

MARCH 6TH WORK SESSION STATEMENT AS PROVIDED BY BOARD PRESIDENT DR. MICHAEL HOGUE

I'd like to call to order this special work session of the Gardendale Board of Education. For the record, I'll note that all three board members – myself, Mr. Lucas, and Mrs. Malone are all present. I'd also note that the Board's legal counsel, Mrs. Dana Hill is present. Let me note that the purpose of tonight's session is to review with the community where we have been the last four + years with the Board of Education, and where we are today. Our full intention in holding this meeting was to provide a public forum for citizens to ask the Board of Education questions and seek clarification about anything under our purview. I would note that we did invite Mayor Hogeland and the members of the city council to be present tonight to listen to the comments, questions, and suggestions of citizens. The council members who are here are here to listen and take notes. Their next meeting is scheduled for March 19th, and if you have questions directly related to the Council's work or future direction, we'd ask that you direct those questions to them at that meeting. Tonight, we want to be sure that everyone leaves here with a strong understanding of the work of the Board of Education and have your questions answered about that work.

As a precursor to opening the discussion tonight I want to provide some background for the public which outlines where we are, how we got to where we are, and then also address some of the most frequently asked questions board members have received over the past couple of weeks. Bear with me as it is a lot of information to cover, but we think it will be helpful to everyone's understanding.

As most everyone is aware, the city established a board of education in May 2014. The charge to the board was to establish a city school system which could, to the extent possible, maintain the existing Gardendale attendance zone for as long as possible. The Board got to work right away. In Alabama, school boards are independent entities, and while city school boards are appointed by the city council, the school board has the autonomy to take actions on its own and in fact should not be influenced by the city council in any way. Notwithstanding, the school board does not have taxing authority independently. In fact, every city determines differently how to fund their school boards and city school systems. In some cities, sales taxes are used to provide supplemental funding for schools. In other cities, property taxes are utilized. And in yet other cities, a combination of the two are used to fund the city system. Gardendale chose to fund the initial start-up costs of this board utilizing sales tax revenue from the city's general fund. This was done to allow property taxes to be collected in arrears, and then once the school system operation transition was complete, the plan was for the city to transfer in total all of the property tax money collected for the city schools.

This Board of Education proceeded like every newly formed city school board has proceeded in forming its own city school system. In fact, we went to great lengths to ensure that our formation proposals, documents and procedures were modeled after the successful school formations in Madison City, Pike Road, Pelham, Alabaster, Trussville, and even looked carefully at the formations of Vestavia Hills, Hoover, and Homewood which were a bit more distant in

memory. With the advice and guidance of legal counsel we moved forward with our formation process in breaking away from the Jefferson County Board of Education in the exact same way with the exact same documents and procedures as all of those who'd gone before us used in their formation. Not surprisingly, Jefferson County was not pleased with our decision to form our own system and they did not make leaving an easy task. As you may recall in March of 2015 we had to ask State Superintendent Dr. Tommy Bice to step in and negotiate an amicable parting of ways between Gardendale Board of Education and Jefferson County Board of Education. He did so, with the known caveat that his approval would need to be approved by the Federal Courts. Now I apologize if I'm rehashing history that you folks all know, but there are some that don't know and it is important for everyone to understand the facts.

Immediately after Dr. Bice's decision on the terms of our formation and break away from Jefferson County, Judge Madelyn Haikala, Federal District Court Judge for the North Alabama District, was made aware of Gardendale's attempt to separate from Jefferson County. Judge Haikala hold supervision over the Jefferson County School System along with several other school systems in North Alabama as the result of 50-year old federal desegregation decrees. School systems cannot be removed from that federal court supervision until such time that it proves to the court that it has achieved "Unitary Status". Unitary status simply means that the district has shown, based upon a variety of very specific factors like student attendance, instructor composition, transportation, etc., that it is capable of operating fully desegregated schools which provide equal educational opportunities for all students regardless of race. Because Jefferson County has not yet as of today met that burden of proof, the Federal District court still has jurisdiction and charge to supervise anything Jefferson county does related to its schools. Because of this oversight, in March 2015 Gardendale filed an official motion to separate with the court, filing the document from Dr. Bice and requesting approval to operate our own independent school system.

At that point, Gardendale ran into a challenge unlike any faced by any school system in modern history in that the NAACP LDF and the United States Justice Department, joined by the Jefferson County Board of Education, decided to oppose our motion to separate. While they had rubber stamped the departure of all of the other school systems in the county up to this point, they claimed that Gardendale was different and that we'd be unable to leave. Because there was a need then, to begin in earnest negotiations between the parties to see if an amicable solution was even possible, Judge Haikala entered an order stating that the parties were not to discuss the details of the negotiations outside of those negotiations and the court. What that meant was that beginning in early 2015, the Gardendale Board of Education was prohibited from discussing matters related to our formation with anyone – even the residents of Gardendale. This was frustrating for everyone; yet the community was gracious and patient, and the Board is grateful for continuing to support our efforts during that time. As we entered 2016 and time marched on it became apparent that there was no possibility of a positive outcome in negotiations to form our own school system. Thus, the court set a date for a public trial to hear evidence and consider whether or not we could form our own school system. Trial was held in December 2016. From that point forward, the Gardendale Board of Education has been free to discuss matters related to our formation. In fact, each and every month this board has held meetings in open session either at the civic center or here at city hall. Those meeting have always been public meetings and at

each and every meeting we've offered a time for the public to provide comments and ask questions.

As you all know, Judge Haikala ruled that we could start our own school system – but we'd have to do so with a K-5 system first, and after three years we'd have the opportunity to take over the 6th through 12th grades. She questioned strongly the city's motivation for forming a school system and felt that there was racial intent behind our actions. The Gardendale City Schools Board of Education has maintained in the strongest possible way that our Board had no such motives and that we have been attempting to form a system inclusive of all children as a part of an open and welcoming community. Yet our plea fell on deaf ears and our evidence of such was ignored.

The NAACP LDF objected strongly to Judge Haikala's decision to let us have a partial school system, and filed an appeal to the 11th circuit court of appeals in Atlanta. They claimed that based upon the District Court's findings that the Court had no authority to give us any school system at all. Ultimately the judges found in the LDF's favor, overturning Judge Haikala's ruling in part, and declaring that we can't operate our own system in Gardendale given that the County Board of Education has still not resolved its own constitutional obligation to demonstrate it can operate fully desegregated schools in compliance with federal law. Our Board's position is that the County Board of Education was declared desegregated in 1976 by the federal court and no longer operates black schools and white schools. We also contend and continue to contend that the Federal Courts, both District and Appellate, have made a serious error in interpreting the constitution. However, all of that is water under the bridge as of today.

On the day that decision was handed down, many of you heard us state very clearly on television news that Gardendale's fight was not over. At that time, with the information we had available to us, we believed we had several viable options for moving forward. Within the following week or so, after consulting with many attorney's, city leaders, and receiving tremendous amount communication from citizens, it became apparent that the best path forward for Gardendale was to come to some sort of compromise with the County in an effort to improve the education of the students through our four schools in Gardendale. To continue to fight this battle in the court systems is tedious, time consuming, expensive, and would continue to distract from children being able to receive the best education possible. TO be clear, while we have decided to drop our appeals and end a court fight, as parents and members of this community, we are still committed to fighting for our children to receive the very best education. So now, it is no longer Jefferson County Board of Education on one side, and Gardendale Board of Education on the other side. As of now, we are coming together to do all that we can to move our city forward and to move education in this city forward.

The last thing I want to cover before I open the floor for public comment is the issue of money. Folks have rightfully wanted to know how their tax dollars have been spent and what is going to happen with their tax dollars that have not been spent.

If you'll look now to the screens I'm going to show you a balance sheet for the Board of Education. I'll walk through this line by line, and I'm happy to answer questions about it when we finish.

Second FAQ:

When will I be getting a tax refund?

That's not a question for the Board of Education. The Board is not "in charge" of the property taxes. Those are collected by the tax assessor and distributed to the City. The City will have to make those decisions.

However, I do want to add a note of personal commentary to this, as I can't speak on behalf of others on the Board. Remember why we got into this matter of schools in the first place: To have a world class school system and provide the very best education for our students. As a parent I can tell you that my desire for that has not changed, and it is still going to take money to make that happen. So, my personal opinion is that I'm glad the taxes are being collected, and I'm hopeful there will be a clear plan coming forth in the future on how those funds can be used to make the 4 schools in our city the very best they can be.