

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

SONNIE WELLINGTON HEREFORD,	)	
IV., et al.,	)	
	)	
Plaintiffs,	)	
	)	
AND	)	CV-63-J-109-NE
	)	
UNITED STATES OF AMERICA,	)	<b>UNOPPOSED</b>
	)	
Plaintiff-Intervenor,	)	
	)	
v.	)	
	)	
HUNTSVILLE BOARD OF	)	
EDUCATION, et al.,	)	
	)	
Defendants.	)	

**UNOPPOSED MOTION OF DEFENDANTS**  
**FOR APPROVAL OF SCHOOL CONSTRUCTION PROGRAM**

Defendants, by their undersigned counsel, move the Court to approve the following school construction, closing, and consolidation program and other related actions set forth below pertaining to the Huntsville School District. Undersigned counsel has been authorized by counsel for Plaintiffs and Plaintiff-Intervenor to represent that neither of those parties opposes this motion.

## **I. SCHOOL CONSTRUCTION AND SCHOOL CLOSING**

1. The construction of a new 9-12 grade high school at 4090 Pulaski Pike NW, in the northern section of the city of Huntsville. The construction is to begin immediately with the expectation of completion by the opening of the 2016-2017 school year. Upon the completion of this new school, the existing J. O. Johnson High School will no longer be used as a school and students in grades 9-12 who would have attended J. O. Johnson High School will attend the newly constructed school.

2. The construction of a 7-8 grade school on the same campus as, but physically separate from, the 9-12 grade high school described in paragraph 1. The construction is to begin immediately with the expectation of completion by the opening of the 2016-17 school year. Upon completion of this new school, students in grades 7-8 who would have attended Ed White Middle School and Davis Hills Middle School will attend this school in grades 7 and 8 and will matriculate to the new northern high school in grade 9.

3. The construction of a new 9-12 grade high school on Lot 1 of National Subdivision, Third Addition, Huntsville, Alabama to replace the existing Grissom High School facility. The construction is to begin

immediately with the expectation of completion by the opening of the 2016-2017 school year. Upon completion of this construction, the existing Grissom High School building will no longer be used as a school.

4. The construction of an addition to Huntsville High School to house a 9<sup>th</sup> Grade Academy, and thus to alleviate the presently overcrowded condition at Huntsville High School. The construction is to begin immediately with the expectation of completion by the opening of the 2015-2016 school year.

5. The construction of a new Pre-Kindergarten–8 grade school on the existing Whitesburg Elementary and Middle School campus. The construction is to begin immediately with the expectation of completion by the opening of the 2015-2016 school year. This new building will replace the existing elementary and middle school buildings on the same campus, which will be demolished.

6. The construction of the replacement school for University Place and Terry Heights Elementary Schools described in paragraph 1 of the Unopposed Motion of Plaintiffs, Plaintiff-Intervenor, and Defendants to Approve School Consolidation and School Construction filed December 8, 2008 (doc. 264) and approved by this Court (doc. 266), at the location of the

former Terry Heights Elementary School, 2820 Barbara Drive NW in Huntsville, Alabama. Architectural design of this school is to begin immediately, followed by construction with the expectation of completion by the opening of the 2016-2017 school year.

7. The construction of the replacement school for Martin Luther King and Lincoln Elementary Schools described in paragraph 2 of the Unopposed Motion of Plaintiffs, Plaintiff-Intervenor, and Defendants to Approve School Consolidation and School Construction filed December 8, 2008 (doc. 264) and approved by this Court (doc. 266), on the present Martin Luther King campus. Design of this school is under way and construction will begin upon completion of the construction projects listed above, with the expectation of completion by the opening of the 2018-2019 school year.

8. Beginning with the 2014-2015 school year, students who would otherwise have attended Ed White Middle School and Davis Hills Middle School will attend Davis Hills Middle School. Upon completion of the new 7-8 grade school described in paragraph 2 above, students in grades 7-8 who would otherwise have attended Davis Hills Middle School will attend the

new 7-8 grade school, and thereafter will matriculate to the new northern high school described in paragraph 1 above.

## **II. MAGNET SCHOOLS**

9. **Academy for Arts and Academics (AAA).** The district will strengthen and expand the AAA magnet program by relocating it from its current facility at the former Cavalry Hill campus to renovated space designed to house the program at the Ed White Middle School facility. Renovations of the Ed White facility will begin at the conclusion of the 2014-15 school year with the expectation of completion by the opening of the 2015-2016 school year and transfer of the AAA school to the Ed White campus at that time.

10. **Academy for Science and Foreign Language (ASFL).** The district will continue to operate the ASFL magnet program at its current site in a portion of the Davis Hills facility. Although ASFL is one of the district's two International Baccalaureate (IB) schools, it does not currently feed directly to Columbia High School, which offers the IB program at the high school level. The district therefore will create this pathway and linkage to Columbia by providing students completing the terminal grade at ASFL the right to matriculate (if they so elect) to Columbia so as to continue in the

IB program. Capital program funding available at the present time does not permit consideration of replacing the ASFL building, but the district will undertake an assessment and evaluation of facility needs in order to determine what amount of funding would be necessary to renovate and improve the facility and thereby better support its special programming, or to relocate it for that purpose to another site within the attendance zone of the northern high school described in paragraph 1. The district shall seek to identify potential sources of such funding that could be accessed to accomplish this goal before completion of the major capital construction program described in this document.

/s/ J. R. Brooks  
J. R. Brooks  
Attorneys for Defendants

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 17<sup>th</sup> day of May, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following counsel for the parties in this case:

Norman Chachkin, [nchachkin@hvc.rr.com](mailto:nchachkin@hvc.rr.com)

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/s/ J. R. Brooks

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J. R. Brooks

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**ORDER**

The Defendants having filed an Unopposed Motion for Approval of School Construction Program (doc. 279), and the Court having considered said motion and being of the opinion it is due to be granted,

It is therefore ORDERED that said motion be and hereby is GRANTED and the Defendants are directed to implement it.

All prior Orders of this Court not inconsistent herewith remain in effect.

This the 20<sup>th</sup> day of May 2013.



— INGE PRYTZ JOHNSON —  
SENIOR U.S. DISTRICT JUDGE