. of the Consent Order
EXHIBIT VII.I.3.: Documents responsive to § VII.I.3. of the Consent Order
EXHIBIT VII.I.4.: Documents responsive to § VII.I.4. of the Consent Order
EXHIBIT X.A.: Documents responsive to § X.A. of the Consent Order
EXHIBIT X.G.: Documents responsive to § X.G. of the Consent Order

RESPECTFULLY SUBMITTED this 15th day of November.

/s/ J.R. Brooks

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CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following counsel for the parties in this case:

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/s/ J. R. Brooks

J. R. Brooks