

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

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

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

Introduction

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

As the Court is well aware, the Consent Order (Doc. 450) requires a variety of reports. Nearly all reports require data from the preceding school year, which, for this year, began July 1, 2015 and ended June 30, 2016. Unlike last year's report, the data in these documents are from year 1 of the Board's implementation of the Consent Order.

The first year of implementation was a learning experience for the Board, the City of Huntsville, the students and their families. There are many aspects of this year's report – such as student discipline data – that the Board believes are aberrations. The first year of implementing any change is difficult, and the Consent Order required many changes. Additionally, many of the difficulties associated with these changes were exacerbated by a number of factors present for the 2015-16 school year:

- Issues driven by the interactions of newly blended student populations;
- Confusion and reluctance on the part of the faculty, staff, and administration concerning the boundaries set by the Consent Order; and
- During at least the latter half of the 2015-16 school year, the City of Huntsville, like the rest of the country, experienced the issues associated with the political season being in full swing.

Despite the aforementioned challenges, the Board remains steadfast in its commitment to a faithful and successful implementation of the Consent Order. This commitment to the Consent Order is evident in the Director of Strategy and Innovation's work. First, although not required by the Consent Order, the Board

developed and revealed a new website prior to the start of the 2016-17 school year. This new website is more user-friendly, and the Board believes the new website will be more effective in conveying information to students and their families.

Additionally, under the guidance of the Director of Strategy and Innovation, central office administrators worked to operationalize all parts of the Consent Order. To do so, every central office administrator worked with the Director of Strategy and Innovation to develop procedures, forms, and other guidance documents for implementing *every section of the Consent Order*. The procedures and supporting documents were designed so that all the steps necessary to successfully implement the Consent Order would be contained in formal, streamlined procedures. In other words, the procedures were designed so that even if all new employees took over the implementation of the Consent Order, the transition would have only a minimal effect, if any, on implementation. The development of these procedures was an enormous task. As a frame of reference, the development of procedures began shortly after the Court's entry of the Consent Order and continues even today.

Importantly, the Consent Order Report shows some areas of success and promise. Like last year, the creation of this report required extensive work to collect the necessary information and to compile the information into a reportable format – the latter being a central focus of this year's report. Board employees

performed this daunting task while simultaneously working to implement the Consent Order. It is the Board's hope that this filing will provide the Court and the Huntsville community a meaningful update of the Board's implementation progress.

Description of the Reports

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

II. STUDENT ASSIGNMENT

D. Majority-to-Minority Transfers

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

Notes:

This reporting requirement is similar to the one required by the 1970 Singleton Order. (Doc. 65). As explained last year, the date range for this report is October 1, 2015 to September 30, 2016.

* * *

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

Notes:

The Board included this information on the document responsive to II.D.8.a. Any student who sought a Majority-to-Minority (“M-to-M”) Transfer but was placed on a waitlist and remained on the waitlist as of its expiration will have “Denied Due to Space” under the “Status of Transfer Request” column. The students who were placed on the waitlist initially but were later offered a transfer will show as either “Offered and Accepted” or “Offered and Declined”, depending on their circumstances.

Pursuant to the Consent Order, the Board has an obligation to allow M-to-M transfers as long as space is available. Additionally, M-to-M transfers generally receive the highest priority. This means that the circumstances where a M-to-M transfer is denied due to space but another transfer is granted should be relatively rare. Due to Chapman P-8’s racial demographics, this situation occurred. In fact, Chapman was unable to accept some Black M-to-M transfers because their acceptance would cause the school to become majority Black. As such, these students were denied a space at Chapman, but other transfer students were allowed a space.

* * *

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

Notes:

Following the inaugural Court Report, the Board made improving survey¹ results a prime focus of its first year of implementing the Consent Order. To do so, the Board worked with a third-party survey organization to develop procedures to improve the quality of questions asked and the participant response rates. The new processes for surveying students and parents² are described below:

Procedures for HCS Student Surveys

Students took teacher surveys, advanced courses perception surveys, and M-to-M surveys in school during class time beginning Tuesday, March 29 and ending Friday, April 8.

- The Board supplied lists to school principals by Monday, March 28. The lists contained the following information for each student in grades 3-12: name; Student State Identification Number (“SSID”); and designated time for taking the surveys (a student’s English class is the designated class for taking surveys; if a student does not have an English class, his/her first period class will be used as the designated class).
- The Board placed a link to surveys on the front page of the HCS website in the “Hot off the Press” section with the label “Spring 2015-16 Student Surveys”. Once students click on the link, they will login to Panorama’s secure survey website using their SSID.
- When the student logged in, they saw a list of applicable surveys: 1) one teacher survey for each classroom teacher a student has; 2) one advanced

¹ Please note that the letters “FP” are an abbreviation for “Feeder Pattern” on these surveys.

² These processes apply to all surveys conducted by the Board.

course perception survey for each student in grades 5-12; and 3) one M-to-M survey for each student who has been identified as an M-to-M student.

- The list of surveys was prepopulated based on the student's SSID. Identification of teachers in a student's schedule, M-to-M status, and advanced course survey eligibility had been predetermined and programmed into the survey software by the survey provider.
- All surveys and responses were confidential. SSID were used by the survey provider to link student information to school and demographic information, but not for any level of identifying purposes.
- **Important Notes:**
 - Final response rate on M-to-M survey was 92% (623 student responses)
 - Final response rate on Advanced Courses survey for grade 5 was 91% (1616 student responses)
 - Final response rate on Advanced Courses survey for grades 6-8 was 90% (4489 student responses)
 - Final response rate on Advanced Courses survey for grades 9-12 was 80% (4556 student responses)

Procedures for HCS Parent Surveys

Originally, parents were to take parent surveys, advanced courses surveys, and M2M parent surveys beginning Tuesday, March 29 and ending Friday, April 8. However, this date was extended to April 29 due to the low number of responses.

- Parents were notified of the HCS surveys via a Robocall. The Robocall informed parents that HCS was requesting their participation in surveys about Huntsville City Schools and their student's experiences, the window when the surveys will be open, and where to go to take the survey.
- All custodial guardians who have a valid email address on file with HCS received an email from the survey provider with a link to the surveys. A

survey link was also posted on the HCS website with the label “2015-16 HCS Parent Surveys”.

- Parents were able to take the surveys from any computer, tablet, or smart phone with internet access.
- Once parents clicked on the survey link, they would log in to the secure survey website using “f” followed by their student’s SSID. Parents were able to retrieve their students’ SSID by logging in to the parent portal (INOW) or going to the student’s school in person with photo ID (SSIDs cannot be given out over the phone or through email). Parents were able to take surveys for each student they have in HCS.
- When the parents logged in, they saw a list of applicable surveys: 1) one parent survey for each HCS student; 2) one advanced course survey for parents of students in Grade 5-11; and 3) one M-to-M survey for parents who have a student who has been identified as an M-to-M student.
- Parent surveys were prepopulated based on their students’ SSID. Identification of M-to-M status and advanced course survey eligibility had been predetermined and programmed into the survey software by the survey provider.
- All surveys and responses were confidential. SSID were only used by the survey provider to link parent responses to school and demographic information, and not for any level of identifying purposes. The use of SSID also ensured that only parties affiliated with HCS were able to take the surveys.
- **Important Notes:**
 - Final response rate on M2M survey was 6% (51 parent responses);
 - Final response rate on Advanced Courses survey was 5% (535 parent responses out of 11904);

- Parent survey window was extended and ultimately closed on April 29;
- Parents were contacted via email with a link to complete the survey on March 29, April 1, April 7, April 14, April 21, April 22, and April 26;
- The outside survey provider found that none of the parent surveys produced enough responses to have statistically significant results.

* * *

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

Notes:

During the 2015-16 school year, the Board engaged in extensive marketing efforts for its M-to-M program. This report contains a description of those efforts and includes example materials. The District has repeated most of these efforts for its 2016-2017 application process.

* * *

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

Notes:

This document, although sealed for the protection of students, demonstrates that all of the M-to-M bus routes met the Board's travel time guidelines. Though these transportation schedules do not show it, all M-to-M buses now have wireless internet access. Additionally, the Board is always working to reduce the travel time for the M-to-M bus routes.

* * *

F. MAGNET PROGRAMS

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

Notes:

In order to accurately report the requested data, the reasons for a student not being accepted in his or her desired magnet program have been split into different categories: ineligibility; committee review score; and space. Each category has its own column on the document so that the data could be disaggregated by race.

As requested by the Consent Order, the document reports the reasons for withdrawals or transfers, disaggregated by race and school, in a separate table. This information is used to strengthen the magnet themes and to hone magnet marketing, recruitment and retention efforts.

* * *

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

Notes:

During the 2015-2016 school year, the Board engaged in extensive marketing efforts for its magnet schools and programs. These efforts included marketing for the District's newest magnet programs: the Jemison High School College Academy and the Academy for Gifted and Talented at Williams P-8. Additionally, the Board is in the process of rebranding its magnet programs at Lee High School. This report contains a description of those efforts and includes example materials in the report.

* * *

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

Notes:

This document lists the current magnet courses offered at each magnet school/program. The Director of Magnet Programs, Director of Elementary Education, and Director of Secondary Education work together to identify and protect these offerings. This is an ongoing process because the Board is still implementing new magnet programs – like the Academy for Gifted and Talented – and the Board is always expanding its regular course offerings.

* * *

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

Notes:

This document is a narrative description of the efforts that the Director of Magnet Programs and her staff are taking to protect unique magnet course programming at the Board's magnet schools and programs. As is clear from the document, the Board put an emphasis on strengthening the Lee High Dance Magnet Program.

* * *

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

Notes:

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

“CTE”. The dual enrollment courses that are limited by the Consent Order are identified as “General Education,” and those that are not are identified as “CTE”.

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

* * *

III. EQUITABLE ACCESS TO COURSE OFFERINGS AND PROGRAMS

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

Notes:

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

The Board has engaged in targeted recruiting efforts designed to increase the number of Black students enrolled in AP courses. As a result, the number Black students enrolled in AP courses has increased from 65 to 139 at Grissom High

School and from 85 to 130 at Huntsville High School. While this is great news, a gap between Black and White student participation in AP courses remains. Most of the Board's initiatives continue to target, either directly or indirectly, closing that gap.

* * *

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

Notes:

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

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

This report demonstrates an achievement gap between Black and White students. The Board's self-monitoring team works with school leaders to address this issue. The summary of the self-monitoring process, included as report III.M.2., provides details of this process and examples of the plans being developed to reduce the achievement gap.

* * *

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

Notes:

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

Last year, the Board explained that it was considering measures to help retain stronger math and science teachers. The Board created a set of stipends for secondary math and science teachers that went into effect in January of 2016. These stipends should help the Board compete with private employers for teachers with math and science backgrounds.

Additionally, the Board began providing stipends to secondary teachers at Title I schools. The stipends are limited to teachers of the core subjects (math, science, social studies, and English), but the Board believes that these stipends will help it recruit strong teachers to its Title I schools. This is a critical component of the Board's efforts to create comparability of teachers across secondary schools.

* * *

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

Notes:

Last year, this report was particularly difficult to read when prepared for filing with the Court. This was caused by two things. First, the Board provided more information than was required by this report. Second, given that some teachers have unique schedules³ wherein they "teach" over 100 courses in a year, the report had some formatting issues (e.g. pages and pages of blank space).

The Board has reformatted this report in a couple ways to make it easier to understand. First, the Board divided the teachers into separate spreadsheets based on their school. Second, the Board further divided teachers between those who teach 15 or fewer courses and those who teach more than 15. The result of these

³The Board explained the reason for this in its Notice of Defendants' Filing of the Inaugural Consent Order Report. (Doc. 457, pp. 14-15).

changes is that most schools will have two applicable spreadsheets, and the spreadsheets for 15 or fewer classes taught have considerably less white space than the reports from last year. Please note that some teachers have asterisks in their data. These asterisks are merely artifacts from the Board's employee tracking software.

Like last year, some teachers still occupy multiple rows on the spreadsheet. The reason for this is that these teachers have multiple certifications, and the Board's tracking software for certified staff creates multiple rows for a single teacher to account for each of that teacher's certification. The rest of the information on the row should be identical to all other rows with the same teacher's name.

* * *

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

Notes:

This year's report is considerably more extensive than last year's. Implementing the Consent Order requires extensive professional development and training for Board employees. While this report is extensive, it provides the Court only the professional development required as part of Section III of the Consent

Order. Professional development related to other aspects of the Consent Order are not included in this report.

* * *

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

Notes:

Like the report responsive to III.M.1.e, this year's report is considerably more extensive than last year's. One of the key features of the Consent Order is a focus on parent/guardian outreach. This report shows the Court the scope of the parent/guardian outreach performed by the Board's employees. The report for after-school programming appears to be missing items. The reason it appears so is a function of timing. The Board has moved this process from the spring semester to the end of the summer break, which falls after the June 30th cut off. As such, the Board's efforts will appear in next year's Consent Order Report.

Of particular note are the outreach efforts related to first-time AP and IB Diploma course students and to applying for college and financial aid. As to the first-time AP and IB Diploma students, the documents show that over 700 student conferences took place (689 for AP and 13 for IB Diploma). For the college and financial aid outreach, over 300 individuals participated in 11 different sessions. This does not even include the approximately 1600 who attended the I-Register

event. This event includes presentations and other information for nearly all of the Board's instructional efforts – including post-high school opportunities.

* * *

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

Notes:

This document shows the math support services used by school leaders, teachers and other certified staff during the 2015-2016 school year. As explained last year, there is significant overlap at each grade band (elementary schools used similar supports, middle schools used similar supports, etc.), but each school adds its own unique flavor to students supports. Moreover, to ensure that these supports are equitably distributed, central office staff monitors the types of supports that each school uses. This oversight and, when necessary, guidance helps to ensure that schools are providing students the best practice supports necessary to implement the Board's Math Acceleration initiative.

* * *

III.M.1.h.: A report for the previous school year of the results of the survey required by Section III.I.7.⁴ and action steps taken based on the survey results.

⁴ The Consent Order contains a typo in this reporting requirement. It should read "Section III.H.7." instead of III.I.7. However, to ensure that this document matches the Consent Order, the language from the Consent Order has been used.

Notes:

As with the report responsive to II.D.8.b.2., the Board worked this year to improve its survey questions and the response rate for the surveys required in Section III of the Consent Order. (See Doc. 450, p. 53). For information about the Board's process for conducting surveys, please see the description provided for II.D.8.b.2., above. Please note that the letters "FP" are an abbreviation for "Feeder Pattern" on these surveys.

While the Board had a good response rate for students, it will continue to improve its survey processes for the 2016-2017 school year to increase the response rate from parents/guardians and teachers. Additionally, the Board will use the survey results to shape its recruitment and support efforts as it grows its AP, IB Diploma, and Honors course enrollments.

* * *

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

Notes:

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

* * *

IV. EXTRACURRICULAR ACTIVITIES

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

Notes:

This report shows that every school is providing the core extracurricular activities required by the Consent Order. While the Board will continue to focus on growing the number of extracurricular activities, especially at schools with fewer extracurricular clubs and organizations, the Board's main focus is increasing the student participation rates for the extracurricular activities.

* * *

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

Notes:

The 2015-16 school year was the first time that the Board had to set participation targets for its extracurricular activities. To determine an appropriate target, a central office administrator worked with the principals from all schools. For elementary and middle schools, the principal team set the participation goal at 3%. This means that the goal would be to have 3% of all Black, White, and Other students participate in each core activity. This goal is a first step, and as the Board continues to implement the Consent Order, this goal will evolve.

In addition to the spreadsheet responsive to this reporting requirement, this report also includes a narrative summary of the actions taken by the District to help schools meet their participation targets. What are not included on that document are the new steps the Board is taking this year to improve participation rates. For example, this year, the Board is piloting a program called “Power Hour” at Lee High School. This program builds time into the school day to give students an opportunity to do activities traditionally scheduled outside of the school day such as tutoring, extra instruction, pick-up sports games, and extracurricular clubs and activity time. The Board is currently planning to expand this program to each of its other high schools for the 2017-18 school year.

* * *

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

Notes:

This document shows the District-wide measures for making students aware of academic clubs and related extracurricular activities. In addition to these measures, each school leader informed students about these activities with guidance from the Board. The method for informing students about the extracurricular activities varied from school to school, and included posters and school-wide announcements.

Also, school leaders encouraged teachers to lead the recruitment efforts in the classroom. This method allowed teachers to recruit for content-related clubs and organizations. For example, math teachers focused on recruiting for math team while the Project Lead the Way teachers focused on recruiting for robotics.

* * *

V. FACULTY

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

Notes:

This document shows the names of the individuals who served on the Board's various committees used to recruit, hire, assign, retain, or promote administrators, faculty, and certified staff.

* * *

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

Notes:

This document shows the number of times a committee did not match the district-wide racial composition of certified teachers from July 1, 2015 to June 30, 2016. The only committees having exigent circumstances were the Teacher

Screening and AP/Principal Screening committees. During the reporting period, these committees conducted 918 interviews, and there were 148 times that an interview committee failed to match the racial demographics of the Board's certified teachers.

Because this number represents an increase from last year's report, the Director of Talent Management is working with her team to take additional measures to reduce the frequency of this issue. Such steps include:

- 1. Addition of alternates** – These are two members on the Talent Management team who try to work their schedules to be available to interview if someone is unavailable.
- 2. Email reminders the day of the interviews** – These are sent to the interview teams on the morning of interviews to remind them of times and room location. Read receipts are included to confirm delivery.
- 3. Committee Training** – In addition to the initial training, Talent Management is conducting a monthly check in to remind teams to notify Talent Management of any planned absences.
- 4. No show phone calls** – In the event that a committee member does not show, a member of the Talent Management team calls the committee member to identify any scheduling needs.

Remedying this issue continues to be an important focus of the Director of Talent Management.

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

Notes:

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

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

Notes:

This document provides the required information, but there is one aspect of the report that merits additional explanation. The Consent Order requires that the report distinguish between principals and assistant principals. For many schools there is only a single principal and assistant principal or Teacher on Special Assignment (“TOSA”, who operates as an assistant principal). When there is a single person filling a category the report will always show that 100% of the individuals in that category are White, Black, or Other depending on the individual’s race.

* * *

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

requested by the certified staff member or initiated by the District or both; and the reason(s) for the transfer.

Notes:

This document shows a variety of reasons why the Board transferred an employee or why an individual requested a transfer. One that is important to note is “Butler Closing.” At the end of the 2014-2015 school year, the Board closed Butler High School. Prior to closing this school, the Deputy Superintendent and the Director of Secondary Education worked with school leaders from Butler High School to place teachers from in other schools, and those individuals are included on this report with the reason “Butler Closed.”

* * *

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

Notes:

The measures listed on this report are designed to ensure that qualified applicants are equitably selected for available principal positions. Many of the efforts are designed to give qualified teachers a chance to gain leadership experience. For example, the Board provides teachers leadership experience by having them participate on selection committees or by learning on-the-job as Teachers on Special Assignment (“TOSA”). The Board extends all teachers recommended for the TOSA program an invitation to interview with a racially

diverse screening committee. These developmental measures are important for ensuring equity in the selection of school leaders because they ensure that interested individuals have opportunities to gain leadership experience.

* * *

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

Notes:

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

* * *

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

Notes:

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

* * *

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

Notes:

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

* * *

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

Notes:

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

Secondly, it is important to understand some of the reasons why certified staff members receive incentive pay. For teachers, the Board pays incentive pay to AP teachers for each student who receives a passing score on AP exam. Additionally, the Board pays incentives to secondary math and science teachers

and secondary core academics teachers at Title I schools. For principals, the Board pays incentives to principals based on established goals.

* * *

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

Notes:

The date range for this document, like most others in the Consent Order Report, is from July 1, 2015 to June 30, 2016. However, if a Board action fell outside of this date range but resulted in a demotion, suspension, dismissal, termination, or resignation in lieu of termination with an effective date during the date range, the Board included it in this document.

Additionally, this document shows that the majority of teachers who were dismissed from employment for the Board were probationary (non-tenured) teachers. As probationary teachers, these teachers have not worked for the Board for three consecutive years. On this document, these teachers have the designation of "Non-Tenured, Not Returned." Some non-tenured teachers who were told in the spring of 2016 that they would not be returned for the 2016-2017 school year are not included on this document. The reason these teachers are not included is that these teachers were ultimately returned for the 2016-2017 school year, and suffered no interruption in the teacher tenure process.

* * *

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

Notes:

This document contains a considerable amount of information, but the information listed under the column entitled "Verified Certification(s) Unless Otherwise Indicated" merits explanation. For some applicants, the Board's information only reflects the applicant's self-reported certifications. The Board's process for hiring new teachers explains the reason why this occurs.

The Board screens new teacher applicants prior to their interview. During this screening process, the Board checks the applicant's teacher certification on the Teacher Education and Certification Web Portal ("TCERT"), an Alabama State Department of Education website used for verifying teacher certifications. Following an interview, if an applicant is recommended for a teaching position, the Human Resources Department ("HR") again verifies the applicant's certification using TCERT. At this time, HR also reviews the applicant's Highly Qualified Status and background check. If a recommended applicant is not currently

certified, HR will begin the certification process with the support of the State Department Office of Teaching and Leading Teacher Certification Section. These certifications include reciprocity, alternative route, or emergency certifications.

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

* * *

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

Notes:

This document shows that of the 26 individuals recommended for the TOSA Program, 24 accepted the invitation to interview. The Board selected eight Black teachers out of the 12 total Black interviewees for the TOSA program. One of the eight declined. The Board selected eight White teachers out of the 11 total interviewees for the TOSA program. Two of the eight declined.

* * *

VI. FACILITIES

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

Notes:

This document contains the date for completion or projected completion of each of the above facilities. Each of these construction projects meets or exceeds all relevant Consent Order timelines.

For the 2016-17 school year, the most notable accomplishments are the opening of new Sonnie Hereford Elementary School, McNair Junior High School, and Jemison High School facilities. Students are now using all of these facilities. These openings represent three of the seven major new constructions and renovations that will occur during next two calendar years. The Board has now completed five of the seven, and by the start of the 2017-2018 school year, the Board will complete its construction projects by opening the new Grissom High School and Morris P-8.

* * *

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

Notes:

The Board has completed the renovations of Martin Luther King, Jr. Elementary significantly ahead of the December 2016 deadline in the Consent Order.

* * *

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

Notes:

This document shows that the Board has only three portables in use during the 2016-2017 school year, and none of the portables are used by HCS students. All three are located at Ridgecrest Elementary School.

* * *

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

Notes:

This document shows the playgrounds the Board built during the reporting period and pictures of each. As a reminder, this document does appear to show McDonnell and Providence elementary schools receiving updates out of order, but that is not the case.

McDonnell and Providence elementary schools received updates to their playground equipment, specifically their equipment for ages two through five, ahead of the Board's previously determined schedule. The reason for this is that

the Board was awarded a grant from the State of Alabama. These grants are designed to support Pre-Kindergarten programs. The work done to update McDonnell and Providence elementary schools' playgrounds using the grant money was in addition to the Board's planned work based on the Playground Plan and did not negatively impact any other school.

* * *

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

Notes:

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

* * *

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

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

Notes:

The documents responsive to this request are the Elementary and Secondary Behavioral Learning Guides (“BLG”). The BLGs were developed by a team of eight teachers and eight principals from across the school system. The draft prepared by this team was released to the public, including teachers, families, students, the United States, and the Desegregation Advisory Committee. Following the collection of feedback from these stakeholders, the Board edited the BLGs and put them in the final forms included in this Consent Order Report.

* * *

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

Notes:

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

The documents responsive to this reporting requirement show that the Board conducted the required professional development for the 2015-2016 school year. The Consent Order calls for broad training regarding the implementation of its positive school climate program, which is the Positive Behavioral Interventions and Supports (“PBIS”) program. These reports show that the Board provided training not only to teachers and administrators, but also to Campus Security Officers, School Resource Officers (“law enforcement”), bus drivers, bus monitors and Child Nutrition Program workers.

The Board has continued these extensive training efforts into the 2016-17 school year. These efforts – which include training for PBIS, Restorative Justice, the BLGs, and for the new discipline reporting tool called BLOOM – will be included on the next Consent Order Report.

* * *

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

Notes:

This document shows the Board’s efforts to reach out to parents/guardians during the 2015-2016 school year. The Board conducted parent/guardian outreach presentations at each high school. These presentations included a detailed description of the Board’s new Code of Student Conduct and the other initiatives pertaining to the Board’s implementation of the Consent Order. Additionally, at

these presentations, audience members were able to ask questions of the Board's representatives.

* * *

VII.I.4.: For each school, the total number and percentage of students receiving a disciplinary referral, disaggregated by race, in-school suspension, out-of-school suspension, expulsion, school referrals to law enforcement and alternative school placement and plans/strategies developed and implemented as a result of the District's review in Section VII.G.⁵

Notes:

During the 2016-17 school year, the Board is working to implement the supports necessary to help implement its new approach to discipline and school climate. This includes the use of the new BLGs – which are rooted in the Board's new approach to discipline and which were designed to be more user friendly for teachers and administrators – and other tools such as PBIS and Restorative Justice. Additionally, the Board worked with a software developer to create its own discipline and intervention tracking software for teachers called BLOOM. To make the program as useful as possible, BLOOM was designed to reflect the content and directives of the BLG. These new tools and the training associated with each were designed not only to ensure compliance with the Consent Order but also to help

⁵ The requirement for the District to meet and review is found in Section VII.H. (See Doc. 450, p. 83) As such, this reporting requirement should read "VII.H." instead of "VII.G."

correct many of the problems that arose during the first year of implementing the discipline provisions of the Consent Order.

As described in the introduction of this Notice, the Board faced many challenges during year one of implementation. One such challenge was the implementation of the 2015-16 Code of Student Conduct. This document was a transition document. It contained some of the changes that would ultimately make their way into the BLGs, but it still largely resembled the 2014-15 Student Code of Conduct. Unfortunately, due to timing issues, the Board did not complete a draft of the 2015-16 Code of Student Conduct until shortly before the start of school, which left no time for teacher input and little time for effective training.

The Board believes that the confusion caused by the new Code of Student Conduct and teacher fear about proper implementation of the Consent Order led to reluctance on the part of school staff to discipline students for any misbehavior. The Board's early discipline statistical projections for the 2015-16 school year support this theory because they showed exceptionally low discipline numbers. However, the Board slowly learned of the magnitude of the teacher confusion and attempted to correct the issue during the spring semester. However, by that time, the discipline issues had gone unchecked for too long, and once teachers were encouraged to seek administrative support for disciplinary issues, the number of Office Disciplinary Referrals, and the associated consequences of In-School

Suspension and Out-of-School Suspension, increased dramatically. In fact, despite starting the year significantly better than the 2014-15 school year, the Board ended the 2015-16 school year with more disciplinary incidents than it had in 2014-15.

These numbers are reflected in the document responsive to item VII.I.4. Clearly, the issues presented by last year's report are still present in this report – including the gap between the disciplinary consequences received by Black and White students. As stated in the introduction, the Board believes that this data is the result of an aberration. The measures taken this year should help the Board take a step forward in its implementation of the Consent Order.

Despite all of the issues, some schools improved from 2014-15 to 2015-16. The chart below shows some schools that improved year over year and others that did not. The charts below show all of the Board's high schools and two of its junior high schools.

Schools	Number of Black Students with at Least 1 ODR ⁶	
	2014-2015	2015-2016
Columbia High School	32%	31%
Grissom High School	27%	36%
Huntsville Middle/Junior High	71%	62%
Huntsville High School	38%	35%
Johnson High School	26%	47%
Lee High School	32%	22%
McNair Junior High	31%	35%
New Century Technology High School	6%	1%

⁶ ODR is the abbreviation for "Office Discipline Referral."

Schools	Number of Black Students with at Least 1 ISS ⁷	
	2014-2015	2015-2016
Columbia High School	12%	14%
Grissom High School	20%	30%
Huntsville Middle/Junior High	20%	29%
Huntsville High School	28%	23%
Johnson High School	10%	7%
Lee High School	22%	10%
McNair Junior High	5%	4%
New Century Technology High School	3%	1%

Schools	Number of Black Students with at Least 1 OSS ⁸	
	2014-2015	2015-2016
Columbia High School	13%	13%
Grissom High School	14%	16%
Huntsville Middle/Junior High	25%	40%
Huntsville High School	13%	11%
Johnson High School	16%	23%
Lee High School	21%	13%
McNair Junior High	23%	28%
New Century Technology High School	1%	1%

The Consent Order requires that the Board report “plans/strategies developed and implemented as a result of the District’s review in Section VII.[H].” (Doc. 450, p. 85). This reporting requirement references the Board’s obligation to work “with the individual schools, [to] 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

⁷ ISS is the abbreviation for “In-School Suspension.”

⁸ OSS is the abbreviation for “Out-of-School Suspension.”

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.**” (Doc. 450, p. 83) (emphasis added). In addition to the spreadsheet included in response to this reporting requirement, there is a written description of the plans and strategies the Board used during the 2015-16 school year and the start of the 2016-17 school year.

* * *

X. MONITORING, REPORTING, AND OVERSIGHT

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

Notes:

This document shows the student enrollment disaggregated by race and school as of September 30, 2016.

* * *

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

Notes:

This document contains the Board's annual budget for the 2016 fiscal year. This document also contains a list of some of the expenditures related to the implementation of the Consent Order. The Consent Order has become the operational document for the Board. Therefore, there is almost no aspect of the Board's budget that does not, in some part, touch on the implementation of the Consent Order. Nevertheless, in an effort to be as informative to the Court as possible, the Board has tried to highlight the largest parts of the Consent Order and included those in the list of expenditures.

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT V.D.4.: Documents responsive to § V.D.4. of the Consent Order

EXHIBIT V.D.5.: Documents responsive to § V.D.5. of the Consent Order

EXHIBIT V.D.6.: Documents responsive to § V.D.6. of the Consent Order

EXHIBIT V.D.7.: Documents responsive to § V.D.7. of the Consent Order

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

EXHIBIT V.D.9.: Documents responsive to § V.D.9. of the Consent Order

EXHIBIT V.D.10.: Documents responsive to § V.D.10. of the Consent Order

EXHIBIT V.D.11.: Documents responsive to § V.D.11. of the Consent Order

EXHIBIT V.D.12.: Documents responsive to § V.D.12. of the Consent Order

EXHIBIT V.D.13.: Documents responsive to § V.D.13. of the Consent Order

EXHIBIT VI.C.: Documents responsive to § VI.C. of the Consent Order

EXHIBIT VII.I.1.: Documents responsive to § VII.I.1. of the Consent Order

EXHIBIT VII.I.2.: Documents responsive to § VII.I.2. of the Consent Order

EXHIBIT VII.I.3.: Documents responsive to § VII.I.3. of the Consent Order

EXHIBIT VII.I.4.: Documents responsive to § VII.I.4. of the Consent Order

EXHIBIT X.A.: Documents responsive to § X.A. of the Consent Order

EXHIBIT X.G.: Documents responsive to § X.G. of the Consent Order

RESPECTFULLY SUBMITTED this 15th day of November.

/s/ J.R. Brooks

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CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following counsel for the parties in this case:

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Kelly Gardner, KELLY.GARDNER@usdoj.gov

/s/ J. R. Brooks

J. R. Brooks