

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

SONNIE WELLINGTON HEREFORD, )  
IV, *et al.*, )  
 )  
 PLAINTIFFS, )  
 )  
 and )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 )  
 PLAINTIFF-INTERVENOR, )  
 )  
 v. )  
 )  
 HUNTSVILLE BOARD OF )  
 EDUCATION, *et al.*, )  
 )  
 DEFENDANTS. )

NO. 5:63-cv-00109-MHH

**CONSENT ORDER**

April 24, 2015

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**I. Introduction**

Consistent with the Court's April 21, 2015 memorandum opinion (Doc. 449), the Court enters the following consent order.

## II. Student Assignment

Beginning with the 2015-16 school year, the District will implement a new student assignment plan.

### A. Student Assignment Plan

Below is a chart showing the schools and grades served pursuant to the new student assignment plan.

<b>SCHOOLS AND GRADES SERVED</b>	
<b>SCHOOLS</b>	<b>GRADE SERVED</b>
AAA <sup>1</sup>	Pre-K <sup>2</sup> -8
ASFL <sup>3</sup>	Pre-K-8
Blossomwood Elementary School	Pre-K-6
Chaffee Elementary School	Pre-K-5
Challenger Elementary School	Pre-K-5
Challenger Middle School	6-8
Chapman School	Pre-K-8
Columbia High School	9-12
Dawson Elementary School	Pre-K-6
Farley Elementary School	Pre-K-5
Goldsmith-Schiffman Elementary School	Pre-K-5
Grissom High School	9-12
Hampton Cove Elementary School	Pre-K-5
Hampton Cove Middle School	6-8
University Place/Hereford Elementary School	Pre-K-6
Highlands Elementary School	Pre-K-6
Huntsville High School	9-12

<sup>1</sup> AAA refers to Academy for Academics and Arts.

<sup>2</sup> Pre-K refers to Pre-Kindergarten.

<sup>3</sup> ASFL refers to Academy for Science and Foreign Languages International Baccalaureate Primary Years Programme and Middle Years Programme.

<b>SCHOOLS AND GRADES SERVED</b>	
<b>SCHOOLS</b>	<b>GRADE SERVED</b>
Huntsville Junior High School	7-8
Johnson High School/Jemison High School	9-12
Jones Valley Elementary School	Pre-K-6
Lakewood Elementary School	Pre-K-6
Lee High School	9-12
Martin Luther King, Jr. Elementary School	Pre-K-5
McDonnell Elementary School	Pre-K-5
McNair Junior High School	7-8
Monte Sano Elementary School	Pre-K-6
Montview Elementary School	Pre-K-5
Morris Elementary School <sup>4</sup>	Pre-K-5
Morris School	Pre-K-8
Mountain Gap School	Pre-K-8
New Century Technology High School	9-12
Providence Elementary School	Pre-K-5
Ridgecrest Elementary School	Pre-K-5
Rolling Hills Elementary School	Pre-K-6
Weatherly Elementary School	Pre-K-5
Westlawn Middle School <sup>4</sup>	6-8
Whitesburg School	Pre-K-8
Williams Elementary School	Pre-K-5
Williams Technology Middle School	6-8

<sup>4</sup> Morris Elementary School and Westlawn Middle School will continue until Morris Pre-K-8 is constructed. Once Morris Pre-K-8 is open, the existing Morris Elementary School and Westlawn Middle School buildings will be closed.

**B. School Closings, Openings and Renovations**

Pursuant to the new student assignment plan, the District will implement the following school closings, openings and renovations:

1. Close Butler High School at the end the 2014-15 school year;
2. Open Jemison High School at the beginning of the 2016-17 school year and close Johnson High School at the end of the 2015-16 school year. Zone descriptions and the feeder pattern structure in Attachments B and C will apply to Johnson High School until replaced by Jemison High School and thereafter to Jemison High School;
3. Renovate and add additional classrooms to Martin Luther King, Jr. Elementary School. As a result of the renovation and expansion of Martin Luther King, Jr. Elementary School, the District is relieved of its obligation in previous court orders (Documents 264 and 266) to construct a new school for the combined student bodies of Lincoln Elementary School and Martin Luther King, Jr. Elementary School. The District will complete the renovation of Martin Luther King, Jr. Elementary School by December 2016;
4. Begin construction of a Pre-K-8 school to replace Morris Pre-K-5 and Westlawn 6-8 schools no later than the beginning of 2019-20 school year. Upon completion of the new Pre-K-8 school, the District will close Morris Pre-K-5 and Westlawn 6-8. The new Pre-K-8 school will serve those students who otherwise would have attended Morris Pre-K-5 and Westlawn 6-8;
5. Construct and open the new Hereford Elementary School no later than August of 2016; and

6. Construct and open the new Grissom High School no later than August of 2017.

**C. Attendance Zones and Feeder Patterns**

1. Attachment A includes maps showing the attendance zones for the new student assignment plan. Attachment B includes descriptions for the zones for the new student assignment plan. Upon completion of the highest grade in the assigned Pre-K-5, Pre-K-6 or Pre-K-8 school, students will attend the next highest school shown on the Feeder Pattern chart in Attachment C, and thereafter, students will attend the high school shown on the Feeder Pattern chart in Attachment C. The District's magnet schools – AAA, ASFL and the New Century Technology High School – do not have attendance zones. Four schools have magnet programs and attendance zones – Williams Middle School, Columbia High School, Lee High School and Johnson/Jemison High School. The attendance zones for the four schools with magnet programs are applicable to non-magnet students, but are not applicable to magnet students in these four schools.

The feeder patterns are:

- Columbia High School Feeder Pattern -- Williams Pre-K-5 and Providence Pre-K-5 feed to Williams 6-8; Morris Pre-K-5 and Ridgecrest Pre-K-5 feed to Westlawn 6-8; Williams 6-8 and Westlawn 6-8 feed to Columbia High School;
- Huntsville High School Feeder Pattern -- Hampton Cove Pre-K-5 and Goldsmith-Schiffman Pre-K-5 feed to Hampton Cove 6-8; Blossomwood Pre-K-6, Monte Sano Pre-K-6, Jones Valley Pre-K-6 and Sonnie Hereford



Pre-K-6 feed to Huntsville 7-8; Hampton Cove 6-8 and Huntsville 7-8 feed to Huntsville High School;

- Grissom High School Feeder Pattern -- Whitesburg Pre-K-5, Chaffee Pre-K-5 and McDonnell Pre-K-5 feed to Whitesburg 6-8; Farley Pre-K-5 and Challenger Pre-K-5 feed to Challenger 6-8; Mountain Gap Pre-K-5 and Weatherly Pre-K-5 feed to Mountain Gap 6-8; Whitesburg 6-8, Challenger 6-8 and Mountain Gap 6-8 feed to Grissom High School;
- Jemison High School Feeder Pattern -- Rolling Hills Pre-K-6, Lakewood Pre-K-6, Dawson Pre-K-6 and Highlands Pre-K-6 feed to McNair 7-8; McNair 7-8 feeds to Jemison High School; and
- Lee High School Feeder Pattern -- Chapman Pre-K-5, MLK Pre-K-5 and Montview Pre-K-5 feed to Chapman 6-8, Chapman 6-8 feeds to Lee High School.

2. The District will allow rising juniors and seniors whose zoned school changes as part of this Consent Order to attend the school for which they were zoned in 2014-15 until they graduate from that school. Also, the District will allow rising juniors and seniors currently on personnel, Superintendent assignment, percentage of race, medical, and No Child Left Behind transfers to continue in the school attended in 2014-15 until they graduate. This provision only applies to students who will be juniors and seniors for the 2015-16 school year. This provision does not apply to Butler High School

rising juniors and seniors because that school is closing. M-to-M transfers granted under prior orders in this case are not altered.

3. The District will provide guidance counseling and new student orientation services, as necessary, for high school students who are changing schools or feeder patterns under this Consent Order.

4. The District will provide the United States with the opportunity to review any proposal for changes to attendance zones prior to seeking Court approval. The Parties will make a good-faith effort to resolve any concerns regarding proposed changes to attendance zones.

5. From time to time, the City of Huntsville annexes property that affects its corporate limits. As a result, the District will change the boundaries of any school with a boundary that follows the corporate limits of the City of Huntsville so its boundary continues to follow the corporate limits of the City of Huntsville. Where such annexation occurs, the District shall confer with the DOJ and seek leave of the Court to change the boundaries to incorporate the annexed area except when the incorporation of the annexed area will have only a minimal impact on the racial demographics of the District or of a District school or schools and will not require a change to boundaries between District schools.

**D. Majority-to-Minority Transfers**

1. General

a. The District will permit a student in Kindergarten through 12th grade zoned to a school where the student's race, as specified in the District's student information system, is in the majority to attend another non-magnet school/program

where the student's race is in the minority where space is available ("Majority-to-Minority" or "M-to-M" transfers).

b. The District will determine the availability of space for M-to-M transfers using the school capacity calculation methodology as described in Attachment D. The District will provide the United States with notice and explanation of any anticipated change to a school's capacity by November 15 of the preceding school year.

c. The District will permit students who were granted M-to-M transfers prior to the 2014-15 school year to remain in the feeder patterns to which their transfers were granted through their completion of the 12<sup>th</sup> grade.

d. Students granted M-to-M transfers during the 2014-15 school year and thereafter may remain at the school to which they transferred through the highest grade offered at that school only. Upon completion of the highest grade offered by their schools, students may apply for a M-to-M transfer to attend the school serving the next grade levels (i.e., middle school, junior high school or high school) to which residents of the attendance area of the school to which the students had previously been granted a M-to-M transfer are assigned.

1) Students seeking M-to-M transfers under d. above shall have priority for receiving such transfers if the schools to which transfers are sought do not have space available, as defined by Attachment D, to receive all students seeking M-to-M transfers.

2) If the schools to which M-to-M transfers are sought do not have capacity to receive all students who have priority under 1) above, the District shall select

those applicants to whom transfers shall be granted according to the lottery described in Section II.D.2 of the Consent Order.

3) Upon completion of the highest grade at schools to which students received M-to-M transfers, students may also apply for a M-to-M transfer to schools other than as described in d. above; however, the priority granted in 1) above shall not apply to the request.

## 2. Timeline and Procedures

The procedures for M-to-M transfer processes will follow a timeline that begins during fall semester and continues during spring semester. Specifics of the timeline are as follows:<sup>5</sup>

### a. November: District Marketing

1) No later than November 15 of each school year, the District broadly will disseminate and publicize information about the availability of M-to-M transfers for the following school year through the means described in this section.

2) The District will communicate directly information about the M-to-M program and application process to parents/guardians who have children eligible to participate in the M-to-M program through at least two media (e.g., hard copy letters by mail, robocalls, or electronic announcements, such as announcements made on student laptops), at least one time per week during the application period. In communicating with parents/guardians, the District will include efforts designed to reach

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<sup>5</sup> The timelines that follow do not apply to the 2014-15 school year. For the 2014-15 school year, the procedures required by this Consent Order will occur as soon as possible rather than on the dates provided in this Consent Order.

parents/guardians who face barriers to receiving information, including lack of digital access.

3) The District will post communications about the M-to-M process on the District website, will provide communications to community groups, such as the PTA and local community centers, and will distribute communications through local media, such as television, radio and newspapers.

4) The District will hold parent/guardian information sessions open to all parents/guardians at each high school in the evenings or on weekends prior to the start of the M-to-M application period. The District may combine M-to-M program information sessions with other information sessions, such as information sessions regarding magnet programs and career courses.

5) Communication will include an explanation of the M-to-M policy, the District's commitment to providing transportation, the application process, the opening and closing dates for requesting a M-to-M transfer and the District phone number to call for additional information and assistance.

6) The District will create an online information portal, available at a minimum through the District student information system or publicly through the District's website, to provide prospective M-to-M transfer students and parents/guardians information about the M-to-M program. Information provided through the information portal will include: the policies and procedures governing the M-to-M program; a summary explanation of the application process and timeline; information regarding the enrollment demographics and capacity of each school, including at a minimum, schools projected to have no capacity for transfers ("no availability schools"),

schools projected to have fewer than 15 seats for transfers (“low availability schools”), and schools projected to have 30 seats or more for transfers (“high availability schools”); information regarding “projected” pick-up and drop-off points and approximate pick-up and drop-off times; information about the after-school program at Goldsmith-Schiffman Elementary School, pursuant to Section II.D.7; the online M-to-M application; and the District phone number to call for additional information and assistance.

b. January: M-to-M Application and Lottery (Round 1 and 2)

1) The District will accept applications from parents/guardians of eligible students from November 15 through January 15.

2) The District will determine acceptance into the M-to-M program through a two-round lottery that will begin within five school days of the last day the District accepts applications for the M-to-M program. The lottery will select randomly names of students from the applicant pool. For each name selected, the District will determine whether either of the student’s two preferred schools (in order of preference) have available space. For each round of the lottery, the District will repeat the process until either no available seats remain or no applications remain, whichever occurs first.

3) Within 10 calendar days of running Round 1 of the lottery, the District will inform those parents/guardians of students whose transfer requests have been accepted.

4) Parents/guardians will inform the District whether they accept or reject the transfer for their child within 10 calendar days of the date that notification of their acceptance for a transfer is transmitted by the District. Failure of a

parent/guardian to inform the District within 10 calendar days after notification will allow the District to presume the transfer is not accepted.

5) M-to-M spaces that become available at the end of Round 1 due to declinations of M-to-M offers will be available for allocation in Round 2. Within five school days of the last day that parents/guardians may notify the District of their acceptance or rejection of their transfer, the District will run Round 2 of the lottery.

6) Within 10 calendar days of running Round 2 of the lottery, the District will inform parents/guardians whether their child's transfer request has been accepted or denied.

7) Parents/guardians who receive a transfer in Round 2 will inform the District whether they accept or reject the transfer for their child within 10 calendar days of the date that notification of their acceptance for a transfer is transmitted by the District.

8) The District will permit middle and high school M-to-M students to register for classes at the school to which they are assigned as transfers during the regular pre-registration period. The District will ensure that M-to-M students receive guidance from their newly-assigned school to complete pre-registration forms in a timely manner.

9) The District will provide parents/guardians who submitted M-to-M applications for their child during the November 15 through January 15 application period the opportunity to place their child's name on a M-to-M wait list for their desired school if their child's application for a M-to-M transfer was denied. The wait list will follow the rank ordering established through the lottery. The District will permit

parents/guardians who did not apply for their students for an M-to-M transfer through the lottery to submit M-to-M applications until the expiration of the wait list period on July 15 and will place applicants on the wait list in order of the date of application and after lottery applicants.

10) Until July 15, should a parent/guardian not accept a M-to-M transfer granted to their child or should a parent/guardian decline acceptance of a M-to-M space, the District will offer the M-to-M space to the next student on the wait list for the school based on the rank order established in the lottery.

11) After the close of Round 2 of the lottery, the District may grant other transfers, such as superintendent, medical, and children of personnel, as permitted by District policy where space remains available, as determined using the school capacity calculation in Attachment D.

12) The District will maintain the wait list until July 15 of each school year at which time the wait list will expire.

3. Students Residing on Redstone Arsenal Military Reservation

Students whose parents/guardians are active, uniformed military and who reside on Redstone Arsenal Military Reservation ("Redstone Arsenal") will be zoned for Columbia High School, Williams Middle School, and Williams Elementary School. Sixth through 12th grade students who reside on Redstone Arsenal may request a transfer to a non-magnet school that operates either grades seven through eight or grades nine through 12. The District will designate six spaces in each such school for these transfers. These spaces will be in addition to the transfer capacity agreed to by the Parties. Any of these spaces that are not filled by students who reside on Redstone Arsenal are reserved for



additional M-to-M transfer students. This provision does not affect the right of students who reside on Redstone Arsenal to attend magnet schools and programs or to participate in the M-to-M transfer process.

4. Accessibility

a. The District may use an online M-to-M application that parents/guardians can access on the District's website using any computer with internet access. Paper application forms will be provided to parents/guardians upon request.

b. The District will provide parents/guardians with access to computers with internet access and with in-person assistance with the application in the District's Department of Assessment and Accountability. The Department of Assessment and Accountability will also provide assistance during regular business hours by telephone to parents/guardians completing the application. The District will designate a person or persons in the Department of Assessment and Accountability to provide in-person and phone assistance to parents/guardians.

5. Transportation

a. Parents/guardians are responsible for transporting their students from home to their zoned school and from their zoned school to their home. The District will transport all M-to-M transfer students from their zoned school to their M-to-M school of enrollment prior to the start of the school day and from their M-to-M school of enrollment to their zoned school at the end of each school day.

b. The District will ensure that M-to-M students receiving transportation from the District who arrive prior to the start of the school day or who are waiting to be picked up after school are allowed to wait in a safe, well-lit, supervised

location where other students also are waiting after being dropped off or are waiting to be picked up.

c. The District will ensure, to the extent practicable, that transportation times for students, measured as travel time from the student's home to the student's school of enrollment, do not exceed District guidelines of 90 minute maximum transportation time.

6. Transition Program

The District will develop and implement measures to facilitate the transition process for M-to-M students from their home/zoned school to their receiving transfer school. Among other measures, the District will:

a. Create and implement an orientation session for M-to-M students at each school during the pre-registration period for secondary grades. During the orientation session, students will have the opportunity to: tour the school; meet school administrators, teachers and other personnel; learn about the classes, programs and extracurricular opportunities available at the school; and ask questions;

b. Devise and conduct an annual survey for M-to-M students and their parents/guardians inquiring about the school climate, effective operation of the M-to-M program (including transportation), and suggestions for improvement of the M-to-M program. The District will permit students/parents to complete the survey anonymously (if the student and parent/guardian chooses); and

c. Provide an orientation program that will be coordinated by each school's guidance department for students who enroll after the orientation session in Section II.D.6.a. has taken place.

7. Recruitment to Hampton Cove and Goldsmith-Schiffman Elementary Schools

Prior to the beginning of the M-to-M application window for the 2015-16 school year, the District will develop and implement a plan to recruit Black students to Hampton Cove and Goldsmith-Schiffman elementary schools through the M-to-M program, to the extent that space is available, to achieve the goal set by the Parties in their May 8, 2007 Joint Report and Amended Joint Motion (Document 255) of enrolling no less than 15% Black students at both schools. Recruitment efforts will include offering participation in the after-school programs provided for in Section III.L.1. at no cost to M-to-M students enrolled at Goldsmith-Schiffman. The District will not be required to transport M-to-M students who participate in the after-school program at Goldsmith-Schiffman from their after-school program to their home school.

8. Reporting

By November 15 of each school year until the Court finds the District has met its obligations in the area of student assignment, the District shall provide the United States and the Court with an annual report that includes the following:

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 was 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. The District will file with the Court a redacted PDF version

of this report in order to comply with the Family Educational Rights and Privacy Act (“FERPA”).

b. The District also will file a report with the following information:

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.;

2) Results of M-to-M surveys conducted pursuant to Section II.D.6.b.;

3) District marketing efforts regarding the M-to-M program, including examples of marketing materials; and

4) Transportation schedules, which are to be filed under seal.

**E. Magnet Schools/Programs**

1. Administration of Magnet Schools/Programs

The District will continue to operate a District-level Magnet Department under the direction of a Director of Magnet Schools and Programs. The Magnet Director will continue to be responsible for:

a. Supporting the mission and goals of the District’s magnet schools and programs;

b. Developing and implementing the application, selection and enrollment process for magnet schools and programs;

- c. Developing, implementing and supporting recruitment and marketing for the magnet schools and programs;
- d. Ensuring that each magnet school/program incorporates into its mission goals for serving a desegregated student body;
- e. Ensuring that each magnet school/program has a curriculum that is unique and that the magnet theme at each magnet school/program is integrated into the curriculum offered at each magnet school/program; and
- f. Developing and implementing professional development strategies to support delivery of the magnet curriculum.

2. Magnet Schools/Programs

- a. The District will continue to implement the following magnet schools/programs: Academy for Academics and Arts (“AAA”); Academy for Science and Foreign Languages/International Baccalaureate Primary Years Programme and Middle Years Programme (“ASFL”); Williams Middle School – Technology Magnet Program (“Williams Magnet Program”); Columbia High School – International Baccalaureate Programmes (“Columbia IB Programmes”); Creative and Performing Arts Magnet Program at Lee High School and New Century Technology High School.
- b. The District will no longer operate the Pre-Engineering Magnet Program at Lee High School, which is replaced by the engineering curriculum at New Century Technology High School. The District will permit students enrolled in the Pre-Engineering Magnet Program at Lee High School to transfer to New Century Technology High School.
- c. Johnson High School/Jemison High School

1) The District will no longer operate the Space Science and International Education Magnet at Johnson High School.

2) As described in Section II.E.8. below, beginning in the 2016-17 school year, the District will open a new magnet program – the College Academy – at Jemison High School.

3) The District will continue to offer the Law Academy magnet program at Johnson High School during the 2015-16 school year. When Jemison High School opens in the 2016-17 school year, the District will permit Law Academy magnet students who were enrolled in the Law Academy magnet program during the 2015-16 school year to remain enrolled at Jemison High School and to continue in the Law Academy magnet program until these students complete 12<sup>th</sup> grade.

d. For each existing magnet school/program, the District will develop a mission statement identifying the unique program components – such as curriculum, courses, facilities/equipment and staff – necessary to support the existing magnet theme or themes. The District will not duplicate the unique program components identified in the magnet program mission statement at other schools.

3. Enrollment Goals

a. For each magnet school/program, the District will aim for a racial enrollment that is within plus or minus 15 percentage points of the District-wide racial composition. The District will develop an enrollment goal for each magnet school/program taking into account the racial composition (i.e., Black, White, and Other) of the District and the magnet school/program.

b. Beginning with the 2015-16 school year, the District will recruit students to increase the enrollment at New Century Technology High School by 75 students over three years (2015-16 – 2017-18) by adding approximately 25 additional students per year and to increase the enrollment at the Creative and Performing Arts Magnet Program at Lee High School by 75 students over three years (2015-16 – 2017-18) by adding approximately 25 additional students per school year.

c. Beginning with the 2016-17 school year, the District will recruit approximately 30 9<sup>th</sup> grade students into the College Academy at Jemison High School so that by the 2019-20 school year, the College Academy has approximately 120 students in grade nine through 12. In admitting students to the College Academy, the District will give priority in admission for approximately one quarter of available seats to eligible McNair Junior High School students.

4. Application and Selection Criteria and Process

a. The District will develop and implement a common magnet application to be used by parents/guardians in applying for their children to attend magnet schools/programs in the District. As specified in Section II.E.4.b.-e. below, the District may supplement the common magnet application with selection criteria and a selection process for: grades six through eight for AAA, ASFL and Williams; the Creative and Performing Arts Program at Lee High School; New Century High School; the College Academy at Jemison and grades 11 and 12 for the Columbia IB programmes.

b. In admitting students to its magnet schools/programs, the District may give priority to an applicant for a specific magnet school/magnet program in which his or her sibling is currently enrolled and will remain enrolled for the subsequent

school year, provided that in giving this priority there is no conflict with the enrollment goal for that magnet school/program or with any other provision of this Magnet Schools/Magnet Program section.

c. Selection Criteria/Process for AAA, ASFL and Williams Magnet Program:

1) Pre-K through Grade Five

a) For admission to Pre-K through grade five at AAA and ASFL, the District will not use academic criteria.

b) If the number of applications for AAA or ASFL at Pre-K through grade five exceeds the number of seats available in Pre-K through grade five, the District will use a lottery to admit Pre-K through grade five students to the respective magnet schools. If the applicant pool for Pre-K through grade five at ASFL or AAA approximates the desegregation goal for ASFL and AAA, respectively, the District will conduct a random lottery to admit students to Pre-K through grade five to the respective schools, and in conducting the lottery, the District will consider the racial composition of the home/zoned schools of applicants. If the applicant pool for Pre-K through grade five students at ASFL or AAA does not approximate the desegregation goal for the respective magnet schools, the District will conduct a lottery that is weighted by race and that considers the racial composition of the home/zoned schools of applicants.

c) The District may place students not admitted to AAA or ASFL through the lottery process in a wait pool or wait list for each school. The District may allow students to remain on more than one wait pool or wait list. The District may maintain the wait pools or wait lists through the first six weeks of each school year.



Where vacancies occur during the time that the District maintains the wait pools or wait lists, the District may use a random lottery to admit students to fill vacancies and the lottery will consider the racial composition of the home/zoned schools of applicants.

2) Grades Six through Eight

a) In selecting new students for grades six through eight at AAA, ASFL and Williams Magnet Program, the District may use selection criteria related to the magnet theme offered at the respective magnet schools. The District will review and revise, as necessary, any selection criteria used at AAA, ASFL and Williams Magnet Program to ensure that the selection criteria are related to the magnet theme offered at the respective magnet school.

b) The District will establish a committee to review holistically the data and information about each new student in grades six through eight. The committee will use this holistic review to select students for AAA, Williams Magnet Program and ASFL. The District will ensure that each committee: is racially diverse; has District-level and school representatives; and includes teachers and administrators.

d. Selection Criteria/Process for Creative and Performing Arts Program at Lee High School, New Century High School and the College Academy at Jemison High School:

1) For admission to the Creative and Performing Arts Program at Lee High School, New Century High School and the College Academy at Jemison High School, the District may use selection criteria related to the magnet theme offered at the respective magnet schools/programs. The District will review and revise, as necessary,

any selection criteria used by the respective magnet schools/programs to ensure that the selection criteria are related to the magnet theme offered at the magnet schools/programs.

2) The District will establish a committee for each magnet school to review the data and information holistically and to select students for each magnet school/program. The District will ensure that each committee: is racially diverse; has District-level and school representatives; and includes teachers and administrators.

e. Selection Criteria/Process for Columbia High School:

1) The District will not use academic criteria for admission for students applying for ninth or 10<sup>th</sup> grade to the Columbia High School IB Middle Years Program ("MYP"). If the number of applications for ninth or 10<sup>th</sup> grade IB MYP exceeds the number of seats available in the ninth or 10<sup>th</sup> grade IB MYP, the District will use a lottery to admit ninth or 10<sup>th</sup> grade students to Columbia High School. If the applicant pool for ninth or 10<sup>th</sup> grade approximates the desegregation goal for Columbia, the District will conduct a random lottery to admit ninth and 10<sup>th</sup> grade students to the IB MYP that considers the racial composition of the home/zoned schools of applicants. If the applicant pool for ninth and 10<sup>th</sup> grade students for the IB MYP does not approximate the desegregation goal for Columbia High School, the District will conduct a lottery that is weighted by race and that considers the racial composition of the home/zoned schools of applicants.

2) The District will permit students admitted in the ninth or 10<sup>th</sup> grade to complete their high school education at Columbia High School and these students may apply to participate in the IB Diploma programmes in 3) below.

3) For admission to the IB Diploma programmes in 11<sup>th</sup> and 12<sup>th</sup> grades, the District may use selection criteria that are related to the IB Diploma

programmes. The District will review and revise, as necessary, any selection criteria used to admit students to the IB Diploma programmes to ensure that the selection criteria are related to the IB Diploma programmes.

4) The District will establish a committee to review the data and information holistically about each 11<sup>th</sup> and 12<sup>th</sup> grade student. The committee will use this holistic review to select students for the IB Diploma programmes. The District will ensure that each committee: is racially diverse; has District-level and school representatives; and includes teachers and administrators.

f. The District will disseminate any selection criteria for its magnet schools/programs through the District's website and in the recruitment and marketing materials for magnet schools/programs.

g. Annually, the District will determine whether each magnet school/program is meeting its enrollment goal. For each magnet school/program, this will include reviewing the number of applicants and the enrollment, disaggregated by race, and the impact of any selection criteria and process on a magnet school/program meeting its enrollment goal. For each magnet school/program that is not meeting its goal, the District will develop and implement strategies to assist the magnet school/program in meeting its enrollment goal to the extent practicable.

5. Marketing and Recruitment

The Magnet Department will implement the following marketing and recruitment strategies:

a. Develop and implement a District-level website that includes the guiding principles and information about all magnet schools/programs operated by the

District. For each magnet school/program, the website will include: a description of the theme or themes; application information; dates for submitting applications and selection criteria, if applicable. The District website will include a link on the front page of its website to the website of each magnet school/program so that parents/guardians have access to specific information about each magnet school/program;

b. Work collaboratively with each magnet school/program to ensure that information about each magnet school/program is posted prominently on the website of each magnet school/program and review and monitor the website for each magnet school/program to ensure that the website of each magnet school/program continues to post information about the school's magnet theme prominently on its webpage;

c. Develop and implement a broad range of marketing and recruitment strategies, such as: an annual magnet fair; targeted recruiting; open house sessions; brochures and school signage; and community discussions. In implementing its marketing and recruitment strategies, the District marketing will include efforts designed to reach parents/guardians who face barriers to receiving marketing and recruitment information, including lack of digital access;

d. Review applicant pools during the period when the District is marketing and recruiting for its magnet schools/programs to determine the number of applicants for each magnet school/program and the racial composition of applicants for each magnet school/program. The District will do targeted recruitment for any magnet school/program that does not have sufficient number of applicants for seats available in

the magnet school/program or that does not have a racial composition consistent with the enrollment goal for the magnet school/program; and

e. Market identified pathways between elementary and secondary magnet schools/programs. This will support parents/guardians as they choose magnet schools/programs for their children.

6. Retention of Magnet Students

The District expects that all students who are admitted to magnet schools/programs will remain at the magnet schools/programs until they finish the highest grades offered by the magnet schools/programs. If, however, a student in grades six through 12 who is enrolled in a magnet school/program is not successful (success as measured by grade-level proficiency, participation in magnet activities/courses, and discipline) in that magnet school/program, the staff at the magnet school/program will develop a plan, including supports for the student, with the student and his/her parents/guardians to address identified issues regarding the student's success in the magnet school/program. The magnet school/program will implement the plan for at least one semester. If the student has not improved after implementation of the plan, the principal may recommend to the Superintendent that the student be returned to his/her home/zoned school. The Superintendent will review the recommendation by the principal, including development and implementation of an appropriate plan and supporting data and information, and may return the student to his/her home/zoned school.

7. Curriculum and Theme Integration

a. The District will implement the following action steps to ensure that each magnet school/program has specialized coursework and resources:

- 1) Review courses at non-magnet schools to determine impact and duplication, if any, to magnet schools/programs;
- 2) Implement an annual talent management process to ensure magnet schools/programs have staffing necessary to meet their goals and deliver their magnet themes;
- 3) Review and revise, as necessary, a program budget for each magnet school/program;
- 4) Continue to develop relationships between magnet schools/programs and specific community and industry partners to provide each magnet school/program with access to community resources and expertise;
- 5) Review and revise, as necessary, the foreign languages course offerings at magnet schools/programs; and
- 6) Develop and strengthen clearly identified pathways between elementary and secondary magnet schools/programs.

b. AAA

- 1) The District will develop additional specialized arts courses to be offered at AAA. Additional courses will provide continuity with the Creative and Performing Arts Program at Lee High School.
- 2) The District will recruit arts-minded teachers to teach at AAA from within the District and from outside the District.
- 3) The District will provide a preference for Pre-K students who wish to enroll in the AAA magnet program.

c. ASFL

1) As appropriate, the District may develop and implement additional professional development strategies to support delivery of the IB Primary Years Program (“PYP”) and IB MYP curricula.

2) The District will provide a preference for parents/guardians of Pre-K students who wish for their child to enroll in the magnet program.

d. Columbia High School IB Programmes

1) Before the start of the 2015-16 school year, the District will develop and implement professional development strategies to support delivery of the IB curriculum.

2) The Director of Magnet Programs and Columbia administrators will review the master schedule to ensure that IB/Advanced Placement (“AP”) courses are not overcrowded and that IB teachers have sufficient planning time, comparable to the planning time available for teachers at other District high schools.

3) The Director of Magnet Programs and Columbia administrators and teachers will develop and implement support services to students in IB Diploma programmes to promote retention and success in the programs.

4) To increase the number of students prepared for IB courses in grades nine through 12, the District may expand the IB program to Providence Elementary School, Williams Elementary School and Williams Technology Middle School.

e. The Creative and Performing Arts Magnet at Lee High School

1) Before the end of each school year, the District will review all magnet courses to determine whether magnet courses have qualified teachers. Based on this review, the District will develop a plan before the start of each school year to hire or assign qualified teachers for any magnet courses identified as not having a qualified magnet teacher.

2) Prior to January 1, 2016, the District will develop a plan to recruit students and expand AP course offerings related to the magnet theme (e.g., AP Art History and Studio Art).

3) The District will review course offerings and activities at the Creative and Performing Arts dance program at Lee High School and will develop and implement supports, such as collaborating with community partners, to ensure that students have access to varied opportunities to develop their skills in dance. In addition, the District will ensure that the breadth and quality of the dance program at the Creative and Performing Arts magnet program exceeds that of dance programming at other high schools. This will include, as necessary, limiting dance programming at other high schools.

f. New Century Technology High School

1) The District will identify students with an interest in applying to New Century Technology High School prior to the start of their seventh grade year. The District will provide academic coaching and support services to students interested in applying to New Century Technology High School to enable students to successfully complete Algebra I in eighth grade.



2) Prior to the 2016-17 school year, the District will develop internships and career readiness programs tied to the magnet school theme and annually will examine opportunities to offer additional cutting edge and high-level technology programs.

3) Before the end of each school year, the District will review all magnet courses to determine whether magnet courses have qualified teachers. Based on this review, the District will develop a plan before the start of each school year to hire or assign qualified teachers for any magnet courses identified as not having a qualified magnet teacher.

g. Williams Middle School -- Technology Magnet Program

During the 2015-16 school year, the District will review and revise the Williams' magnet curriculum to ensure that the magnet program is rigorous and unique and that it provides a foundation for students to matriculate to New Century Technology. During the 2016-17 school year, the District will implement any revisions to the curriculum.

h. Dual Enrollment Courses

The District will offer dual enrollment opportunities on an equitable basis at all non-magnet high schools in the District, and the District will ensure that dual enrollment courses do not compete with the College Academy program. The District may permit students at non-magnet high schools to enroll in one dual enrollment course per year. Students who seek to take more than one dual enrollment course per year must seek permission from the Superintendent or his/her designee; requests will be considered on a

case-by-case basis. This limitation does not apply to career technical dual enrollment courses.

8. Jemison College Academy

a. Beginning in the 2016-17 school year, the District will operate the College Academy magnet program at Jemison High School.

b. Program Theme. The District will design the College Academy to prepare students to succeed at a four-year college. Students will engage in a program of study where they will earn a high school diploma and simultaneously complete two years of college credits transferable to a public institution of higher learning in Alabama. The program will expose students to college curriculum and teaching styles and will provide students with study skills development, academic counseling and structured immersive experiences on a college campus.

c. College/University Partnership. The District will partner with a public institution of higher learning to develop and implement the College Academy program. The partnership institution will provide teaching faculty, curriculum, and support services to College Academy students on the Jemison High School campus.

d. Community/Industry Partnerships. The District will develop and expand upon existing community and industry partnerships to provide internships and other supports for the College Academy.

e. Admissions. The District will nominate students and accept applications to the College Academy from seventh grade students and will admit students to the College Academy prior to the end of each student's seventh grade year. The District will use the following criteria for admission: standardized assessments; grade point

average; ability to successfully complete Algebra I by the end of eighth grade; demonstrated maturity; and recommendations from school personnel, such as principals, teachers or guidance counselors. The District will establish a committee of the College Academy faculty, including faculty from both the high school and the partnership institution, to review application information, interview candidates, and select students for the College Academy. Upon admission, College Academy representatives will meet with students and their parents/guardians.

f. Pre-Academy Programming. To support students in aligning courses with their career and college goals, the District will provide counseling to students to develop personalized learning plans, including academic coursework, career goals, and instructional supports necessary for the completion of Algebra I by the end of eighth grade, beginning at the end of seventh grade.

g. Summer Bridge Program. The District will provide a Summer Bridge program to rising ninth grade College Academy students. Members of the College Academy faculty will participate in the Summer Bridge program, and the program will include classes and activities that orient students to the College Academy, such as college planning and study skills.

h. College Academy Program

- 1) The District and the partnership institution of higher learning will develop a standard course of study with elective opportunities that includes approximately 50 to 60 hours of college credit courses and the necessary course work to earn a high school diploma.

2) The District will cover course costs of College Academy students who take college courses through the College Academy.

3) The District will assign college courses weighted high school quality points and will provide students the option to incorporate AP course work into their schedule.

4) The District will provide College Academy courses at the Jemison High School campus, except as provided in 5 below.

5) To provide students an immersive college experience, and consistent with the personalized learning plans of students, the District will provide 11th and 12th grade students the opportunity to take up to two College Academy courses on the college campus each year unless the Superintendent gives special permission for a student to take additional courses on campus.

6) The District will coordinate with the partnership institution to provide College Academy students access to the partnership institution's libraries and to identify appropriate college activities such as lecture series in which students may participate or attend.

7) The District will provide transportation to College Academy courses and College Academy-sponsored activities on the college campus.

8) The District will collaborate with the partnership institution of higher learning to provide ninth through 12th grade College Academy students support services, such as study sessions, office hours with College Academy faculty, and tutoring in collaboration with the partnership institution.

9) The District will provide a dedicated space for the College Academy at Jemison High School.

10) The District will permit non-magnet Jemison High School students to participate in AP courses that are a part of the College Academy.

i. College Academy Faculty and Professional Development

1) The District will hire or designate a District administrator to serve as the College Academy Coordinator. The College Academy Coordinator will oversee the development and implementation of the College Academy program. The Jemison High School principal will administer the operation of Jemison High School, including the College Academy.

2) Faculty from the partnership institution of higher learning will teach all college level courses. Jemison High School faculty will teach all high school level courses, including AP courses offered at the high school.

3) The District will designate a guidance counselor who will work for the College Academy program. The College Academy guidance counselor will participate in workshops, professional development, planning, and coordination meetings related to the College Academy.

4) The District, with the partnership institution of higher learning, will coordinate workshops at least annually to provide professional development to high school and college faculty with a focus on teaching high school age students, effectively bridging high school and college course work, and strategies for supporting student success in the College Academy on an individual and collective basis.

5) The District will provide professional development to Jemison teachers in areas that facilitate student success in college level courses. Professional development may focus on areas such as Laying the Foundation and AP, transitioning from middle school, effective instructional strategies, and cultural responsiveness.

j. Monitoring. The District will develop and conduct an annual evaluation of the College Academy to gauge the program's effectiveness and make adjustments to the program, as needed, consistent with this Consent Order. The evaluation will include formative and summative evaluation and monitoring methods, including a review of student enrollment data, including the racial composition of the program and the applicant pool and the sending schools; student achievement data obtained from course and state assessments; and student, teacher/faculty, and parent/guardian feedback on the program.

9. Interaction between Magnet and Non-Magnet Students at Williams Middle School, Columbia High School, Lee High School, New Century Technology High School and Jemison High School

a. Magnet students at Williams Middle School, Columbia High School, Lee High School, New Century Technology High School and Jemison High School will have the opportunity to participate in non-magnet courses and extracurricular activities at their respective schools, including athletics as permitted by the rules of the Alabama High School Athletic Association, with non-magnet students at their respective schools.

b. The District will work with the administrators at the Lee Performing and Creative Arts Magnet Program and New Century Technology High School to implement courses, extracurricular activities, events, or other strategies to build cohesion between the two programs. The District will work with the administrators at Jemison High School to implement courses, extracurricular activities, events, or other strategies to build cohesion between magnet and non-magnet students.

10. Professional Development for Magnet Schools/Programs

a. The District will develop and implement professional development strategies to support delivery of the magnet curriculum.

b. The District will implement vertical team planning for teachers and administrators in the feeder patterns for its magnet schools/programs.

11. Transportation

The District will provide transportation to students accepted into magnet schools/programs from their home/zoned schools to their respective magnet schools/programs.

**F. Reporting**

By November 15 of each school year until the Court finds the District has met its obligations in the area of student assignment, the District will provide the Court with an annual report regarding magnet schools/programs that includes the following:

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);

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;

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

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

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.



### **III. Equitable Access to Course Offerings and Programs**

#### **A. Teacher and Administrator Hiring and Professional Development**

1. By January 2016, the District will implement a screening process for new applicants to determine each new applicant's awareness of, attitude toward, and knowledge and skills for working with diverse populations.

2. Beginning in the 2015-16 school year:

a. The District will provide all teachers, counselors, and administrators with seven hours or more of professional development on culturally responsive strategies for serving students from all backgrounds and to address concerns such as implicit bias. Thereafter, the District will provide new teachers with seven hours or more of professional development and will provide refresher professional development for other teachers, counselors and administrators, as appropriate;

b. Each teacher, counselor, and administrator annually will include a cultural diversity indicator in a professional development plan;

c. The District will encourage teachers to participate in professional development opportunities that expand their abilities to teach students from diverse backgrounds and the District will recognize teacher leaders in this area; and

d. The District will provide new teachers and teachers with identified needs with opportunities for professional development on teaching techniques, such as differentiation, individualization through blended instruction and team teaching.

#### **B. Equitable Distribution of Teachers**

1. Secondary Teachers. By the beginning of the 2015-16 school year, the District will implement a process to review the credentials of secondary teachers in

departments to ensure comparability of departments between schools (e.g., English, mathematics, science, and social studies) as set forth below:

a. In reviewing comparability of departments, the District will consider a number of factors, including professional degrees, certifications, subject matter expertise, years of experience, performance reviews, qualifications of AP teachers, training, and other indicia of quality and effectiveness;

b. If the review indicates that departments at each school across the District are not comparable, the District promptly will take appropriate measures that will ensure that the departments are comparable as soon as possible but no later than two years from the date of the determination. These measures may include: hiring new teachers; providing professional development to current teachers; providing mentors to teachers and/or pairing teachers; reassigning teachers; assigning teachers to multiple schools; and interim measures, if necessary.

c. By the 2016-17 school year, the District will implement a process to ensure that any monetary awards given to AP teachers encourage teachers to teach AP courses in schools that have historically low AP enrollment and/or scores on AP exams and to recruit and to provide support to students from groups that have been under-represented in AP courses. The District may structure monetary incentives for teachers, as necessary, to reach these objectives.

2. Probationary Review Process. The District will implement a process to review the credentials of probationary teachers to ensure that probationary teachers who are returned to teach the following year have comparable measures of effectiveness. The review shall include measurement tools such as teacher attendance, student surveys,

student achievement data, student discipline data, principal input, classroom observations and employee disciplinary documentation.

3. Teacher Hiring, Assignments, and Transfers. The District will manage hiring and assignment of teachers, including initial placement and voluntary and involuntary transfers, to ensure comparability of teacher experience across schools. For purposes of assessing comparability of teacher experience among schools, the District will compare the proportion of teachers with three or fewer years of experience.

**C. Pre-Kindergarten Program**

1. The District will ensure that each elementary school has at least one Pre-K class. When locating any additional Pre-K classes at non-magnet schools in the District, the District will consider the socio-economic and special education needs of the students in the District to ensure that they are adequately served.

2. The District will staff its Pre-K program with teachers certified in Early Childhood Education and will use a curriculum that is research-based and that teaches both academic and social skills. The Pre-K program will provide targeted instruction in the areas of pre-reading, pre-writing, and math.

3. Prior to the 2015-16 school year, the District will conduct a survey of parents/guardians whose children are eligible to participate in the Pre-K program or whose children are enrolled in the Pre-K program to determine if there are transportation barriers to attend a Pre-K program. Based on this survey, the District will develop a plan to address transportation issues identified by parents/guardians of traditionally under-represented students, to the extent feasible.

4. The District will offer an orientation session and workshops to parents/guardians whose children are eligible to participate in Pre-K to provide those parents/guardians with the tools and knowledge to support and to advocate for their children in the school setting. The District will provide Kindergarten “shadow day” for Pre-K students entering Kindergarten the following school year. The District will give program priority to students who never have participated in a preschool or Pre-K program.

5. The District will take measures to ensure that parents/guardians of young children residing in the District are aware of the District’s Pre-K program for four-year-olds, including implementing measures designed to reach students most likely to benefit from the program, such as outreach to community groups and advertisement in community centers and other places. The District will advertise its Kindergarten “shadow day” to all eligible students.

**D. Elementary Gifted Programs**

1. By June 1, 2015, the District will hire or designate a central office administrator responsible for the oversight of the District’s elementary gifted program, including management and review of: records of gifted identification and gifted services received; the equitable identification of gifted students; the equitable treatment of students within the gifted program; professional development of gifted teachers; the revision of gifted curriculum to reflect the current theory and research on curriculum for the gifted and expansion of gifted curriculum through an enrichment program, implemented school-wide; and development, implementation, and evaluation of a uniform elementary gifted program and curriculum across all schools in the District.

2. By August 31, 2015, the District will provide school administrators professional development and resources needed for appropriate implementation of the gifted program, as described in this Elementary Gifted Programs section.

3. The District will develop and implement a District identification process to ensure students who are eligible for the District's elementary gifted program receive services on an equitable basis as follows:

a. The District's process will use reliable and valid instruments for identifying students for the gifted program, including instruments that are sensitive to cultural bias. The screening process will use tests and referrals to guide placement in appropriate services and will be based on student profiles that include a variety of information and data about the students;

b. The District will establish an Identification Committee responsible for reviewing the student data and information for each student in a holistic manner as part of the gifted identification process. The District will appoint individuals to the Identification Committee who are diverse in terms of race, geography and professional role, including teachers, administrators, counselors, and psychologists; and

c. The District will seek exemption from the state recommended gifted matrix for identification.

4. Beginning with the 2015-16 school year, the District will develop and implement a Talent Development program in each elementary school to serve students in Pre-K through first grade. The purpose of the Talent Development program is to develop and to promote the identification of gifted students, particularly Black students who may have faced previous barriers to identification.

5. Beginning with the 2015-16 school year, the District will revise curriculum offered to gifted students so that it: reflects sequential building blocks, which include rigor and challenge in content, process, and product beyond that of the general curriculum; reflects a clear scope and sequence of goals and objectives across all grades in which the program is offered; incorporates principles of cultural responsiveness; and leads to the success of gifted students of all racial groups in the curriculum offered beyond the elementary school program.

6. Prior to the start of the 2015-16 school year, the District will revise its gifted program so that: students receive pull-out services based upon identification of a student's giftedness; and teachers create environments for instruction that reflect responsiveness to the cultural differences among the groups of identified gifted students both within the general education program and in the pull-out services. The District also will use an enrichment model implemented school-wide, such as a cluster-grouping model with a differentiation of curriculum, to further talent development through the elementary school years and to assist teachers in talent identification among students who may have been overlooked in other identification processes and procedures.

7. General education elementary school teachers will collaborate with the gifted teacher at their school to implement and tailor the enrichment model described in this Elementary Gifted Programs section for their individual classrooms.

8. The District will develop and implement a review process for gifted teachers to ensure effective gifted teachers in all areas of the District. Additionally, the District will:

a. Provide gifted education teachers with a professional development program of seven hours or more prior to the start of the 2015-16 school year, including: implicit bias awareness and training in creating curriculum and environments that are culturally responsive; teaching techniques, including structuring classroom activities in response to pre-assessment and formative assessment; and collaboration with general education classroom teachers. Starting with the 2016-17 school year, the District will incorporate the professional development elements identified in this Gifted Programs section into its regular training requirements for new gifted education teachers. The District will offer refresher courses as needed to teachers who previously received the gifted professional development provided for in this Gifted Programs section; and

b. Ensure that gifted education teachers collaborate with general education teachers at their assigned school(s), particularly in the role of development and implementation of an enrichment model described in this Gifted Programs section and in specific differentiation of the content of the general education curriculum for all identified gifted students in general education classrooms.

9. The District will provide all students identified as gifted with equitable access to gifted education resources, including dedicated classroom space, hours of gifted services and educational materials.

10. Annually, the District will engage in outreach to all parents/guardians to ensure that they are aware of the school's gifted program and the District's gifted identification process. This will include targeted outreach to parents/guardians of Black students.

11. During the first semester of each school year, each elementary school will conduct workshops for parents/guardians who have children who have been identified as gifted. In addition, during parent/guardian conferences, parents/guardians will have the opportunity to discuss classroom expectations, available support services, ways to support their child's learning at home and feedback on their child's experience in the gifted program.

**E. Special Education Services**

The District will employ a process pursuant to the Individuals with Disabilities Education Act ("IDEA") to ensure the equitable identification and provision of special education services to eligible students of all races. The District's process will: use reliable and valid instruments for identifying students for elementary special education programs, including instruments that are sensitive to cultural bias; include a screening process that uses tests and referrals to guide placement in appropriate services; and ensure the identification of students based on student profiles that include a variety of information and data.

**F. Mathematics Acceleration**

1. The District will implement mathematics curricula and best practices that provide rigor and readiness for all elementary, middle/junior high, and high school students so that students receive the necessary academic preparation to take AP/IB Diploma courses by grade 12. This will include:

a. Development and implementation of an accelerated elementary and middle/junior high school math curriculum that will create a pathway that prepares students to participate in Algebra I in grade eight;



b. Development and implementation of a high school math curriculum that will create a pathway that prepares students to participate in AP/IB Diploma courses by grade 12;

c. Implementation, beginning in the 2015-16 school year, of the math acceleration curricula in grades three through six;

d. Implementation, beginning in the 2016-17 school year, of the math acceleration curricula in grade seven;

e. Implementation, beginning in the 2017-18 school year, of the math acceleration curricula in grade eight. Algebra I will be the standard math curriculum for eighth grade students; and

f. Enrollment, beginning in the 2017-18 school year, of entering high school students in Algebra I (including Algebra IA and Algebra IB) on a limited, as-needed basis, or a higher-level math course. If, in any instance, a student needs to be enrolled in Algebra IA and Algebra IB, the District will enroll the student in both courses in the ninth grade year.

2. The District will revise the current math benchmark assessments in grades three through 12 to align with the accelerated standards for math. Student results will be reviewed quarterly at the school and at the District level as part of the school progress monitoring process. These benchmark data will be compared to other external measures to ensure content rigor is being provided. These benchmark data will be included in performance goals for school principals.

3. The District will provide professional development opportunities for advanced mathematics study for teachers. In addition, the District will explore

partnership opportunities with local universities to develop college-level courses and programs designed to increase math teachers' content knowledge and expand pedagogy.

**G. Support Services for Math and English Language Arts**

1. Math

a. The District will ensure that elementary schools provide flexible scheduling to give students access to support services in math, including enrichment, intervention, cross grade instruction, and other individual learning opportunities. Whenever possible, the District will ensure that teachers utilize push-in support services and incorporate teaching methods appropriate for heterogeneous skill groups. The District also will ensure that secondary schools provide support services in math for under-performing students, such as intervention, seminars, blended instruction and other individual learning opportunities.

b. For the 2015-16 and 2016-17 school years, the District will develop support services for assisting students in completing Algebra I by the end of grade nine.

2. English Language Arts

In the 2017-18 school year, the District will begin implementing support services for English Language Arts ("ELA") similar to the support services outlined in Section H.1.a.

**H. Honors, AP, and IB Courses in Secondary Schools**

1. Course Availability

a. Each high school will teach at least one AP or IB class in each of the following subject matter areas: English; Mathematics/Computer Science; Science; and

History/Social Science. In the 2015-16 school year, each high school will teach no fewer than 10 AP or IB classes and no fewer than six Honors classes. In 2016-17 and in each school year until the District meets its obligations pursuant to this section, each high school will teach no fewer than 12 AP or IB classes and no fewer than eight Honors classes.

b. If four or fewer students express interest in enrolling in an AP class taught in the District but not offered at their home/zoned school, the District will offer the student(s) the opportunity to take the desired class at another high school in the District or to take the desired course online, where available.

c. The District will provide transportation to a student taking an AP class at another District high school under Section III.I.1.b. if the student requests such transportation.

d. The District will work with the student and school counselors to propose a schedule that meets the student's needs and will review the scheduling and location of requested AP courses to improve accessibility and to reduce the burden for interested students.

## 2. Participation

a. The District will review criteria for enrollment in Honors, AP, and IB courses to ensure criteria are multifaceted and do not create barriers to the participation of Black students. The District will work with teachers and school administrators to identify students who have the potential to succeed in Honors, AP, and IB courses to encourage their enrollment and to provide bridge support services, where necessary.

b. The District will develop a program of services to support students from groups historically under-represented in Honors, AP, and IB courses. Program services may include peer mentors, summer and after school preparatory courses, and online support services.

3. Enrollment and Performance Goals. For sixth grade, where offered, and for grades seven through 12, in consultation with school administrators and staff, the District will: establish enrollment and student performance goals for Honors, AP, and IB courses, including metrics for participation and performance by traditionally under-represented racial groups, at the beginning of each school year. The District also will develop and implement strategies for achieving these goals.

4. Monitoring of Progress. The District will monitor each school's progress toward reaching its enrollment and student performance goals for Honors, AP, and IB courses during the school year and will revise strategies, as needed, consistent with this Consent Order.

5. Recruitment and Outreach for Honors/AP/IB Students. Prior to the course enrollment window, each high school will conduct outreach, which will include sending informational packets home with students, regarding the school's Honors, AP, and IB courses and any criteria to enroll in those courses. The District will ensure teachers and counselors actively recruit Black students to participate in Honors, AP, and IB courses.

6. Parent/Guardian and Student Engagement. During the first semester of each school year, each high school will offer parent/guardian conferences for parents/guardians of students who are taking an AP or IB course for the first time. During the conference, parents/guardians will have the opportunity to discuss classroom

expectations, the course syllabus, their student's performance in the class, available support services, ways to support the student's learning at home, and feedback on their experience in the course. The District also will administer parent/guardian and student surveys at the end of each AP and IB course to gather feedback on improving the AP and IB experience for current and future students and will evaluate the results of the survey with a focus on improving participation and achievement of Black students.

7. Annual Survey. Annually, the District will conduct a survey of students in grades five through 11, their parents/guardians, and relevant staff in which students, parents/guardians, and relevant staff are asked their perceptions and understandings about: recruitment and enrollment in AP, IB and Honors courses; early awareness of students and parents/guardians about the relationship between the elementary curriculum and middle/junior high and high school curriculum; and the impact of peer influence in participation and enrollment in AP, IB and Honors courses. The District will review the results of this survey, disaggregated by race, and will take any necessary action steps based on the results of the survey, taking into account the responses of Black students and their parents/guardians.

**I. Performing Arts Class Review**

The District will review performing arts classes, such as band and chorus, and related performing arts activities to ensure that each school in the District offers comparable performing arts opportunities and that non-magnet performing arts programs are not added that duplicate or compete with the unique programming of magnet schools.

**J. Career Academies**

1. Upon the opening of Jemison High School, the District will offer at Jemison High School the same curriculum and, at least, comparable resources and facilities, including a composites laboratory, as the Advanced Engineering and Manufacturing Program at Grissom.

2. Students may enroll in career academy courses not offered at their school of enrollment. The District will provide transportation to students seeking to take the course at another school. The District will enroll students at the Career Academy program at the location nearest to their school of enrollment.

**K. Additional Support Programs and Services**

1. After-School Programs

a. By the beginning of the 2015-16 school year, there will be two new after-school programs at elementary schools located in north Huntsville.

b. For students who enroll in one of the two new after-school programs, the District will pay fees each school year for service for up to 30 students at each new site who qualify for free and reduced meals. The District will use the direct certification process or a successor process provided by the State of Alabama to determine the students who are eligible for free and reduced price meals. If there are more than 30 students who apply and who are qualified for free and reduced meals, the District will conduct a lottery to determine the 30 students for whom the fees for service will be paid.

c. The District will permit parents/guardians who desire to enroll a student in after-school programs where a program does not operate at the student's home/zoned school to enroll in the program and will provide transportation

using existing bus routes, without unduly extending the travel time of current bus riders, to a reasonably nearby school that operates an after-school program.

d. The District will advertise the after-school programs and other affordable, quality after-school programs in Huntsville to parents/guardians through a variety of means, including the District's website.

e. If after-school programs through the current entity cease and the District chooses to enter into a relationship with another entity, the District will ensure that any alternative after-school programs are open to all students on the same basis and will provide locations for after-school programs that are accessible to students throughout the District.

2. Guidance Counseling

a. The District will review its screening process to ensure that counselors have skills to support students of diverse backgrounds and the commitment necessary to support the goal of closing the achievement gap between Black and White students. The District will make revisions to the screening process, as needed. Each school's guidance staff will be comparable in credentials, such as certifications, training, years of experience, and other measures of quality and effectiveness.

b. Prior to the start of the 2015-16 school year, the District will provide professional development to high school guidance counselors regarding assisting under-represented populations with the college admissions process and financial aid. The District will provide refresher training to high school counselors, as needed.

c. The District will direct the central office administrator responsible for coordinating school counseling services to review and to support all

guidance programs at schools serving grades six through 12 to ensure that guidance offices have access to comparable materials and resources and that guidance offices are following comparable and equitable practices in providing students with information and counseling services. The District will coordinate opportunities for guidance counselors to meet at regular periods during the school year to develop guidance information collaboratively and to share resources.

d. The District will develop a uniform package of guidance information on course offerings, prerequisites and college and career planning. The District will publish this package of information on the District website and as a link on each school's individual website. The District will ensure that these materials are available to students at their schools and that they are provided to parents/guardians in hard copy. The District may take other measures to make materials available, such as distributing materials at community centers and libraries. The District will review annually the effectiveness of its outreach measures.

e. The District's guidance counselors will provide college counseling, application assistance, scholarship information and other targeted academic support for traditionally under-represented high school students and/or their parents/guardians.

3. Students at Risk

The District will use the school-based Problem Solving Team ("PST") process to identify students in grades six through 12 who are at risk of failure to graduate with their cohort. The PST process will use holistic factors, such as grades in core classes, school absences, and discipline. The District will ensure that students are not suspended out of



school for tardiness or truancies and will provide supportive intervention measures designed to address the underlying causes of absenteeism.

4. Parent/Guardian Workshops

The District will conduct semi-annual workshops open to all parents/guardians to provide support and information on: helping their children with homework and study skills; planning for their children's academic future; and providing information about the available school, District, and community-based resources for students' academic and career-related needs and interests. The District will hold these workshops at all Title I elementary, middle/junior high, and high schools.

5. Industry/Community Partnerships

Prior to January 1, 2016, the District will complete a review of District and school parent, community, and industry support networks to identify differences among schools. Prior to the start of the 2016-17 school year, the District will develop and implement a plan to strengthen support networks and increase industry/community partnerships in response to needs identified in the review.

6. Financial Assistance with Fees for Courses, Exams and Magnet Program Activities

a. The District will not charge fees for core courses and magnet courses. The District will provide financial assistance to students who cannot afford fees for courses, exams and magnet program activities, where fees would otherwise be charged. To determine students who are eligible for such financial assistance, the District will use the direct certification process or a successor process provided by the State of Alabama for students who are eligible for free and reduced price meals and will provide financial

assistance to homeless students. The District automatically will approve these students for financial assistance without application by the student. The maximum fee per course that a student eligible for financial assistance will pay is \$10.

b. Students who are not automatically approved for financial assistance pursuant to Section III.L.6.a. above may apply for financial assistance for a particular fee at their school.

c. The District will advertise the provisions of Section III.L.6. and other educational programs and support services eligible for local, state, or federal financial assistance, such as ACT testing. The District will make such advertisements through a variety of means, such as online, telephone, local media or other means designed to reach students who are identified as likely to benefit from the financial assistance provisions of Section III.L.6.

d. The District will provide high school students with access to preparation courses and activities for college entrance exams, such as the ACT, at no cost to students.

**L. Self-Monitoring**

1. Beginning with the 2015-16 school year, the District will conduct an internal review by October 1 of each year to identify, analyze, and monitor racial disparities, if any, between and within schools in the areas described in this section.

a. The District's internal review will consider: the availability of AP, IB, and Honors courses, disaggregated by school; participation in AP, Honors and IB courses, disaggregated by race; scores on AP exams, disaggregated by race; final grades in AP courses, disaggregated by race; graduation and progression rates, disaggregated by

race; attendance rates, disaggregated by race; student performance on ELA and math State assessments, disaggregated by race; the number of students identified to receive gifted services, disaggregated by race and by school; the number of students who are referred for special education services under IDEA, disaggregated by race and by school; the number of students identified as Learning Disabled, disaggregated by race and by school; the number of students identified as having Intellectual Disabilities, disaggregated by race and by school; and any additional data, disaggregated by race, that the District determines are reliable and helpful indicators of student performance.

b. Based on these reviews, the District will develop and implement, by November 15 of each school year, both District and individual school plans for improvement, with a focus on effectively addressing identified racial disparities, if any, based on the data review in Section III.M.1.a above.

2. Beginning with the 2015-16 school year, individual schools, by October 1 of each year, will conduct internal reviews of classroom assignment data compiled prior to the start of the school year to identify and analyze opportunities for greater proportionality within regular (to include, AP, IB, and Honors) English and math physical classrooms.

a. This review will include:

1) The number of English and math physical classrooms where student enrollment by race deviates from grade level racial demographics at the school by more than 15 percentage points;

2) For Pre-K-5 and Pre-K-6 schools with school-wide and grade level demographics of at least 15 percent Black and at least 15 percent White

students, the number of English and math physical classrooms, excluding Pre-K, with enrollments that are no less than 10 students, to which one or no Black students or one or no White students are assigned; and

3) For grades six through eight in Pre-K-8 schools, middle schools, junior high schools, and high schools, the number of regular (to include, AP, IB, and Honors) English and math physical classrooms to which one or no Black students or one or no White students are assigned.

b. Based on these reviews, by November 15 of each year, schools will work with the District to develop and implement plans that document any educationally-sound and non-discriminatory bases for classroom assignment identified in Section III.M.2.a., and if there are no such bases, describe the action steps the school and/or District will take to improve proportionality of physical classroom assignment over the coming year.

**M. Reporting**

1. By November 15 of each school year until the Court finds that the District has met its obligations pursuant to this section, the District will provide the United States and will file with the Court a report, including the following information:

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;

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;

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;

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 or less and more than 3 years) and course or courses taught;

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.);

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;

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

h. A report for the previous school year of the results of the survey required by Section III.I.7. and action steps taken based on the survey results; and

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.

**IV. Extracurricular Activities**

A. Beginning with the 2015-16 school year, each District high school will provide students with an equal opportunity to participate in a range of extracurricular activities including, at a minimum, the following extracurricular activities (collectively “High School Core Activities”):

1. National Honor Society;
2. math team;
3. four additional academic teams or professional clubs, at least two of which will be academic teams;
4. ROTC team;
5. three student leadership organizations; and
6. four other clubs.

B. Beginning with the 2015-16 school year, each District middle school and junior high school will provide students with an equal opportunity to participate in a range of extracurricular activities including, at a minimum, the following extracurricular activities (collectively “Middle/Junior High School Core Activities”):

1. National Junior Honor Society;
2. math team;
3. three additional academic clubs or teams; and
4. one student leadership organization.

C. Beginning with the 2015-16 school year, each District elementary school will provide students with an equal opportunity to participate in a range of extracurricular activities, including, at a minimum, one math club (“Elementary School Core Activity”).

D. The District will offer all elementary school students the opportunity to participate in all clubs or academic teams offered at their school.

E. The District will work with elementary and middle/junior high schools to set participation targets for the Elementary School Core Activity and the Middle/Junior High School Core Activities. The District will consider District-wide participation rates in setting participation targets for individual schools and will monitor progress towards meeting these targets. The District will take steps to support schools in meeting participation targets.

F. The District will take measures to ensure that all students are aware of academic clubs and related extracurricular opportunities and that these opportunities are available to all students. The measures the District will take will include:

1. Conducting interest and outreach efforts at the students' home/zoned school;
2. Posting online and sending home hard-copy materials to parents/guardians advertising all school-sponsored clubs and extracurricular activities; and
3. Holding annual workshops at high schools with lower participation rates in High School Core Activities for the purpose of encouraging and enabling students to start new clubs or activities, consistent with District policies and procedures.

G. Annually, the District will provide copies of all yearbooks to the Plaintiff, the United States.

H. By November 15 of each year until the District has met its obligations pursuant to this Section, the District will provide to the United States and to the Court:

1. A list of extracurricular activities offered in the District, by school and core activity category, where applicable;
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; and
3. A description of measures taken by the District to make students aware of academic clubs and related extracurricular opportunities.



**V. Faculty**

**A. Recruitment, Hiring, and Promotion**

1. The District will ensure that the racial composition of each committee involved in the recruitment, hiring, assignment, retention, or promotion of administrators, faculty, and certified staff approximates the District-wide racial composition of certified staff, except in exigent circumstances (*e.g.*, individual calls in sick on short notice), which will be documented by the District.

2. The District will ensure the equitable selection of Black principals. This will include continuing measures to support the promotion of Black teachers and administrators and interviewing all eligible individuals recommended for the Teacher on Special Assignment (“TOSA”) program. To be eligible for recommendation to the TOSA program, an individual must: hold a Bachelor’s degree; have at least five years of teaching experience; hold a Masters of Administration, or be enrolled in or commit to enroll upon selection in a Masters of Administration program and be able to complete that program in the two years following his or her nomination; have three references, including one from his or her current principal; and have a record of student achievement in the classroom. Individuals will remain eligible for the TOSA program for three school years following recommendation. An individual eligible for the TOSA program may be interviewed once every three years.

3. The District will ensure that the demotion, suspension, dismissal/termination, or other discipline of any District employee, whether pursuant to a reduction in force or not, is based solely on non-racial criteria. The District will document the non-racial criteria supporting any such demotion, suspension, or

dismissal/termination in writing and the District shall retain the documentation pursuant to Section V.C.1.e.

4. The District will ensure that decisions regarding pay are based solely on non-racial criteria. If the District makes a pay determination that is not the outcome of a formula or schedule, the District will document the basis for the salary determination and will retain the documentation pursuant to Section V.C.1.f.

**B. Assignment**

1. 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 District may meet this distribution of classroom teachers through procedures governing assignment, provisions providing for reassignment of classroom teachers, or incentive-based programs for assignment of classroom teachers. The District will make teacher assignments consistent with the intent of Section III.C.

2. The District will maintain practices that assign Black principals such that they are equitably distributed among schools with disproportionately low numbers of Black students and schools with disproportionately high numbers of Black students. The District may make such assignments of Black principals through procedures governing assignment of principals, provisions providing for reassignment of principals or incentive-based programs.

**C. Records Maintenance**

1. Beginning with the 2015-16 school year and continuing until the District's obligations pursuant to this section have concluded, the District will maintain the following records for certified staff, such as administrators and faculty, for not less than two years:

a. Records of each vacancy announcement and notice, including: a description of the vacant position; the date(s) the vacancy was announced; the location(s) where the vacancy was announced/noticed; and copies of the vacancy announcement(s) or notice(s);

b. Records of all application materials for District vacancies available from the State of Alabama's application portal, including: the name of each applicant; his or her race; the position(s) for which he or she applied; the application(s) submitted in connection with such position(s); and the date on which each application was submitted;

c. Records of each applicant extended a District-level screening interview for certified staff positions including: the name of the applicant; the position(s) for which he or she applied; the position(s) for which he or she was extended an invitation to interview; the members of the interview committee(s); copies of any notes, scores, or rankings pertaining to the interviewee; documentation indicating whether the interviewee was ultimately offered a position, and if so, the position offered; and documentation indicating whether the position was accepted or declined;

d. Records of any written interview questions administered during the selection process for certified staff, including the written responses of any

applicant receiving written interview questions and the name and race of the person(s) who scored the written responses;

e. Any materials maintained by the District documenting the decision to demote, suspend, or dismiss/terminate any certified staff member; and

f. Materials documenting the basis for any departures from salary schedules and formulas for certified staff.

2. Upon reasonable notice to the District, the United States will have the right to review the records kept pursuant to Section V.C.1.

**D. Reporting**

By November 15 of each year and until the Court finds that the District has met its obligations in the area of Faculty, the District will file an annual report with the Court that will include the following information for the immediately preceding school year.<sup>6</sup>

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 the committee; each committee member's name; his or her race; position (title and location); and the date(s) on which he or she served on the committee;

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

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

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<sup>6</sup> The annual report due on November 15, 2015 will contain the required information to the extent it is available.

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;

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;

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

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

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);

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;

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;

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;

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; and

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.

## **VI. Facilities**

A. The District will provide equitable facilities so that no matter where a student attends school the facility will provide the student with equal access to a quality education. The Parties agree that upon good-faith compliance with this section, including completion of the District's Construction Plan, Renovation Plan, Playground Plan, and SMALLab Plan, and the commencement of work on the Morris Pre-K-8 site, as follows, the District will have met its desegregation obligations regarding facilities so that the District or the parties jointly may move the Court to declare the District unitary with respect to facilities:

1. The District will continue its plan to construct Jemison High School, McNair Junior High School, Grissom High School, Whitesburg Pre-K-8, and Hereford Elementary School ("District's Construction Plan");
2. The District will implement its plan to renovate Martin Luther King, Jr. Elementary School and AAA ("District's Renovation Plan");
3. The District will implement its plan to construct a Morris Pre-K-8 facility with a playground consistent with District standards and a SMALLab;
4. The District will continue to implement its elementary school playground equipment modernization project according to the District's priority list ("District's Playground Plan"); and
5. The District will 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 ("District's SMALLab Plan").

B. As part of its obligations pursuant to this section, the District will:

1. When renovating or replacing existing schools, or constructing new schools, continue to adhere to District-wide standards, such that following renovations or construction, the school or renovated section of the school meets the same standards of quality as applied to newer schools;

2. Maintain standards for ensuring that as improvements are made to teaching technology, school security systems (e.g., door alarms), and environmental materials remediation, all schools are treated comparably;

3. Eliminate all portables in use during the 2014-15 school year by the 2017-18 school year, and, in the future, use portables in the District only as necessary as an interim solution;

4. Request Court approval prior to the construction or closure of any school, and prior to making any school renovations or additions that would alter the M-to-M transfer capacity of a school. The United States will have the opportunity to review any proposal for school construction, closure, renovation, or addition pursuant to this paragraph. The Parties will make a good-faith effort to resolve any concerns regarding proposed school construction, closure, renovation and addition; and

C. **Reporting.**

File with the Court a report, by November 15 of each year until the Court finds that the District has met its desegregation obligations regarding facilities, the following information: 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; the District's progress on the renovation of Martin Luther



King, Jr. Elementary School and AAA; the District's progress towards removing remaining portable classrooms; and implementation of the District's Playground and SMALLab Plans.

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

**A. Discipline Consultant**

The District will retain a qualified consultant with expertise in the area of school discipline to provide ongoing assistance in ensuring non-discrimination in student discipline and creating positive school climates. The Consultant will assist the District in implementing the terms of this Section and reviewing and responding appropriately to discipline data at both the school and District-wide levels. In doing so, the Consultant will give particular attention to addressing any racial disparities in the District's administration of discipline. The District will provide the United States with 15 days to either approve or object to the Consultant selected. The District will make the Consultant available to speak with the United States regarding implementation of the terms of this Section.

**B. Student Code of Conduct**

1. Prior to the 2015-16 school year, the District will conduct an initial review of its Student Code of Conduct and will make the following initial revisions:
  - a. Eliminate the use of out-of-school suspension for class one offenses;
  - b. Review class two and three offenses and reclassify offenses as lower level offenses, where possible, and/or eliminate the use of out-of-school suspension for these offenses; and
  - c. Discipline students only for conduct occurring on school property or at school activities, except that the District may discipline a student where there is an identifiable serious threat of physical harm to the District, District student(s) or District employee(s).

2. Prior to the start of the 2016-17 school year, the District will complete its review and revision of the Student Code of Conduct. The revised Student Code of Conduct will:

- a. Communicate expected positive behaviors for each age group, in language easily understood by students, including clearly-defined behavioral terms;
- b. Provide detailed behavior-oriented definitions of prohibited conduct;
- c. Provide disciplinary consequences that are consistent, age-appropriate and correspond to the severity of the student's behavior;
- d. Incorporate developmentally-appropriate tiered prevention and intervention strategies and strategies that include restorative justice strategies, such as fostering skills to resolve conflicts, involving students in resolving problems and encouraging reflection, with the goal of keeping students in the classroom to the maximum extent consistent with effective instruction;
- e. Incorporate a continuum of graduated disciplinary alternatives, such as student conferencing, plans developed by the school-based Problem Solving Teams ("PSTs"), conflict resolution, and restorative justice strategies and limit the use of exclusionary consequences to highest level offenses under the Student Code of Conduct, as revised pursuant to this section; and
- f. Revise the use of Principal and Superintendent Probation, including renaming Principal and Superintendent Probation and incorporating a problem solving approach to supports and expectations.

3. The District will apply its dress code policies, including any uniform policy, fairly and consistently, across all schools and classrooms and will not permit student dress code policies to be supplemented or to be altered by individual schools.

4. Schools will document and review as incidents of discipline all removals from the regularly-assigned classroom for disciplinary purposes, such as sending a student to the in-school suspension room or dismissing a student from school for the day.

5. The Superintendent will provide the Desegregation Advisory Committee ("DAC") an opportunity to review and provide input about revisions to be implemented in the 2016-17 school year to the Student Code of Conduct, including sessions in which there is the opportunity for community input.

6. Consistent with revisions to the Student Code of Conduct, the District will revise discipline referral and documentation forms to provide space for teachers and staff to document prior intervention strategies utilized, including specific intervention strategies identified in the Student Code of Conduct.

7. The District will provide the United States 30 days to either approve or object to revisions to the Student Code of Conduct. The District and the United States will work together in good faith to resolve any disagreements regarding the Student Code of Conduct.

8. To ensure consistency of practice, each school in the District will implement the District's revised Student Code of Conduct. Any school that seeks to implement supplemental policies or practices will submit a proposal to the District explaining how the proposal will further the District's approach to improving school

climate, classroom management, student behavior and equitable treatment of students. The Superintendent will establish a racially-diverse committee to review any proposed supplemental policies or practices submitted by the school to the District and to make a recommendation to the Superintendent regarding whether the proposed supplemental policies or practices may be implemented. The Superintendent will consider the recommendation by the committee in determining whether to approve the school's request. The District will provide the United States 30 days to either approve or object to proposed supplemental policies and practices recommended for approval by the Superintendent. The District and the United States will work together in good faith to resolve any disagreements.

9. The District will ensure that each school develops and implements a plan to assist students in understanding the Student Code of Conduct, including principles of the District's positive school climate program, as described in this section.

10. The District will develop and implement a plan to inform parents/guardians about the District's approach to positive school climate and the Student Code of Conduct. These informational presentations will include a clear explanation of the Student Code of Conduct, including principles of the District's positive school climate program, and a discussion of strategies used by the District to reduce exclusionary discipline.

11. The District will provide initial and annual refresher professional development, which may be online, for teachers and administrators on the revised Student Code of Conduct. Each school will incorporate into at least two faculty meetings per semester the topics of effective problem solving skills to address student behavior, the

application of positive behavior interventions and supports and the appropriate role of School Resource Officers (“SRO”) and security personnel.

**C. Positive School Climate**

1. The District will expand and implement a District-wide program incorporating evidence-based practices to improve school climate, to teach students school rules and social-emotional skills, to reinforce positively appropriate student behavior, and to provide teachers with effective strategies for early intervention for student behavior issues (“Positive School Climate Program”).

2. The District will designate or hire a Coordinator of Behavioral Learning to coordinate and to supervise implementation of the Positive School Climate Program.

3. Beginning with the 2015-16 school year, the District will develop and implement a plan to continue to phase in the Positive School Climate Program. The District will complete implementation in the 2018-19 school year.

4. Beginning with the 2015-16 school year, the District will expand, develop and implement a professional development plan covering the Positive School Climate Program for school-based staff.

5. The District will develop and monitor annual continuous improvement goals for schools regarding discipline referrals, infractions, and consequences. The District will develop the continuous improvement goals with the objectives of improving positive school climate, reducing discipline rates and decreasing racial disparities in discipline. If, after two years, a school is not making sufficient improvement in reducing discipline rates or decreasing racial disparities, the District will

take further measures to improve positive school climate and discipline at the school, such as providing additional support resources and professional development to teachers and administrators, reviewing and revising of policies and practices, or introducing additional evidence-based approaches to improving positive school climate and reducing exclusionary discipline. This provision does not preclude the District from implementing further measures to improve school climate and discipline earlier.

6. In addition to the Positive School Climate Program in subsection B.1. above, the District will implement other evidence-based practices, such as restorative justice strategies, in order to: improve school climate; teach students school rules and social-emotional skills; reinforce positively appropriate student behavior; and provide teachers with effective strategies for early intervention of student behavior issues.

7. The United States will assist the District to identify and to apply for federal technical assistance available to assist the District in improving positive school climate.

8. The District will provide schools with implementation support for the Positive School Climate Program, including identifying teachers at each school with demonstrated leadership in supporting student social and emotional learning to serve as mentors and school coaches. The District will provide teacher leaders with opportunities to provide support to other teachers and staff through demonstrations, observations and coaching.

**D. Support for Students**

1. The District will use the school-based PST process to address a student's repeated and escalating behavioral issues (*i.e.* three or more office disciplinary referrals within a two month period).

2. The PST will include members such as the student's classroom teacher(s), school counselor(s) and other personnel, as needed. The PST process will include development of a plan for a student that will include individual positive behavioral interventions, strategies and supports.

3. The PST will monitor student responses to the plan on a regular basis, and at a minimum of every two months, to evaluate its effectiveness and will implement modifications as needed.

4. The District will schedule meetings in which parents/guardians are invited to meet with one or more members of the PST to discuss strategies for student support.

**E. Alternative School Program**

1. Prior to the 2016-17 school year, the District, in coordination with the alternative school program, will review the alternative school code of conduct and classroom management practices to ensure continuity with the District's Student Code of Conduct and approach to positive school climate. The District will implement the Positive School Climate Program as set out in section VII.C at the alternative school.

2. The District will work with the alternative school program to devise strategies for improving student engagement in coursework and the alternative school will implement such strategies no later than the 2016-17 school year.



3. The District will recommend alternative school placement only for a student in grades seven through 12 and only where the District determines that the placement will provide behavioral supports designed to meet the student's needs and to prepare the student for successful return to a regular school setting. Before the District expels a student, including when it offers alternative school placement in lieu of expulsion, the District will consider whether formal behavioral interventions and supports were implemented, whether the interventions were adequately implemented, and whether the student failed to respond to the interventions. If no interventions or supports were implemented, the District will document why they were not implemented.

4. The District will work with the alternative school to designate a transition coordinator who will develop and implement a transition plan incorporating individualized strategies to support and to build the student's behavioral learning, to improve student performance while at the alternative school, to promote continuity of learning and to assist the student in transitioning back to a regular school setting.

5. Annually, the District will conduct a review of its alternative school program to evaluate the program's effectiveness in supporting the District's approach to student conduct and positive school climate. The District's review will include: discipline by sanction type, disaggregated by race; arrests and use of physical restraint, disaggregated by race; average length of time spent at the alternative school; and availability and quality of supports provided to students. If the District review identifies any concern, such as disparities in discipline rates by race, the District will work with the alternative school to develop and implement changes to address the concerns.

**F. Expulsion Hearings**

At the time that notice of an expulsion charge is made, the District will provide the student and parent/guardian with: copies of all evidence supporting the expulsion; the rules governing the hearing; and notice that the student may have a parent/guardian or family member and an advocate of his or her choosing present to participate in the expulsion hearing and that the student may present witnesses and cross examine any witnesses presented by the District at the expulsion hearing.

**G. School Resource Officers and Security Officers**

1. Prior to January 1, 2016, the District will review and amend, as necessary, its Memorandum of Understanding (“MOU”) with the Huntsville City Police Department, which will delineate authority and specify procedures for law enforcement interaction with students while on school grounds consistent with Section VIII.

2. The District will provide professional development to security officers and SROs regarding the Student Code of Conduct and the District approach to positive school climate pursuant to Section VII.A. and B.

3. The District will ensure that SROs and school security are focused on maintaining the safety of the District’s students and personnel and that SRO involvement is not requested in response to any situation that can be safely and appropriately handled by the District through its internal disciplinary procedures. The District will train its school level staff and SROs that incidents involving public order offenses committed by students, including disorderly conduct or disruption that does not threaten safety, should be considered school discipline issues to be handled by school officials and should not be referred to an SRO.

4. If an SRO or other police officer becomes involved in an incident involving a student at a District school, including an alternative school, on a District bus, or at a District-sponsored event, the District will notify the student's parent/guardian as soon as practicable and will inform the parent/guardian of the nature of the SRO or other police involvement, and if the student was removed from school grounds, provide the location of the student and the contact information for the Huntsville City Police Department or other relevant contact information.

**H. Data Collection and Review**

1. The District, with the individual schools, will collect and review discipline data for each school, including any alternative school, on at least a semester basis to: identify changes in rates of office referrals and discipline consequences issued (*e.g.*, in-school suspension, out-of-school suspension) and changes in racial disparities, if any; and to monitor for appropriate implementation of the Code of Conduct and effectiveness of student plans developed by PSTs. Based on this review, the District will develop and implement strategies to address issues regarding implementation of the Student Code of Conduct or other school-level and District-level issues identified for improvement, such as racial disparities.

2. At least once per semester, school administrators will meet with SROs and 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. At least annually, the District will review student incidents involving SROs and security officers by school for

changes in total rates of discipline incidents and use of restraints, disaggregated by race, and changes in racial disparities, if any. Based on this review, the District will identify areas for continuous improvement.

3. At the end of each semester, the District will collect and review data on discipline incidents, including arrests and use of force (including restraints) involving students on school grounds, school busses, or school-sponsored events. The data will include: the student's name (or unique student identifier); race; school; grade level; infraction; date the incident occurred; consequence(s); and length of consequence, where applicable.

4. By November 15 of each year, the District will provide the United States copies of all parent/guardian complaint forms involving alleged discriminatory student discipline collected for the preceding school year and the District's responses to the complaints. The District will provide the parent/guardian complaint form in the Student Handbook.

#### **I. Reporting**

By November 15 of each year until the Court determines that the District has met its obligations pursuant to this section, the District will provide to the United States and the Court a report, which will include the following for the previous school year:

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

3. The information provided to parents/guardians pursuant to Section VII; and

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.

### **VIII. Transportation**

The Parties agree that they will file a joint motion with the Court requesting that the Court declare the District unitary regarding transportation.

**IX. Desegregation Advisory Committee**

A. The Parties will select a Desegregation Advisory Committee (“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, in the scope set forth below.

B. The DAC will be composed of 12 members as follows:

1. two parents/guardians of high school students;
2. two parents/guardians of middle/junior high school students;
3. two parents/guardians of elementary school students;
4. two parents/guardians of magnet students;
5. two parents/guardians of M-to-M students; and
6. two high school students, at least one of whom will represent a high

school with a majority Black student enrollment.

C. For selection of members for the inaugural DAC, the Parties will select six of the parent/guardian DAC members for one year terms and four of the parent/guardian DAC members for two year terms. Thereafter, the parent/guardian DAC members will be selected for two year terms. No parent/guardian DAC member may be selected for the DAC more than two times. The high school DAC members will be selected for one year terms.

D. For the inaugural DAC, the Parties will select members within three months of the entry of this Consent Order. The inaugural DAC members will serve until July 31 of the following year.

E. The United States and the District will each select the following for the DAC:

1. one parent/guardian of a high school student;

2. one parent/guardian of a middle/junior high school student;
3. one parent/guardian of an elementary school student;
4. one parent/guardian of a magnet student;
5. one parent/guardian of a student participating in the M-to-M

program; and

6. one high school senior. Except as to the inaugural DAC discussed in Section IX.D., the Parties will complete their selection of DAC members by July 15 of each year.

F. Student DAC members will be enrolled in the 12<sup>th</sup> grade during their term of service. To identify potential high school candidates, the District will solicit applications from rising 12<sup>th</sup> grade students and will provide copies of those applications to the United States prior to the nomination deadline. The student's application should demonstrate the student's leadership qualities.

G. In its selection process, each Party will take into account the demographics of the District and the relevant qualifications and rationale for selections. The Parties will meet and confer to determine final selection of the members of the DAC again taking into account the demographics of the District and the relevant qualifications and rationale for selections.

H. No later than August 1, 2015, after the inaugural DAC members have been selected, the inaugural DAC will hold an initial non-public meeting to elect a chair and to decide operating procedures consistent with this Consent Order. In each year following, no later than August 1, the DAC will hold an initial non-public meeting to elect a chair and review operating procedures. The Parties will ensure that the DAC receives appropriate

training and technical assistance and will request assistance from the United States' Community Relations Service for this purpose.

I. Periodically, the DAC will review data and other information and, where appropriate, make recommendations to the Superintendent regarding implementation of the terms of the Consent Order for so long as each term remains in effect.

J. The DAC may request data and other information from the District that is reasonably related to the review described in Section IX.I. To ensure the DAC has sufficient information to enable it to fulfill its responsibilities, the District will share appropriate information and documents requested by the DAC, provided that adequate safeguards are taken so as not to disclose confidential or personally identifiable information protected by FERPA or other applicable privacy laws. The District will respond in a timely manner to any requests made by the DAC.

K. If the DAC believes that its request for information has been unreasonably denied by the District, the DAC will inform both Parties. Within a reasonable time after receiving this information, the Parties will confer in an attempt to resolve the issue.

L. The DAC will meet, at a minimum, twice annually in meetings that will be open to the public. The DAC's first public meeting will occur within two months of the start of its term. Public meetings will be held at a District facility. Attendees will be allowed to raise questions and concerns and to provide feedback on reports issued by the DAC. At least two weeks before each public meeting, the District will disseminate broadly notices concerning the meeting through multiple sources, including hard copy fliers sent home with students and the District's website.



M. The DAC will meet privately with the Superintendent at the end of each semester and at the end each spring semester to discuss the DAC's review and recommendations.

N. The DAC may hold additional private working meetings, as needed. The District will provide a District facility for the DAC to hold its working meetings.

O. The DAC will maintain minutes of its meetings and such minutes, together with the agenda of the DAC meetings, are to be public information.

P. By June 1 of each year, the DAC will provide an annual report to the Superintendent. The annual report may include minority or dissenting opinions from members of the DAC on issues discussed in the report. No later than the Board's first meeting in July, the Superintendent will present the DAC's report and his commentary as to that report to the Board during a meeting of the Board. Thereafter, the District will promptly file the report and commentary with the Court.

**X. Monitoring, Reporting, and Oversight**

A. As specified in each section of this Consent Order, the District will submit reports to the United States and the Court documenting compliance with the terms of this Consent Order. The District will produce all data and lists specified in the reporting sections of this Consent Order to the United States electronically in Microsoft Excel format or a similar format requested by the United States. By November 15 of each school year for so long as this Consent Order remains in effect, 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.

B. Counsel for the District and the United States will meet on a periodic basis, no less than bi-annually, to discuss the District's implementation of the terms of this Consent Order. During these periodic meetings, the United States and the District will discuss the District's initiatives related to the implementation of the terms of this Consent Order since the last periodic meeting and the District's financial expenditures related to implementation of the Consent Order since the last periodic meeting.

C. In monitoring the District's compliance with the terms of this Consent Order, the United States may conduct site visits of District schools and administrative offices, including on-site interviews of staff in the presence of District counsel, observe professional development, and request such additional reports or data as are reasonably necessary for monitoring compliance.

D. By May 30, 2015, the District will hire or designate a cabinet-level administrator whose primary responsibility is to oversee implementation of the District's obligations regarding the Consent Order and who will report directly to the Superintendent.

E. The District will contract with an independent third party to conduct annual focus groups with faculty and staff regarding, at a minimum, the implementation of the terms of the Consent Order. The District will permit faculty and staff to participate in focus groups without disclosing their name or participation to the District. The District may conduct additional student and family focus groups as are beneficial to the implementation of this Consent Order.

F. The District will maintain an easily accessible link on its website to an Implementation Web Page (“IWP”). The IWP will contain links to this Consent Order, the District’s annual report, the Desegregation Advisory Committee’s reports and minutes, and may include other relevant information. The IWP will incorporate the opportunity for public comment on its content.

G. By November 15 of each year for so long as this Consent Order remains in effect, the District will provide the United States and the Court with its annual budget and a list of District expenditures related to implementation of the Consent Order for the previous school year.

#### **XI. Resolution of Disputes**

The Parties will attempt to resolve any dispute informally and in good faith. Either Party may seek the assistance of the Court if the Parties are unable to resolve the dispute, including any issue or issues regarding compliance with this Consent Order, within a reasonable period of time.

#### **XII. Termination**

Until the District achieves unitary status, the Court will continue to have supervision of this case to ensure that the District undertakes in good faith its obligations in this Consent Order. The Parties may move, separately or jointly, for declaration of partial unitary status when the District can demonstrate to the Court that it has implemented in good faith a section or sections of this Consent Order for a reasonable period of time or for total unitary status when the District can demonstrate to the Court that it has implemented in good faith all provisions of this Consent Order for reasonable period of time. Prior to the District filing a motion for partial or total unitary status, the Parties will confer to

determine whether they can agree that the District can demonstrate that it has implemented in good faith a section or sections of this Consent Order for a reasonable period of time.

**XIII. Effect of Prior Orders**

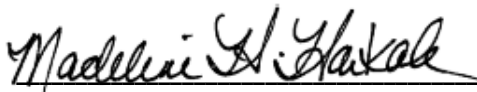
A. All recordkeeping and reporting obligations of the District to the Court and to the United States are included in this Consent Order.

B. The following orders are no longer in effect:

1. Document 67 -- Paragraphs 3.A., and 3.B. (Sept. 2, 1970);
2. Document 199 (June 4, 1984);
3. Document 210 (August 6, 1986);
4. Document 216 (Sept. 14, 1987);
5. Document 221 (July 1, 1988);
6. Document 223 (July 1, 1988);
7. Document 235 (July 20, 1998); and
8. Document 252 (June 28, 2005).

C. All other prior orders are superseded where inconsistent with this Consent Order.

**DONE** and **ORDERED** this April 24, 2015.

  
**MADELINE HUGHES HAIKALA**  
UNITED STATES DISTRICT JUDGE