

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

LINDA STOUT, et al.,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NUMBER:
UNITED STATES OF AMERICA,)	CV-65-J-396-S
)	
Plaintiff-Intervenor,)	HOOVER CITY BOARD OF
v.)	EDUCATION
)	
JEFFERSON COUNTY BOARD OF)	UNOPPOSED
EDUCATION, et al.,)	
)	
Defendants.)	

UNOPPOSED¹
MOTION FOR APPROVAL
FOR
GRADE RECONFIGURATION
AND CONSTRUCTION OF CLASSROOMS

Comes now the Hoover City Board of Education (hereinafter “Board”) to submit for review and approval student attendance zones for the 2011-2012 school year and construction of additional classrooms at Hoover High School for the 2012-2013; and in support thereof states:

¹ No objection to proposed changes from the U.S. Justice Department or NAACP Legal Defense Fund. See Exhibit 1 attached.

Summary of Proposed Changes

To enhance the educational program and to address overcrowding, the Board proposes to change the grade configuration of the six schools in the Hoover High attendance zones.² No rezoning will take place. Whole grades – all the students in specified grades – and all the teachers of those grades will move from one school building to another. There will be no impact on desegregation for students or staff. In overview, the changes proposed are as follows:

Hoover High School

During this school year (2010-2011), Hoover High School served students in the 10th, 11th and 12th grades. Hoover High School will add the 9th grade for the 2011-2012 school year.³

The proposed change: (1) adding the 9th grade to Hoover High School; and (2) constructing additional classrooms for the 2012-2013 school year.

Hoover Ninth Grade School Will Become Bumpus Middle School

During this school year, the Hoover 9th Grade School served only 9th grade students. For next year, the Hoover 9th Grade School will become Bumpus Middle School serving grades 7 and 8. The 9th grade students previously served at this school will transfer to Hoover High School.

² Schematic map attached as Exhibit 2.

³ Hoover proposes to add 24-36 classrooms at Hoover High School for the 2012-2013 school year.

The proposed change: Hoover Ninth Grade School will become Bumpus Middle School serving grades 7 and 8.

Bumpus Middle School

During this school year, Bumpus Middle School served students in the 6th, 7th and 8th grades. For the 2011-2012 school year, Bumpus will move to the current Hoover 9th Grade School building and serve grades 7 and 8.

The proposed change: Bumpus Middle School will move to the current Hoover Ninth Grade School building and serve 7th and 8th grade students; 6th grade students will remain at the current Bumpus building which will become a new Intermediate School serving grade 6 and grades 5 from the feeder elementary schools in the zone..

Elementary Schools

Three elementary schools currently (2010-2011) serve students in grades K-5; these are Trace Crossing, Deer Valley, South Shades Crest. These three elementary schools will serve grades K-4. The 5th grade students previously attending these elementary schools will attend the new Intermediate School.

The proposed change: the three elementary schools will serve K-4 grades; 5th grade students will attend Intermediate School.

Intermediate School

The current Bum pus cam pus will be come a new Intermediate school housing grades 6 (from former Bum pus Middle School) and grades 5 (from South Shades Crest, Trace Crossings, and Deer Valley elementary schools).

The proposed change: current Bum pus bui lding will becom e new Intermediate School to serve grades 5 and 6.

1. No Objection from Attorneys of Record: The propose d reconfiguration of grades have been subm itted for revie w to Amy Berman, attorney with the Education Section of the U.S. Justice Depar tment, and Damon Hewitt, attorney for the NAACP Legal Defense Fund.

The Justice Department and the NAACP Legal Defense Fund are the parties of record active in this pending case.

As set forth in the attached electronic communications, Ms. Berman and Mr. Hewitt have advised, on behalf of their c lients, that they do not object to the proposed grade re-configuration. (Attached as Exhibit 1, electronic messages from Ms. Berman and Mr. Hewitt.)

2. Explanation of Reconfigurati on: The Hoover Board created a 9th grade-only school several years ago. It is located adjacent to the main Hoover High School cam pus. The m otivation for constructing a separa te facility for 9th grade students was to give t he students a year of maturity before they matriculated to a very large and sometimes overwhelming high school:

Student Population

Hoover	High School Grades 10-12	1,852	
Hoover	9 th Grade School		660

Over time school officials have concluded that the disadvantages to this arrangement outweighed the advantages. In addition, overcrowding at some schools necessitates a significant reconfiguration of the middle schools.

As explained more fully hereafter, the Hoover Board has approved – subject to Court approval – a plan to consolidate the 9th grade with grades 10-12 at the main Hoover High School building and transfer all 9th grade students previously attending the 9th grade school to Hoover High School.

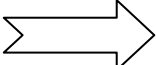
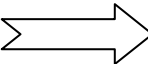
New Intermediate School (Converting 9th Grade School to Bumpus Middle School and Creating a New Intermediate School at the Current Bumpus Location):

With the transfer of all Hoover Ninth Grade School students, the Ninth Grade School will become Bumpus Middle School serving grades 7 and 8. The current Bumpus Middle School facility will become the Intermediate School serving students in grades 5 and 6.




The 6th grade students who will be housed at the Intermediate School will come from Bumpus Middle. All 6th grade students in this school zone for 2010-2011 were at Bumpus Middle.

The 5th grade students who will move to the Intermediate School will come from the three elementary schools in the school zone: South Shades Crest Elementary, Trace Crossing and Deer Valley.

PROPOSED GRADE CHANGES

<u>2010-2011</u>	<u>2011-2012</u>	_____
1. Hoover High School		
Grades 10, 11, 12		<u>9</u> , 10, 11, 12
2. Hoover 9 th Grade School ⁴		
Grades 9		Bumpus Middle 7 and 8

Transfer of 5th Grade Students to Intermediate School

3. Trace Crossing Elementary ⁵	Trace Crossing K-5		K-4
4. Deer Valley ⁶			
	Grades K-5		Deer Valley K-5
5. South Shades Crest ⁷			
	Grades K-5		South Shades Crest K-5
			K-4

No. students: 368

⁴ Hoover 9th Grade School will become Bumpus Middle School grades 7 and 8.

⁵ Elementary school will change from K-5 to K-4 grades.

⁶ Elementary school will change from K-5 to K-4 grades.

⁷ Elementary school will change from K-5 to K-4 grades.

Transfer of 6th Grade Students to Intermediate School

6. Bumpus Middle Bumpus Middle 6, 7, 8 ⇔ 7, 8

No. students: 368

Intermediate School

The new Intermediate School, located at the previous site of the Ninth Grade School, will serve grades 5 and 6. The 5th grade students will come from the three elementary schools. The 6th grade students will come from the current Bumpus Middle School.

No. student: 736

Discussion

The realignment plan maximizes the use of current classroom space. This plan allows the Board to align excess space with anticipated growth in this particular school zone. Instructional programs are strengthened with the move of the 9th graders to Hoover High senior campus and the development of an intermediate school for 5th and 6th graders. The grade reconfiguration of Deer Valley will allow Deer Valley children from the western section of Hoover to rejoin their neighbors in their original neighborhood school. Deer Valley students will now track with their friends from elementary school to the Hoover Intermediate (5 and 6) and the Bumpus Middle School (7 and 8).

3. Construction of Additional Classrooms at Hoover High School : For the 2011-2012 school year, 16 additional classrooms located at the current

Crossroads Alternative Campus will be used as classroom space to accommodate the 660 or so 9th grade students who will transfer from the 9th grade school to the high school campus. Hoover will employ an architect to design 24-36 additional classrooms to be built at the high school for use with the 2012-2013 school year.

The Board seeks permission to construct the additional classrooms for 2012-2013.

4. No Adverse Impact on Desegregation : As explained above the proposed new grade reconfiguration will not adversely affect desegregation. None of the *Green* factors will be adversely affected: student racial composition; transportation; curriculum; faculty; facilities. Whole grades and the teachers from those grades are simply moving from one school to another school.⁸

5. Time-Sensitive Matter: Alabama law entitles teachers who are to be transferred from one school location to another to contest the proposed transfer and seek arbitration. The school district has informally conferenced with the affected teachers and expects the vast majority to accept the proposed change. However, the Board hopes that the Court will be able to review the proposed changes expeditiously.

To the extent that an accelerated decision can be made, Hoover School officials will be most appreciative.

⁸ Staff and student racial projections attached as Exhibit 3.

Conclusion

The Hoover City Board of Education petitions the Court for permission to implement the proposed reconfiguration of grades for the 2011-2012 school year and for the construction of 24-36 classrooms at Hoover High School for the 2012-2013 school year.

Respectfully submitted,

s/Donald

B. Sweeney, Jr.

Donald B. Sweeney, Jr. (SWE002)

OF COUNSEL

Bradley Arant Boult Cummings LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, AL 35203-2104
Telephone: (205) 521-8000
Facsimile: (205) 521-8800

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Damon Hewitt, Esq.
NAACP Legal Defense &
Educational Fund, Inc.
99 Hudson Street, 16th Floor
New York, NY 10013

Sharon D Kelly
U.S. Attorney's Office
1801 4th Avenue North
Birmingham, AL 35203-2101

Amy Berman, Esq.
U.S. Department of Justice
Civil Rights Division
Educational Opportunities
Section
Patrick Henry Building
Washington, D.C. 20530

Carl Johnson
Whit Colvin
Bishop Colvin Johnson & Kent
1910 First Avenue N
Birmingham, AL 35203

and I hereby certify that I have mail ed by United States Postal Service the document to the following non-CM/ECF participants:

None

s/Donald B. Sweeney, Jr.

Donald B. Sweeney, Jr.