

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

LINDA STOUT, et al., )  
)  
Plaintiffs, )  
and )  
)  
UNITED STATES OF AMERICA, )  
)  
Plaintiff-Intervenor, )  
)  
v. )  
)  
JEFFERSON COUNTY BOARD )  
OF EDUCATION, et al., )  
)  
Defendants. )

CIVIL ACTION NUMBER  
  
CV-65-IPJ-396-S

**MOTION TO MODIFY DESEGREGATION ORDER**

Comes now the Jefferson County Board of Education and requests that this Honorable Court modify its desegregation order to allow the school board to comply with the mandates of the No Child Left Behind Act of 2001. In support thereof, the Board states as follows:

In 2002, legislation was passed called the No Child Left Behind Act of 2001. The Act contains numerous provisions designed to encourage achievement in local schools. The Act contains specific provisions which require school boards to allow

students attending a Title I school “identified for school improvement” to attend a school not so identified.

The No Child Left Behind Act further requires that parents and students be given the choice of more than one school to which transfers are available. Those school choices may not include “school[s] in need of improvement,” whether designated “Title I” schools or not. Moreover, the regulations require the Board to request modification of its desegregation order if necessary to permit the transfers required by the Act.

The Board has made significant progress over the years but, despite that progress, still has schools which are classified as schools in need of improvement and from which transfers are required. Erwin Elementary (Erwin) serves grades three through six in the Erwin High School zone. Erwin was designated as a school in need of improvement last year. Center Point Elementary serves kindergarten through second grade and it has likewise been identified as a school in need of improvement as a feeder school to Erwin Elementary. Erwin remains a school in need of improvement.

The Board is required to offer No Child Left Behind Act transfers to students in both schools for the upcoming 2012-2013 school year as a result of failing to meet those goals. Erwin Elementary serves mostly elementary students but also has a middle school grade in its configuration. Thus, school choices must include elementary schools and middle schools.

In the same feeder pattern, Center Point High School and Erwin Middle School have also been identified as schools in need of improvement, and school choices must be provided for those schools as well.

Chalkville Elementary School has again been classified this year as a school in need of improvement. Chalkville Elementary School met ninety percent of its AYP goals this year, but one subgroup failed to meet those goals in reading and mathematics. As a result, it has been classified as a school in need of improvement.

Two other schools have also been classified as schools in need of improvement this year, having failed to make AYP for the second successive year: Bottenfield Middle School and Fultondale Elementary School. Fultondale Elementary School serves grades K-6 and, accordingly, the Board is providing both middle school and elementary school choices for students attending Fultondale.

The Board proposes the following transfer options this year:

<p><b><u>Center Point Elementary School</u></b>          Bryan Elementary School          Clay Elementary School          Grantswood Elementary School (K-2)          Pinson Elementary School (K-2)</p>	<p><b><u>Center Point High School</u></b>          Corner High School          Mortimer Jordan High School          McAdory High School          Pleasant Grove High School</p>
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<p><b><u>Erwin Elementary School</u></b>                  Bryan Elementary School                  Clay Elementary School                  Irondale Community School (3-5)                  Johnson Elementary School (3-5)</p>	<p><b><u>Erwin Middle School</u></b>                  North Jefferson Middle School                  Pleasant Grove Middle School                  Irondale Middle School                  Bragg Middle School</p>
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<p><b><u>Fultondale Elementary School (K-5)</u></b>                  Mount Olive Elementary School                  Snow Rogers Elementary School                  Crumly Chapel Elementary School                  Hillview Elementary School</p>	<p><b><u>Fultondale Elementary School (6th)</u></b>                  North Jefferson Middle School                  West Jefferson Elementary School                  Brighton Middle School                  Pleasant Grove Middle School</p>
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<p><b><u>Chalkville Elementary School</u></b>                  Mount Olive Elementary School                  Snow Rogers Elementary School                  Pinson Elementary School (K-2)                  Johnson Elementary School (3-5)                  Grantswood Elementary School (K-2)                  Irondale Community School (3-5)</p>	<p><b><u>Bottenfield Middle School</u></b>                  Corner Middle School                  North Jefferson Middle School                  Brighton Middle School                  Pleasant Grove Middle School</p>
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Transfers would be granted to the above schools in a manner which would have the greatest impact on furthering desegregation. In addition, capacity may be taken into consideration when evaluating transfer applications.

Bragg Middle School, in particular, does not have additional capacity to accommodate significant student transfers. Thus, the total number of transfers into Bragg from Erwin Middle School is proposed to be limited to twelve (12).

Both the plaintiff parties and the United States have been consulted about the matters in this motion and have no objection.

WHEREFORE, PREMISES CONSIDERED, the Board requests that this Honorable Court enter an order allowing transfers under the No Child Left Behind Act of 2001 as heretofore proposed.

Respectfully submitted on this 2nd day of August, 2012.

BISHOP, COLVIN, JOHNSON & KENT, LLC  
1910 First Avenue North  
Birmingham, Alabama 35203  
Phone : (205) 251-2881  
Fax : (205) 254-3987  
[wcolvin@bishopcolvin.com](mailto:wcolvin@bishopcolvin.com)

s/ Whit Colvin  
Whit Colvin (ASB 3137-C51G)

### CERTIFICATE OF SERVICE

I hereby certify that there are no known non-CM/ECF participants for mailing by United States Postal Service, and that on this 2nd day of August, 2012, I electronically filed the foregoing Motion to Modify Desegregation Order with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

JOYCE WHITE VANCE, ESQ.  
SHARON D. KELLY, ESQ.  
OFFICE OF UNITED STATES ATTORNEY  
Northern District of Alabama  
1801 Fourth Avenue North  
Birmingham, Alabama 35203

Norman J. Chachkin, Esq.  
36 Cedar Drive  
Accord, NY 12404-6002  
Counsel for Plaintiffs

FRANZ R. MARSHALL, ESQ.  
THOMAS FALKINBURG, ESQ.  
MELISSA J. MICHAUD, ESQ.  
U.S. DEPARTMENT OF JUSTICE  
Civil Rights Division  
Educational Opportunities Section  
950 Pennsylvania Ave., NW  
Washington, DC 20530  
Counsel for Plaintiff-Intervenor  
United States

s/ Whit Colvin  
Whit Colvin