

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**JUDGE MADELINE HUGHES HAIKALA
MEMORANDUM OPINION AND ORDER**

**CONDENSED VERSION OF THE ORDER
INCLUDING CONCLUSIVE REMARKS AND
PATHWAY FORWARD**

CONCLUSION

Having considered the record in its entirety, binding precedent from the United States Supreme Court and the Eleventh Circuit, and the practical implications of the available remedies, the Court orders as follows:

1. The Court grants in part and denies in part Gardendale's motion for separation. For the 2017-2018 school year and until this Court orders otherwise, the Gardendale Board of Education may operate Gardendale Elementary School and Snow Rogers Elementary School. The Jefferson County Board of Education shall take the steps necessary to convey these school facilities to the Gardendale Board of Education so that the Gardendale Board may operate those schools for the 2017-18 academic year. Gardendale Elementary and Snow Rogers Elementary shall be zoned for students residing within the municipal boundaries of the City of Gardendale.
2. Counsel for the private plaintiffs and for the United States shall confer with counsel for the Gardendale Board of Education and develop and submit to the Court within 60 days a proposed desegregation order tailored to the specific circumstances of the Gardendale City Schools System. The proposed order shall contain provisions relating to interdistrict transfers, and the proposed order shall redraw the lines for

Snow Rogers and Gardendale Elementary to address capacity issues at Gardendale Elementary.

3. Should the Gardendale Board of Education operate Gardendale Elementary and Snow Rogers in good faith compliance with the anticipated desegregation order, then in three years, the Court shall consider a renewed motion for operation of a Gardendale municipal system for grades Kindergarten through 12. During the first 12 months of the three-year period of supervision, the private plaintiffs, the United States, the Jefferson County Board of Education, and the Gardendale Board of Education shall develop a proposed facilities plan for all of the students who currently are zoned for Bragg Middle School and Gardendale High School. That facilities plan must either place the Gardendale High School facility in the Jefferson County system under a new name, or it shall place the high school facility in an anticipated K-12 Gardendale district with an appropriate payment to the Jefferson County Board of Education or the Jefferson County Commission to help fund an alternative high school facility for Jefferson County. The facilities plan

shall include provisions for facilities for middle school students, either by reconfiguring existing facilities or building new ones.⁹³

4. Elementary students from the community of North Smithfield shall be zoned for Fultondale Elementary for the 2017-18 academic year.⁹⁴ The Jefferson County Board of Education shall allow middle and high school students who reside in North Smithfield to attend a school of their choice for the 2017-18 academic year. Jefferson County shall develop an election form that allows middle and high students from North Smithfield to list their first and second choice for placement, and Jefferson County shall accommodate, to the extent practical, as many first choices as possible. Every middle and high school student shall be given either his/her first or second choice for placement. Jefferson County shall provide transportation for students who reside in North Smithfield. The private plaintiffs, the United States, and the Jefferson County Board of

⁹³ If, after three years, the Court approves a K-12 Gardendale municipal district, the Court will not approve a 13-year grandfather period. Though the lengthy grandfather period may be well-meaning, it places too much stress on both the parent and the splinter districts.

⁹⁴ If they wish, elementary students from North Smithfield may request a transfer to a school other than Fultondale Elementary. The Court anticipates that there are likely to be few such requests because elementary students from North Smithfield currently are zoned for Fultondale Elementary, and Fultondale Elementary is a fairly modern school. The Court orders the Jefferson County Board to make space available where necessary to accommodate transfer requests from elementary students in North Smithfield, and the Court orders the Gardendale Board to make space available if students from North Smithfield ask to transfer to Gardendale Elementary or Snow Rogers Elementary. Gardendale City Schools must provide transportation to any North Smithfield student who elects to attend a Gardendale school.

- Education shall confer and submit a joint proposal for permanent zoning for students who reside in North Smithfield.
5. For the 2017-2018 school year and until this Court orders otherwise, the Jefferson County Board of Education shall operate Bragg Middle and Gardendale High School. Students who reside within the municipal limits of the City of Gardendale shall continue to attend Bragg Middle School and Gardendale High School until the Court orders otherwise. Tax proceeds shall follow students from the City of Gardendale who attend Bragg Middle School and Gardendale High School per the terms of the 1971 *Stout* desegregation order.
 6. Within 60 days, the Gardendale City Council shall appoint at least one African-American resident of the City of Gardendale to the Gardendale Board of Education.
 7. Elementary school children who reside in the community of Mount Olive, the town of Brookside, and the City of Graysville shall remain in their current elementary school zones and shall attend Bragg Middle School and Gardendale High School until the Court orders otherwise. As the parties negotiate the terms for a possible K-12 separation for the Gardendale City School system for the 2020-21 academic year, the parties shall confer with parents from all affected communities.

8. Within 30 days, the Jefferson County Board, the private plaintiffs, and the United States shall submit a proposed timeline for the discovery necessary for an evaluation of the Jefferson County school district under each of the *Green* factors.
9. The Court shall enter all other orders necessary for the implementation of these orders after consulting with the parties.

The Court has fashioned these remedies for a number of reasons. The Court is giving the Gardendale Board of Education an opportunity to demonstrate good faith. To date, the Gardendale Board has fallen short, but it is a new board with limited training. The Court is giving the Gardendale Board the opportunity to operate elementary schools because skills learned in elementary school prove to be the best predictors of future academic success. This should give Gardendale residents the assurance that they will have local control as their children learn fundamental skills in elementary school. Parents of middle school and high school students who reside in Gardendale and are dissatisfied with Bragg Middle School and/or Gardendale High School have available to them the Jefferson County IB Middle School program and the Jefferson County IB High School program. The latter is consistently ranked the best high school program in the State of Alabama. The Court also notes that if parents who reside in the City of Gardendale have a concern about Bragg Middle and/or Gardendale High School, they have a unique

opportunity to make that concern heard because the current president of the Jefferson County Board of Education is a Gardendale resident.

The facilities plan provision in the Court's order accounts for the significant role that the new Gardendale high school facility plays in Jefferson County's desegregation efforts. It accounts for the fact that Jefferson County designed and built the facility to serve all high school students in Jefferson County, and Jefferson County has successfully attracted a racially and geographically diverse student body to the school through the county's good faith efforts to comply with the desegregation order. The treatment of the high school facility also comports with basic notions of fairness.

DONE and **ORDERED** this April 24, 2017.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE