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Superintendent's Response to the Desegregation Advisory Committee's 2019-20 and 2020-21 Annual Reports Introduction¹

First and foremost, I want to thank the members of the 2019-20 and 2020-21 Desegregation Advisory Committee (“DAC”) for their hard work. I know that the last couple of years have been exceptionally challenging for the Huntsville City Schools (“District”) team, and, despite being volunteers, the DAC members have done an exceptional job balancing the difficulties of the pandemic with the important work of the DAC. During the last couple of years, the DAC has had to rethink its processes in order to reach a broader audience and to ensure that its meetings were safe. The DAC has been flexible with its meetings and has used virtual meeting options to meet not only with the community but with my team. I applaud the DAC for tackling these challenges. As I’ve said in the past, I appreciate all that the DAC does as a critical component of the District’s implementation of the Consent Order.

As with my previous response, I want to acknowledge that I was aware of most, if not all, of the issues raised by the DAC in its reports for multiple reasons. First, my team and I watch the DAC’s public meetings to ensure that we are aware of issues raised. Second, my team and I have met with the members of the DAC several times over the last two school years, and the DAC and

¹ The DAC submitted its 2019-20 Report during the summer of 2021 and submitted its 2020-21 Report on September 20, 2021. On November 2, 2021, my team and I presented my response to the DAC’s two reports. The last two years have been exceptionally challenging for the District and the DAC. Due to that difficulty, the DAC’s two most recent reports have not met the deadlines in the Consent Order. However, I commend the DAC for completing these reports despite the struggles they faced. It is my hope that we will be able to return to the typical schedule for the DAC’s report and my response during the summer of 2022.

my team always have a productive conversation. Lastly, I share many of the DAC's concerns, and addressing those concerns is part of the District's strategic plan.

As a reminder, the Strategic Plan is made up of five pillars. Pillar I focuses on improving learning outcomes and student achievement. Pillar II addresses the whole student and attacks social and emotional barriers that hinder student performance. Pillar III provides a plan for equipping teachers with modern strategies and skills necessary for success in the classroom. Pillar IV addresses student safety and equity in the District's interior and exterior learning environments. Finally, Pillar V is the roadmap to a comprehensive communication system for reaching all community stakeholders. The goal of the Strategic Plan is to help the District not only meet its Consent Order requirements, but exceed them.

The remainder of this response will address the DAC's concerns by topic. When helpful, I have separated my response to address each of the reports individually. While the DAC does identify many important issues, I will do my best to explain where I believe there are misunderstandings on some of the topics and where additional context is needed. As a final, broader goal, I want to increase the communication between the DAC and District, particularly when it comes to data access and interpretation. There are several concerns the DAC raised that can be remedied by better sharing of information on the part of the District and quick tutorials on exactly what the data is measuring. Our Chief Student Equity Officer, Dr. George Smith, will be a resource to the DAC to address these issues. We want continued meaningful feedback from the DAC, and this is only possible with strong communication channels.

I. Superintendent's Response to Chair's Comments

A. 2019-20 Report

Lance Cooper served as the DAC's Chair for the 2019-20 school year, and I want to thank him for his hard work and for keeping the DAC focused during the beginning of the

pandemic. Mr. Cooper stayed in contact with the District's team about issues the DAC faced, and he did a great job of working with legal counsel for the District and for the United States to address unprecedented issues.

Mr. Cooper's 2019-20 comments focused on several topics. He discussed the challenges faced during the transition from 2019-20 to the 2020-21 school year. Unfortunately, when the pandemic hit, the DAC had not yet completed its feeder meetings or its 2019-20 Report. Many members of the 2019-20 DAC were unable to continue working due to the challenges presented by COVID-19, and, functionally, the start of the pandemic ended the work of the 2019-20 DAC. I applaud the returning members of the 2019-20 DAC and the members of the 2020-21 DAC who helped support the 2019-20 DAC in finishing its 2019-20 Report.

Mr. Cooper addressed many of the positives that occurred during the 2019-20 school year. First, the District earned unitary status for transportation. This is important because it is the first time that the District has been recognized for achieving unitary status in any Green factor. Second, Mr. Cooper acknowledged the District's work in increasing the number of Black principals in the District. This has been a success story for the District. In fact, based on the efforts of the District, the District now has a greater percentage of Black principals than it does Black teachers. Mr. Cooper also acknowledged the continued success of the District's efforts to support its Majority-to-Minority Transfers and its Magnet Program. Lastly, he spoke to the District team's quick response to DAC concerns.

Mr. Cooper also acknowledged two areas of weaknesses. The first concern is the increased disparity in student discipline data, and the second is the continued low participation rate of Black students in Honors and A.P. courses. I share both of those concerns in 2019-20 and now. I will address them more specifically below as part of the specific Green factor discussions.

However, we have consistently identified both of those areas as challenging for our District, and they are at the forefront of the District's strategic plan (Pillars I, II and III).

B. 2020-21 Report

Mr. Cooper served as the DAC's Chair for the 2020-21 DAC. Again, I want to thank Mr. Cooper for his willingness to serve in this role. His leadership during the beginning of COVID-19 and continuing into the 2020-21 school year was invaluable. As was his practice during the 2019-20 school year, Mr. Cooper remained in close contact with the District's team as well as the legal teams for both the United States and the District. He and the DAC worked hard to find creative ways to reach the community, and I think the lessons learned during the 2020-21 school year will improve the performance of all future DACs.

As with his 2019-20 comments, Mr. Cooper's comments touched on a variety of topics. First, he acknowledged areas of improvement. Mr. Cooper identified the District's continued focus on increasing the number of Black principals and assistant principals. This has continued to be a success story for the District. Mr. Cooper also identified the increased communication efforts the District used to contact potential Black A.P. students' families during the 2020-21 school year. The District will report on its A.P. participation rates during the upcoming Court Report filing, but the District has worked hard to implement broader communication with potential A.P. students in an attempt to remove potential awareness barriers for Black students to participate in A.P. courses.

Although it did not occur until the end of the 2020-21 school year, the District promoted one of its District staff to the role of Chief Student Equity Officer. While this position focuses on ensuring equity for all students, it also serves as an additional support for the District's implementation of the Consent Order. Dr. George Smith, who fills this role, has worked in the District's Assessment and Accountability Department for multiple years of the District's Consent

Order implementation, and he is knowledgeable about the District's implementation efforts. I also want to highlight Ms. Melissa Lindsey, our new Executive Director of Prevention & Support Services. Ms. Lindsey has been a principal at several schools in the District, most recently Williams Middle School, and brings a wealth of knowledge to my team from those experiences. She will help us implement actions steps around discipline to be discussed later.

Mr. Cooper's 2020-21 Report concerns are not unlike his concerns in the 2019-20 Report. He identifies discipline as an issue, and I will discuss some of our initiatives later in this Response. A large portion of his comments focus on the District's training on cultural responsiveness or, in his view, the lack thereof. He highlights a specific incident at Huntsville Junior High and then global concerns about cultural responsiveness. Regarding the incident at Huntsville Junior High, Mr. Cooper explains that the District's response was appropriate and refreshing; however, he appears to take issue with the District's response due to anecdotal information from a single student. I am not aware of this single anecdotal piece of information (and it is hard to base a judgment on a single anecdote), but I do agree with his assessment of the propriety of the school's response. The school's response was shared with the United States, and, likely, will be a model for future incidents of racial harassment by a student in a school.

Relatedly, Mr. Cooper shared a concern about school climates. He indicated that because he was aware of a few racially charged incidents, there must be many more in the District. As a District, we strive to ensure that our students are free from harassment on the basis of any protected characteristics, including race. There are, inevitably, issues that arise that require school-level and, occasionally, District-level responses. In my experience, these types of incidents are especially common during election years, and last year was no exception. Nevertheless, our school leaders train on the proper response to such incidents, and, when they need help addressing them, they reach out to the District for support.

Mr. Cooper shared some concerns about the elementary achievement gap, and I share that concern, especially in light of our District's performance on the first year of the ACAP assessment. My team shared information about and plans to address the results of the District's performance on the ACAP assessment during the Board's September 30, 2021 Board meeting. I will speak more to this issue in the section below concerning Equitable Access to Course Offerings.

Lastly, Mr. Cooper raises a number of recommendations. First, Mr. Cooper recommends a student focus group. I agree. In fact, my team is in the process of creating a high school student group to meet with me. The student members of the DAC will be part of this group automatically and will be joined by SGA presidents at each school. Next, Mr. Cooper criticizes the District by saying that the District does "the bare minimum" in communicating for the DAC. I **strongly** disagree. The District supports the DAC by sharing its information via Schoolcast messaging (calls, texts, and emails), email newsletters, on the HCS website and calendar, school websites, social media (Facebook, Twitter, and Instagram), and sending fliers home with students. Additionally, with the issues related to COVID-19, the District has helped support the DAC's initiatives to become more virtual with Facebook Live by streaming all the DAC public meetings.

Moreover, any time that the DAC needs support², Dr. McNeal has helped, including providing them the support they needed to conduct their own non-public meetings virtually. At the same time, the District is always mindful of the fact that the DAC is an autonomous organization and needs to appear that way in order to be trusted by the community. If the DAC

² In fact, recently, the District team has learned that, unfortunately, the DAC has lost its keys to the lockboxes in each school. In order to ensure that the District could not read the confidential information contained in those lockboxes, all of the keys were entrusted to the DAC members. The District will pay to manually replace all of the lockboxes in the schools for the DAC.

believes that additional marketing would help, I'd be open to hearing any concrete ideas that they have.

Mr. Cooper's comments also state that the District does not partner with any Black-owned businesses or Black-run organizations. I **strongly disagree** with the notion that the District does not partner with any Black organizations. Many of the most impactful partnerships are at the school-level. In fact, I encourage our schools to create partnerships with outside entities that will address the unique needs of their students, rather than partnerships pushed down from the District that may not "fit". The District regularly holds Town Hall style meetings in North Huntsville (District 1). In the most recent Town Hall at Jemison High School on August 4, each principal of a District 1 school listed community organizations that work with his/her school. The list of organizations included Black fraternities and sororities (e. g., Phi Beta Sigma Fraternity, Inc. and Delta Sigma Theta Sorority, Inc.), faith-based groups (e. g., Center Grove United Methodist Church, Fellowship of Faith Church), and university and community groups (e. g., 100 Collegiate Black Men, Alabama A&M University). These are not new partnerships, but ones that have been a staple in our schools. We understand the importance of continuing to pursue relationships.

I and several members of my staff met with the Huntsville NAACP Education Committee this summer, and the Chief Student Equity Officer has attended NAACP General Body meetings to discuss the Consent Order. I have personally reached out to the president of the North Huntsville Community United for Action (NHCUA), Dr. Oscar Montgomery, to share things going on in the District. NHCUA is a predominantly Black community group that works to improve the lives of residents of north Huntsville. Also, as a sign of investment in north Huntsville, the District is partnering with the City of Huntsville to build its new central office in

the heart of District 1. The relocation of the central office to north Huntsville should help the City in its efforts to revitalize North Parkway.

The District is working to expand its community partners not just with Black-run businesses, but city-wide. In fact, during the summer of 2021, the District hired Elizabeth Dotts Fleming to serve as the Director of Public Development. Mrs. Fleming previously served as the executive director of The School Foundation – an organization responsible for supporting Huntsville City, Madison City, and Madison County schools. Her connections from her time in that position will be instrumental in expanding the District’s community partners.

Superintendent’s Response to “Findings of the DAC”

The Consent Order requires the DAC to “advise the Superintendent and to inform the Court through this process about its assessment of the implementation of the terms of the Consent Order.” (Doc. 450, p. 86). The DAC assesses the District’s implementation by conducting public meetings, soliciting community feedback, and, when necessary, seeking information from the District. The DAC requested information to help it assess the District’s implementation of the Consent Order.

In this section of the report, the DAC shared its findings, concerns, and suggestions regarding the Green Factors. I will provide detailed responses to the DAC’s concerns and suggestions below. I want to emphasize that I consider all of the DAC’s comments and concerns, and I appreciate the DAC’s feedback.

I. Superintendent’s Response to “Student Assignment” Findings

A. 2019-20 Report

The DAC’s discussion begins by discussing schools that are “disproportionately” Black or White. The Consent Order does not require the District to ensure that the racial demographics at each school are the same. Instead, the District is required to enforce its student assignment

boundaries and student transfer policies (including M-to-M and Magnet transfers), which the District does.

The rest of the DAC's discussion is about the District's M-to-M and Magnet programs. The DAC's assessment concerning the M-to-M transfer process and Magnet enrollment was positive. The DAC identified an issue regarding Magnet related to advertising transportation and other limitations pertaining to athletics. I will work with my team on this issue.

B. 2020-21 Report

As with the 2019-20 Report, the DAC begins with a discussion of schools that are "disproportionately" Black or White. As explained above, the District's obligation pursuant to the Consent Order is to enforce student assignment boundaries and not to balance the demographics across all schools. Although not a requirement of the Consent Order, some schools have seen shifts in student demographics during the implementation of the Consent Order. One example is Johnson High School, which was 88% Black when the District began implementation. Jemison High School has recently hovered between 72% and 77% Black. Another example is Blossomwood Elementary School, which was 55% White when the District began implementation, and now hovers around 43% White. These noteworthy shifts have occurred in the absence of the District changing the student attendance boundaries.

The DAC commented on the continuing success of the M-to-M transfer process. For the reporting year, the District did not deny any students due to space or eligibility. This is largely due to the systems that the District had in place to process transfer requests. Unfortunately, the applications processed during the 2020-21 school year (which will be reported in November of 2021), will have an increase in the number of denials due to space and eligibility. One obstacle we faced during the 2021 school year was the loss of functionality of our transfer system caused by the December 2020 cyberattack. As a result of that attack, the M-to-M and Magnet transfer

application systems temporarily moved to alternate platforms that lacked some of the features of the typical system. While this temporary process allowed us to process applications before the end of the school year, it did not have the same ability to warn applicants that their first-choice school was at or near capacity or that they may be potentially ineligible (i.e., because their student was in pre-kindergarten). We also had a number of duplicate applications due to concerns that submissions would be lost. We will have a new transfer system that is an updated version of the system used prior to the cyberattack for the 2021-22 school year, and we expect that our application processing will mimic what was done in years past.

II. Superintendent’s Response to “Equitable Access to Course Offerings and Programs” Findings

A. 2019-20 Report

The DAC’s report focused on two areas of concern. First, the DAC focused on whether Black students have equitable access to Honors and A.P. courses. Second, the DAC addressed whether Black students are encouraged and prepared for these courses. As discussed earlier in this Response, these remain focuses of my team as well.

Regarding access, the DAC identified that the number of A.P. courses is not the same across the District’s high schools. While the number of A.P. courses is higher at Huntsville and Grissom high schools (as is the number of students), the District is meeting the requirements of the Consent Order by offering at least 12 A.P. and/or I.B. courses at each high school. This is an example of our focus on equity – requiring all high schools to offer the same A.P. courses and number of A.P. courses does not best serve our students. Rather, we need the flexibility to fit courses to student and teacher strengths at our schools and to build capacity in the courses we offer while ensuring all students have access to high level courses. Performance remains an area of concern. With the pandemic, there have been difficulties in tracking data that is directly comparable year-to-year. In 2018-19, 40 Black students passed at least one A.P. exam, the

number rose to 54 students in 2019-20, but fell in 2020-21 to 32 students. These numbers do not tell the whole story; the 32 students passing represent 14% of students who were tested, whereas the 40 students in 2018-19 represent only 10% of students tested. I will discuss more of our advanced course steps in the response to the 2020-21 DAC report comments.

The DAC's report also highlighted the disparity in Black student performance on the Scantron examination. During the 2020-21 school year, our students took the ACAP assessment for the first time, and the scores on that assessment were, generally speaking, significantly lower than scores on the Scantron assessment. Instead of specifically addressing the issues that were present for the Scantron assessment, I will address the disparities in proficiency in more detail in the next section (2020-21 Report).

B. 2020-21 Report

The DAC begins its report by identifying four different areas on which it has focused related to the Equitable Access to Course Offerings factor of the Consent Order: 1.) that Black students have equitable access to honors and A.P. courses; 2.) that Black students are encouraged and prepared for those courses; 3.) industry partnerships; and 4.) that teachers are adequately trained on being culturally responsive and avoiding implicit bias.

Additionally, the DAC claims that it did not receive any data pertaining to culturally responsive professional development. The District reports professional development in Report III.M.1.e. The reports are publicly available on the District's website. The DAC specifically requested data on culturally responsive professional development in June 2021. The District had the information, as it was previously reported to the Court, but due to a miscommunication within the District, it was not shared with the DAC. In the future, my team will reach out to the DAC to ensure that the DAC is not missing any other pieces of information in order to avoid any miscommunication.

Regarding culturally responsive and inclusive professional development, Dr. George Smith, the District's Chief Student Equity Officer, is spearheading this initiative. Though we have had a multitude of professional development sessions around this topic in prior years, more is not always better. We want meaningful engagement on these topics, and we need to know the effectiveness of what we are doing – a sentiment also noted in the DAC comments. We have to make sure everyone knows why we do this work, and that is to create positive learning environments for our students, where all students feel they are safe, valued, and can be successful.

We began the year with a full day of professional development for our new teachers on classroom management and culturally responsive and inclusive teaching. As part of our professional learning academy (“PLA”), we devoted a principal’s meeting in October to professional development on creating culturally inclusive classrooms with the help of a facilitator from ASCD, a network of educators focused on providing resources and support to help student learning. Principals will then adapt this professional development to their own campus, share with their teachers, and have teachers reflect on how they can implement what they learn in their own classrooms. This work has to begin with conversations at the school and district level, and we believe that these initiatives will help foster this.

We are surveying teachers about the professional development topics they want to hear more about as it relates to culturally responsive and inclusive teaching. We will then follow up with district-level sessions that match the wants of our teachers. We have plans to hold diversity and bias sessions with our Board and Cabinet. Finally, we plan to survey teachers to measure the effectiveness of our culturally responsive initiatives. This will be discussed in more detail in the District’s November 2021 Cover Memorandum.

I do want to clarify some language from the DAC report. There are several mentions of “cultural sensitivity” training. From the District’s perspective, cultural sensitivity training is simply about awareness of other cultures. It is about “tolerance”. Our goal for our teachers is culturally responsive or culturally relevant teaching, which is designed to help students from all backgrounds feel safe and supported in school while accessing rigorous content. Culturally relevant and inclusive teaching connects students’ culture and experiences to what they learn in school to develop higher-level academic skills. It is about “acceptance”, not merely tolerance. Teaching is at the core; this is a taller task than simple awareness. We also realize there are beliefs and values that teachers, students, and parents bring to our schools that are counter to this mission. Our goal is to ensure that all students have a positive environment where they can learn and be successful. It is a continual process that is at the forefront of what we do, and the work is ever evolving.

The next portion of the DAC’s report focuses on A.P. course offerings and enrollment. The DAC identifies what it characterizes as an “inequity” in the number of A.P. courses offered at Huntsville (25 A.P. courses) and Grissom (27 A.P. courses) high schools when compared to other schools in the District, like Jemison High School (13 A.P. courses). This was discussed earlier, but I will add two additional points that the DAC’s assessment misses. First, it is important to remember that the District is meeting the requirements of the Consent Order (“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.” (Doc. 450, p. 51)). Second, the DAC’s assessment does not consider the fact that there are nearly twice as many students at Grissom High School (1,948 students) and Huntsville High School (1,822 students) than there are at Jemison High School (870 students).

The next portion of the DAC's report discusses Black student A.P. enrollment and performance. While I disagree with the DAC's characterization of the District's course offerings by school, I do acknowledge that there is work to be done to address enrollment and performance issues for Black students. A.P. enrollment has decreased for Black students and White students alike from 2018-19 to 2020-21. For Black students, 398 enrolled in 2018-19, 396 in 2019-20, and 295 in 2020-21. For White students, 1,093 enrolled in 2018-19, 1,109 in 2019-20, and 928 in 2020-21. As the pandemic has created learning gaps for our students, it has also caused students of all races to shy away from more rigorous course work. Our focus is on preparing students for these courses and continuing targeted recruitment. As acknowledged by the DAC, many of these efforts began in the 2021-22 school year. In the discussion below, I will discuss some of the steps that are being taken to grow Black student participation in advanced courses for the future.

Last year, District personnel set up advanced course information tables at District events (when safe to do so) to spread awareness of course offerings and the benefit of participation. Next, the District's team mailed students from underrepresented backgrounds with a record of "academic success" who were NOT already enrolled in advanced courses a customized invitation letter detailing what advanced courses may be a good fit for them. Academic success was defined as either benchmarking on a formative assessment or earning a semester average of at least 80% in a core class. A total of 295 high school students and 788 middle school students received personalized recruitment letters; all students were classified as "Non-White". Finally, counselors and principals made individual phone calls during the Spring course registration window to encourage high achieving students from underrepresented backgrounds to participate in advanced courses.

I would like to speak about academic preparation for advanced courses. Currently, 295 Black students are participating in an AP course. To meet the goal of equal group participation

with White students, we would need about 850 Black students to participate in AP course. Of the Black high school student population not participating in AP courses, 45 are grade level proficient in Reading or Math as measured by formative assessments last year. All other Black students with at least grade level proficiency are enrolled in AP courses. During last Spring's AP student recruitment window, several counselors provided feedback about Black students' reluctance to participate in advanced courses. Students indicated they needed to focus on "pulling up" their overall grades, likely a direct result of poor performance during the pandemic for some students. As is clear from our District's academic data, we must better prepare our Black students if we want to see meaningful movement in advanced course enrollment.

We have begun additional measures to address these deficits, starting with our summer learning programs and our Honors/AP bootcamp. We have plans to expand our Honors/AP bootcamp in the Summer of 2022 from grades 9-12 to grades 6-12. The bootcamp is specifically focused on skills needed to succeed in Honors and AP courses, such as organization, study skills, critical reading, writing, and problem-solving. We also offer AVID strategies at every high school. AVID is a non-profit organization that works to close the opportunity gap and provide a more equitable education. Students in grade 9 in need of additional support receive social, emotional, and academic supports during the school day using content area review, academic tutoring, character development, and goal-setting during their enrichment time. Finally, we plan to review our retention data for advanced course participation year-to-year for Black students to keep students in the advanced course "pipeline".

The next portion of the DAC's report focuses on academic proficiency data. As a reminder, the District did not administer accountability assessments during the spring of 2020 to students in elementary and middle school. As such, the District did not have academic performance data for those students for that school year. For high school accountability, the

District – like the rest of Alabama – uses performance on the ACT as an accountability metric, and it did have data for student performance during the 2019-20 school year. The DAC’s report is correct in that there is significant disparity in Black and White student performance on ACT Math and ACT English. The disparity is most pronounced in the ACT Math section.

The District is aware of this disparity and has been working to address this for several years. Like with advanced courses, we were able to offer an ACT bootcamp to students this summer, and plan to continue this in Summer 2022. For the 2021-22 school year, Secondary Programs purchased ACT Mastery Prep student workbooks for all current Grade 10 and Grade 11 students. The District trained teachers on using these materials. We also have a district-wide license for “bell ringers” with the Mastery Prep materials. All core teachers are using this resource with their students daily. All high schools are offering ACT prep during their intervention or enrichment periods during the school day. On October 14, current Grade 11 students participated in a mock ACT test. Teachers will use those results to drive instruction and enhance the intervention/enrichment period. Finally, tutoring is provided before, after, and during school in the intervention/enrichment period. If these programs do not yield results, my team will look into the implementation of these programs to ensure that they were done to fidelity.

Next, the DAC’s report covers industry and community partners and outreach. The DAC states “HCS does not partner with groups within the African American community” Again, this is an area in which I believe the DAC’s Report misses the mark. As explained above, partnerships with Black organizations are common in schools across the District (see pp. 7, above). Also mentioned above, the District has held more town halls for District 1 (in north Huntsville) than in any other district in Huntsville.

The DAC also criticizes the District for poor participation rates in its many outreach efforts. The District would certainly like its outreach efforts to result in higher numbers across the District, but it is not for lack of the District's good faith work. The District reaches out to families, parents, and students in a comprehensive variety of ways including Blackboard messaging (calls, texts, and emails), newsletters, district level and school level websites, Board meetings and community events, social media (Facebook, Twitter, and Instagram), and sending fliers home with students. As a change from previous years, for the 2021-22 school year the District transitioned to Blackboard as the primary communication tool with parents, replacing the antiquated Schoolcast system. As the DAC is a group of parents, I do welcome any thoughtful suggestions that the DAC may have about how better to reach parents and families beyond the many ways the District already does.

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

A. 2019-20 Report

The DAC's report confirms that the District is meeting its Consent Order requirements in terms of number of clubs offered at each school, but the DAC identified an issue with participation rates in Math Clubs at the elementary level. The DAC predicted that the cause of lower participation rates may be related to transportation. The data that the DAC was considering came from the 2018-19 school year. Transportation issues are likely not an issue because schools offer club participation activities during the day. However, better recruitment of students into some clubs is still needed. The District plans to use district-wide math competitions to help with recruitment for math teams. These competitions will give more purpose to club participation, and knowing that there is a functional goal should help encourage student participation.

Unfortunately, due to COVID-19, the District's extracurricular participation rates decreased during the 2019-20 school year (spring semester) and the entire 2020-21 school year.

The main reason for the decrease in participation rates was that the District began implementing significant social distancing measures to combat the spread of COVID-19. Social distancing measures included: virtual school; alternating schedules for in person learning; and limiting activities that lead to students congregating (such as Power Hour, which was discontinued starting in the spring of 2020). Virtual meetings also led to club participation being more “fluid” than in past years, and this made tracking participation more difficult.

In the following section, I will describe parts of the District’s plan for addressing extracurricular participation issues for the 2021-22 school year. The District is still expecting challenges for the 2021-22 school year, but increasing participation rates in extracurricular activities is a major focus for this school year.

B. 2020-21 Report

The DAC titled each of the subsections in the Extracurricular Activities portion of its Report “Inequitable club offerings at . . .”. I do not believe that the DAC’s own analysis supports the use of such headers in its report, and I believe it is misleading. The DAC does point out that there is variability in the type and number of activities reported for each school. Before going any further, I want to stress that more available clubs do not necessarily mean more meaningful participation. Student interest must be factored into club offerings, and schools can still have strong extracurricular participation with only a few core clubs. As I described in the previous section, each school had unique challenges with this set of data due to COVID-19. We plan to monitor club participation more frequently – several times each nine weeks rather than once a grading period or semester. By monitoring clubs more frequently, we can help the schools continue to focus on meeting recruitment goals and work through challenges as they happen. Ensuring that the data we are monitoring is an accurate reflection of club participation will help both the DAC and the District to understand the District’s progress on this Green factor.

I believe that our District provides our students equitable opportunities to participate in extracurricular activities. The DAC raised several concerns about extracurricular activities, and I want to address them. Some schools did report relatively lower numbers of clubs, but there are multiple reasons for this: lower participation due to COVID-19 and inconsistent reporting of “clubs” at all schools. While I believe that our return to in-person learning for 2021-22 will help alleviate some of the issues from 2020-21, one thing I have asked our District team to do is to ensure that all schools accurately capture clubs tracked for Consent Order purposes and additional clubs. This consistency will help ensure that the Court is receiving an accurate picture of the opportunities at each school. Making sure our schools are trained on keeping this information in the student information system will help us be successful.

The DAC correctly identified that, despite some lower participation in several predominantly Black and White schools, some of our most diverse schools (ASFL, AAA, and Whitesburg) are offering the most extracurricular club participation opportunities in the District. This shows something that I have referenced in previous responses to the reports of the DAC. Each school must accommodate the interests of its students. Given the differences in student populations (both in terms size and in interests), it is almost impossible to ensure that every school offers identical types and numbers of clubs. I think our school leaders focus on meeting our students’ interests, and I want to ensure that our upcoming reports reflect this.

Ultimately, I am proud of the way that our schools worked during the 2020-21 school year. I look forward to pushing our schools to continue to engage students outside of the typical classroom setting during the 2021-22 school year.

IV. Superintendent’s Response to “Faculty” Findings

A. 2019-20 Report & 2020-21 Report

The DAC's Report reviewed 2018-19 faculty data, and the DAC identified multiple areas of success for the District. First, the DAC identified the District's increase in the percentage of Black principals from 28% in 2017-18 to 43% in 2018-19 to 47% in 2019-20.³

The DAC identified "pay incentives" as an area needing improvement. The DAC identified that the proportion of Black teachers who received pay incentives was smaller than the proportion of Black teachers overall. The District had previously identified this issue as well. In fact, my team and I evaluated the efficacy of the incentive pay programs and ultimately determined that they should be discontinued. The 2018-19 school year was the last year that the District provided incentive pay, and, as such, this issue should no longer exist. The only pay that could be considered as "pay incentive" would be through the new TEAMS contract from the ALSDE, designed to recruit and retain Math and Science teachers across the state. Those decisions and incentives come from the ALSDE and not the District, and the 2021-22 school year is the first year that they are available. As such, they will not impact any of the data the DAC considered in its 2019 and 2020 Reports.

The DAC addresses the Singleton Ratio in its Report. The DAC appears to be confused about how to apply the Singleton Ratio. As described in the Consent Order, page 66: "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." Instead of applying this standard, the DAC compared the District's Black teacher

³ In its 2020-21 Report, the DAC notes that there is a slight decrease (by percentage) in the number of Black assistant principals. First, keep in mind the small numbers, relatively, of principals and assistant principals there are in comparison with other staff. The hiring of one Black administrator can change the group percentages by 3 or more percentage points. The most recent reporting for 2021-22 shows 7 new Black assistant principals and 2 new White assistant principals. Additionally, 1 Black assistant principal and 2 White assistant principals were promoted to principal.

population to its Black student population. Nevertheless, as reported in its annual reports, the District does actively work to ensure that the Consent Order is followed in the assignment of its teachers in order to meet the Singleton Ratio.

The DAC identified the exigent circumstances area of the Consent Order as one about which they were concerned. The District strives to ensure that its interview committees are racially diverse. The District has employed a variety of means to achieve this aspect of the Consent Order. The DAC appears to be concerned that the burden of participation on these committees falls disproportionately on Black and Other teachers. The last year classroom teachers were used on teacher screening committees was 2018-19. Beginning with 2019-20, teachers have not been used on committees. As much as we would like to involve classroom teachers in this process, these committees often presented another task on the already long teacher “to-do” list. Instead, committees are now comprised of District staff to limit the burden on teachers and decrease the occurrence of exigent factors that must be reported. Black, White, and Other committee members are carefully selected to avoid burdens, and the numbers are closely monitored to avoid any exigent factors.

Lastly, the DAC identified that Report V.D.12 (candidate list) is difficult to understand due to how the District reports the information. As a reminder for the Court, V.D.12 requires the District to report: “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.”

Each person who interviews for an open position in the District is listed. Candidates often are considered for multiple positions within and between schools. For instance, after being screened, a candidate may interview for a 4th grade position at 2 different schools, but not be selected for either position. That same candidate may then be considered for a 3rd grade position at one of those schools. This candidate would appear on the report three times, and two of those instances would be at the same school for different positions. The report only contains the specific candidates sent to interview for each position. This is how the District has reported this information since it began reporting for the Consent Order. As part of Dr. Smith’s work with the DAC, I have asked that he help the DAC better understand the data that we report to the Court. This report will be one on which I will ask Dr. Smith to work with the DAC.

V. Superintendent’s Response to “Facility” Findings

A. 2019-20 Report

This portion of the DAC’s report was short. It focused primarily on the need for increasing transparency on issues pertaining to maintenance of facilities. This will be discussed more in the following section. Importantly, the DAC did acknowledge that the District has completed its facilities obligations in the Consent Order.

B. 2020-21 Report

In the 2020-21 Report, the DAC raised two specific concerns: growth in Huntsville and the recent issues with Highlands Elementary School. First, the DAC’s report correctly notes that the District has added several modular buildings to support Grissom High School, Hampton Cove campus, Morris campus, and Whitesburg campus with their recent increases in student population above their building capacity. The District does not plan for these modular buildings to be a permanent solution to the increase in student populations at these schools, but they will help the District address these concerns while the District works with the City of Huntsville on

the future of its capital plans. While the installation of the modular buildings is still in progress, the District will monitor their usage to ensure they do not segregate or disadvantage any one group of students.

The DAC's Report asks the District to work with the City of Huntsville, and I am happy to report that the District regularly meets with the City's administration. However, given the rapid growth in the City of Huntsville, it is not possible (or wise) to build facilities to address a spike in student population. The District works with a demographer to track demographic trends in the City, and, in order to be good stewards of taxpayer money, the District must ensure that it does not respond to a *temporary* spike in student population with a *permanent* expansion to a school. At this point, the District is working with experts to develop the next phase of capital projects, and once it has a draft of a capital plan, it will share with the DAC for comment.

Related to new capital projects, the DAC highlighted the planned placement of the District's new central office. As mentioned earlier in this Response, I agree with the DAC that the District's new office in north Huntsville will be great not only for that part of Huntsville but also for the District. The District is excited to continue expanding its partnerships with north Huntsville, and its new office space will certainly help facilitate that.

One of the most important issues the DAC raised was about the temporary move of Highlands Elementary School to the Cavalry Hill campus. As promised to the community, the DAC, and the Court, my team has conducted an after-action review of the Highlands roofing project that gave rise to the short-notice move from Highlands campus to the Cavalry Hill campus. The after-action review showed that the District mishandled the Highlands Elementary roofing project, but not in the way that was originally thought to be the case. In fact, the after-action review shows that the District **overreacted** in its response. To better understand how this happened, I will address several major aspects of this situation.

For nearly a year in advance of the move to the Cavalry Hill Campus, the District's maintenance team had been working to remediate several issues at Highlands Elementary School. In fact, one of the issues in the public discussion of Highlands is the conflation of concerns related to various isolated maintenance repairs completed by the District. Let me first say that there was no evidence of a systematic mold issue or an issue with asbestos management. We do acknowledge that roof and HVAC leaks have contributed to mold concerns, particularly in the ceiling tiles themselves. Our maintenance team was very responsive to replace any affected tiles and address leaks, even replacing sections of piping when deemed necessary to reduce moisture issues in the building. But, the larger issue of roof replacement, given the building's age, still needed to be addressed. To that end, roof replacement was originally slated for the 2020 fiscal year but was delayed to the 2021 fiscal year due to complications with the pandemic.

It is important that I provide a bit of background knowledge to help understand the District's asbestos management plan. Asbestos containing building material (ACBM) is not hazardous as long as it is not rendered "friable", meaning it can be reduced to powder with finger pressure. Unless these conditions are present, it poses no immediate threat. As part of the District's Asbestos Management Plan that is implemented by the designated Asbestos Management Planner, Dr. Jeff Wilson, the main goal is to monitor ACBM for degradation in condition, and, when necessary, repair the material and/or remove the material. When an ACBM damage issue arises or a renovation of a building containing ACBM occurs, the District's approach is to err on the side of removal, rather than repair, to the maximum extent possible. The team addressing the ACBM situation takes air samples before (called "work in-progress sampling") and after (called "clearance sampling") all abatement work is done regarding asbestos. The District uses an outside contractor, Terrell Technical Services, to create asbestos

air monitoring reports. These reports can be provided to the DAC if desired. It would also be worthwhile to have someone like Dr. Wilson walk the DAC through the reports; if this deeper dive is needed, it can be scheduled.

In short, the steps the District takes as part of the Asbestos Management Plan together with the outside air quality evaluations show that there is not an asbestos concern at Highlands Elementary, past or present. The District's team immediately addressed any issues that arose, and after the District's abatement work and roof and HVAC replacement, Highlands will be asbestos free upon re-occupation, meaning that all interior ACBM that would be accessible to occupants has been removed. Note that this does not mean that asbestos may not be present in wall or other structures (as in other buildings), but this does not pose a threat to occupants as it is not accessible. Highlands will be the *only* building that was built using ACBM in which all ACBM has been removed from accessible spaces.

As referenced above, the roof and HVAC replacement were designed to alleviate permanently the concerns that the District's maintenance team addressed in the year leading up to Highland's move to the Cavalry Hill campus. It was my team's expectation that the roof and HVAC replacement would elevate Highlands Elementary School as the newest "old" building in the District. In October of 2020, the District included Highlands' roof replacement in the 2021 fiscal year plan. As part of that process, the District team briefed both the school's PTA and administration on the process. Throughout the remainder of the 2020-21 school year, the District conducted planning meetings that included the various contractors involved, the District Maintenance Team, and the school principal.

Work on the roof replacement began in May of 2021. In early summer, the principal, Mr. Hovet Dixon, and his administrative assistant were temporarily displaced between June 22 and July 6 to the AAA campus as work began above the office area. Clearance was given to Mr.

Dixon to return to Highlands on July 7. On July 22, the principal expressed concerns regarding, in part, the condition of the building as it related to cleanliness. On July 26, the District paused work on the roof to facilitate clean-up of the building prior to the planned return of teachers. The following day, Dr. Wilson coordinated with Area Facilities Supervisor, Ms. Patty Smith, and developed a specific timeline that would ensure the Highlands campus was clean and presentable in a few days. Additional custodial personnel working overtime hours were also deployed to support the cleaning efforts. This increased the cleaning team to 11 staff members in all. The work began on July 28 at 5 a.m., and the plan was to work through the week and into the weekend, completing the work by Sunday morning.

In the District's after-action review of this incident, the District discovered a communication misunderstanding about access to the building. As mentioned above, though the building was cleared for occupancy on July 7, custodial staff did not realize they had been authorized to return to the building. As mentioned, the planning work took place on July 27, but the work of cleaning the building did not begin in earnest until July 28. Once the cleaning was done, progress was quickly made. Unfortunately, the miscommunication led to an approximately 3-week delay in cleaning Highlands to prepare it for the start of school.

Around July 27, the Highlands community began to share concerns regarding the state of Highlands Elementary School with the Superintendent and Board. Despite the cleaning team's progress, the community's concerns about cleanliness (conflated with the community's concerns about mold and asbestos issues discussed above) led to my decision to err on the side of caution (and to alleviate the community's concerns) to temporarily move the Highlands students to the Cavalry Hill campus on July 29. Unfortunately, as part of the after-action review, we learned that Highland's campus was safe to inhabit for students and staff. As such, the move was due more so in part to address perceptions about the cleanliness of the school, which drove misperceptions

about the state and safety of the building. I want to applaud my staff, particularly Maintenance and Operations, for their ability to keep up with the changing demands of this process. I also want to thank the staff at Highlands Elementary for their hard work in moving to the Cavalry Hill campus and for making sure we had a successful start to the school year.

Finally, the District's process for updating the roof (by shifting students to the library temporarily while the roof covering their classroom is updated) has been and continues to be used throughout the District. The actions taken are part of the construction phase management process, which is a documented procedure that was developed in May 2013 and has been followed successfully as it relates to roof repairs with Chaffee Elementary School and Ridgecrest Elementary School. This process will be used for the upcoming roof work at Hampton Cove Elementary School.

In sum, the District's biggest mistake was the previously discussed delay in cleaning Highlands Elementary. The renovations to Highlands should have been a point of celebration for the District and the Highlands community; this was the first of the "old" buildings to receive this level of renovation and financial investment, and, as mentioned above, will make Highlands the newest of the "old" buildings in the District. By delaying the cleaning to the end of July, the District inadvertently created anxiety in the Highlands community, and – in order to ensure that the fears of the community were heard and erring on the side of caution – the District moved Highlands to the Cavalry Hill campus. Having the benefit of hindsight, the better course of action would have been to remain at the Highlands Elementary facility while the District implemented its longstanding roof replacement process. To minimize disruption to our student's learning, the District currently plans to allow Highlands students to complete the 2021-22 school year at Cavalry Hill. Though staff and students may be eager to return to the Highlands campus, from a learning and instruction standpoint, the best course of action is to not uproot the school

mid-school year. The District will complete the roof and HVAC during that time. Also, the District plans to repaint the interior so that the school will feel inviting when the faculty, staff, and students return in August of 2022.

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

A. 2019-20 Report & 2020-21 Report

Because both reports highlight essentially the same information, I will address both reports together. At the outset, I acknowledge that this area of Consent Order implementation has seen the least improvement from a data perspective. However, I will do my best to address the concerns of the DAC and to identify the ways that the District has attempted to meet its Consent Order obligations in good faith. A summary of the DAC's five major recommendations are as follows:

1. Explore additional outside professional development;
2. Identify best practices from successful school districts;
3. Implement tools for measuring Consent Order compliance and hold schools responsible for improving their compliance;
4. Discipline school personnel with consistent "inequitable" discipline;
5. Implement an immediate review of seven identified schools with disproportionately high discipline of Black students.

First, throughout its Report (including suggestion one on the list above), the DAC identifies training, or lack thereof, as a reason for the disparities that exist in student discipline (and, for that matter, equitable access to course offerings). As I have explained in this Response (and as our annual reports have shown), the District and its schools provide a significant amount of training on being culturally responsive, on applying the Behavioral Learning Guide ("BLG"), on implementing PBIS, and on several other relevant topics. However, as the DAC has pointed out, despite this training, we have not seen improvement in our discipline data. In response to this trend, I created two new positions during the end of the 2021 school year: the Executive Director of Prevention & Support Services (Melissa Lindsey) and the Chief Student Equity

Officer (George Smith), discussed above. Ms. Lindsey and Dr. Smith will work in tandem to ensure that the BLG, PBIS, and Consent Order are implemented with fidelity.

Similar to the work with culturally responsive teaching, we are devoting a portion of our professional learning academy (“PLA”) to focus specifically on discipline. We will have an outside consultant work with our staff on PBIS and restorative practices. Principals will then adapt this PD to their schools and help teachers reevaluate their classroom discipline practices. Having an outside consultant develop our planned training will incorporate best practices from other successful school districts (which addresses the DAC’s recommendation 2).

Regarding the DAC’s third recommendation, the District already has done this in multiple ways. First, the District has a District-wide Strategic Plan with associated goals including goal(s) tied to discipline. In Pillar 2 of our Strategic Plan, one of the goals is to reduce incidents of negative behaviors as measured by incidents of fighting, bullying, harassment, and physical attacks. The District holds periodic data meetings with principals to ensure that principals are tracking these data points and are aware of any issues. This summer, one of the gaps that my team identified from the Consent Order was the retention of “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.” We have very specific goals for the consultant – to review our implementation of PBIS and restorative practices, to identify practices for disparity reduction, and to work directly with schools with the most significant discipline issues to develop plans. We have identified a person to potentially fill this role and will have an update on the status soon.

The DAC’s fourth recommendation is well-intentioned, but I believe fraught with complications. As the Court will remember, early in the implementation of the Consent Order, the Court and community received a number of complaints about the District’s administration

holding schools accountable for implementing equitable disciplinary practices. In fact, faculty, staff, and administration reported fear of retaliation from the District for disciplining a student who violated the Code of Student Conduct and, later, the BLG (which resulted in claims of artificially low discipline numbers due to failure of teachers to report incidents). This caused a significant morale issue in our schools and hindered the District's ability to implement the Consent Order and to garner community support for Consent Order initiatives. Since that time, the District has taken steps to ensure that faculty and staff felt supported in the implementation of student discipline, and has supported its teachers with years of training on PBIS and culturally responsive pedagogy. As Superintendent, I do not want our teachers and administrators to feel incentivized to misrepresent their student's discipline data; however, I also want – and expect – that our student discipline numbers will improve. I appreciate the DAC's suggestion; we want to work on providing support to our schools to improve discipline and climate in our schools.

Regarding the DAC's last suggestion, my team and I have identified several schools that need to close the student discipline gap. My team will work with Ms. Lindsey and Dr. Smith to ensure that the identified schools receive targeted support and guidance about how best to address the disparities identified by the DAC. We do not agree that all the schools listed have a significant discipline problem, though. Several of the schools have minimal students receiving discipline in the 2019-20 and 2020-21 school years, and due to the small numbers, percentages do not reflect the true nature of discipline at these schools (i.e., Chaffee ES, Monte Sano ES, and McDonnell ES). For the other schools, Ms. Lindsey has already met with each principal, and they are currently working on specific plans to address their discipline disparities. To support this effort, I am also creating principal advisory teams that will work alongside Ms. Lindsey and Dr. Smith to build plans to address both academic and discipline disparities. The purpose of this

is to build more school level ownership to help principals know the pulse of their schools. These principal teams will work with our consultant as well.

Finally, I want to address something that will be apparent in the District's upcoming annual report. The District will report record low discipline data for the 2020-21 school year. While I am happy to see this data, it is not sustainable as it was driven by the low number of students on campus during the 2020-21 school year. Prior to August 2021, many of our students have not been in a typical school environment since March 13, 2020. Many students had to relearn how to be in class, and I expect that will drive our discipline numbers up. Also, for our first and second graders, this will be their first full in-person school year. Our second graders had their kindergarten year cut short, and their entire first grade year was disrupted by COVID-19. As such, we may see more discipline as our students' behaviors acclimate to being in class. Now more than ever is the time to address the social and emotional learning needs of our students as more transition back to "in-person" learning. We are excited to bring back our District Mental Health coordinator, Ms. Letricia Ogutu, who will work with our Counseling Director, Ms. Leigh Ann Brown, on addressing the social and emotional learning needs of our students. Long standing programs, such as the peer helper program and the anti-bullying No Place for Hate program, are still present in all our schools. We also have NOVA therapists available to every student. Finally, we are going through the bid process for a social emotional learning screener that will be available for all our students.

VII. Superintendent's Response to "Transportation" Findings

A. 2019-20 Report & 2021-21 Report

The DAC acknowledged the earning of unitary status for this factor and stated that it will continue to monitor transportation. I thank the DAC for its continued monitoring. The District

understands that it is still responsible for the equitable transportation of its students, and it plans to continue these processes.

Conclusion

I thank the 2019-20 and 2020-21 DAC members for their years of service. These two years will certainly be remembered for many years to come, and the work done by the DAC during this tumultuous time is admirable. I am hopeful that this year's DAC will continue the DAC's supportive and helpful legacy.

