

**A SUMMARY OF THE FORMATION OF
AN INDEPENDENT SCHOOL DISTRICT FOR THE CITY OF MADISON
AND THE EARLY HISTORY OF THE CITY OF MADISON BOARD OF EDUCATION**

By Marc Jacobson and Woody Sanderson

In 1989, a handful of Madison residents were contacted by a couple of City Councilmembers who were interested in a heightened focus on education within the city. Madison children had always been served by the Madison County School System. The City then had no resident elected to the County School Board, and the feeling was that the City's needs resulting from very rapid growth, were not being met and were not consistent with the interests and needs in other parts of the county. The status quo had become overcrowded classrooms, lack of a voice in district decisions, and a level of quality that was not attractive to city residents.

It was inevitable in a community like Madison that citizens would get involved when conditions got critical. Five parents spent the next year gathering data and developing a report, which was presented in January 1991 to an attendance of over 300 at City Hall. The recommendation of the Madison Committee for Education ("MCE") was that the City of Madison "should pursue the formation of a city school system", along with an effort to increase property taxes by 10 mills to support the system. At the time of the report, enrollment in Madison schools was 2,912, which included 594 who lived outside the city limits.

The next month, February 1991, Dr. Richard Chapman, Superintendent of the Madison County School System responded with a presentation to the City Council pointing out a number of difficulties with Madison charting its own course. The MCE prepared a point-by-point response.

In March, the City Council requested that the State Board of Education conduct a separate feasibility study. The report, completed in July, was comprehensive and unbiased, pointing out the factors to be considered and the process steps that would have to be accomplished.

At about the same time, the City Council, in response to this new focus on education, established the Madison Education Committee, which began meeting in June 1991, with Marc Jacobson as its first Chair. The committee's purpose was to be a focal point for education in the community and to do what it could to improve the quality of education for our children. The committee served as something of an unofficial school board, working with the City Council, the schools, and the County Board of Education, primarily our representative, Sue Helms, a Madison resident who was initially elected to the County School Board in 1990.

A year later, in July 1992, at the urging of the Education Committee, the City Council

commissioned a study by Regional Research Associates (“RRA”) of Boca Raton, Florida to update enrollment and budget projections, and to recommend options, given all indications of continued high growth in Madison. Our facilities could not continue to accommodate student population, and the alternatives were portables and crowded classrooms.

In February 1993, RRA presented their findings. The study projected that an independent school district would require an additional 16-18 mills of property tax. Alternatively, staying with the County System, but augmenting the cost of new schools required by Madison, was projected to require 11 mills of new tax revenue.

In April 1993, the Council passed a resolution calling for an 11-mill tax for education. Former State Representative (later Senator) Tom Butler implemented the advertising measures necessary to pass a bill calling for the vote on that proposal. Thereafter, however, a debate ensued among members of the City Council regarding whether to earmark all eleven mills for schools or to provide that some portion of the millage be dedicated to other city needs. Following that debate, the Council, on a 4-3 vote, approved a referendum calling for 9 mills for education and 2 mills for roads. The three losing members worked with Representative Butler to re-advertise an 11-mill resolution. Thereafter, however, the public expressed their opinions very clearly and persuaded one member to change their vote, resulting in a reconsideration of the initial decision and an ultimate decision to earmark all eleven mills for education.

In the meantime, the Town of Triana, the children of which attended schools locate in Madison, had worked closely with the City to participate in seeking new tax revenue for schools. They sought to match Madison’s effort and when the City adopted its proposal to earmark 9 mills for schools, Triana followed suit. The Town of Triana passed a resolution calling a referendum on a 9-mill tax increase for education. By the time Madison reconsidered and committed to 11 mills for education, it was too late for Triana to change course. As a result, the referendum in Triana sought and approved 9 mills for education.

With this expression of intent to seek new tax revenue, in the summer of 1993 the Madison County Board of Education purchased a site for a new elementary school in Madison (to become Horizon Elementary) and it optioned land for a new Bob Jones High School. In August of that year, the City Council and the Board signed an historic agreement for construction of the two schools in Madison pending approval of the tax referendum.

Madison and Triana proceeded with the referendum to approve the proposed tax increases. Advocates for approval, organized by leaders like Sally Warden, worked hard to convince voters of the need for the new tax to build classrooms. In September of 1993, the city voted in favor of the 11-mill tax. Triana approved its 9-mill tax at the same time. This was a significant statement on Madison’s priorities, especially considering apprehension about the economy and the potential for other taxes. CAST was a driving

factor in informing the public and supporting the vote, the first new education tax passed in Alabama in 10 years.

In the spring of 1994, site preparation began for the elementary school and in the fall of 1995 Horizon Elementary School opened. The City used the 11 mill tax collections to fund half the cost of the standard school, as well as the additional funds to upgrade to a cafeteria and a gymnasium. The new Bob Jones High School followed in the fall of 1996, with the former BJHS converting to Discovery Middle School. Again, the City split the cost of the new high school and fully funded the practice gymnasium and the auditorium.

In March of 1997, the Education Committee, with the blessing of the City Council again called upon RRA to update its 1993 Education Study. The new report called for immediate construction of another elementary school and expansion of Bob Jones. It also indicated that the City, with the revenue realized from the 11-mill tax, could now afford its own school system. It further recommended that the City hire an Alabama-based consultant with experience in establishing an independent school system to advise the Council.

In June 1997, the Council contracted with Dr. Bob Mitchell, the initial Superintendent of Hoover City Schools, then the last previous independent city school system to be created in Alabama. Dr. Mitchell was retained to provide consulting services and to conduct an additional study on the feasibility of a new system. Dr. Mitchell's recommendation was that the City form a school system in time for the 1998-1999 school year. His revenue projections confirmed those of the previous study, and his sample budget not only accommodated all necessary areas, but included improvements. The City Revenue Officer was asked to validate the numbers, and the City's auditors were also contracted to perform a sanity check.

On October 16, 1997, the City Council voted to adopt its Resolution No. 97-133-R, to form a city school system for the City of Madison. Soon after the vote, City Councilmembers Marc Jacobson and Sally Warden, and City Attorney Woody Sanderson met with Dr. Ed Richardson, State Superintendent, to inform him of the City's intent to form a new system with plans to open for the 1997-98 school year, and to solicit assistance and advice from the State Department of Education. Dr. Richardson set a deadline of March 15, 1998 to have a separation agreement worked out with Madison County Schools. He stated his frank opinion that it would be impossible to complete the agreement within the time available before his deadline.

Madison County Schools was also subject to an existing order in *Bennett v. Madison County Board of Education*, a historic desegregation law suit. Because Madison City Schools would be a "splinter system" from Madison County Schools, for Madison City Schools to open by August 1998, it would be necessary for Madison City Schools to reach agreement for separation not only from Madison County Schools and the Town of

Triana, but also the parties to the Bennett case, including the United States Justice Department and the NAACP Legal Defense Fund. The system would also have to obtain approval of the separation from the federal court.

From the outset, the City's intent was for Triana students, who had historically attended schools in the City of Madison to continue to attend. Triana had been a partner with the City in approving new tax revenue for schools while still a part of the County system. Given Triana's location and its distance from other county schools, this was believed to be the right thing for Madison City Schools to do. It was also thought to be an essential element of any agreement that could be approved by the federal court in time for Madison City Schools to open in the fall of 1998.

In November 1997, the City Council appointed the first Madison City School Board. The Board immediately undertook negotiations with Madison County Schools, even before a superintendent was selected. The Board's delegation was led by Board President Don Spencer and Board Attorney, Woody Sanderson. By January, the Board completed a public search resulting in the hiring of Dr. Henry Clark, Assistant Superintendent of Vestavia Hills City Schools, as its first Superintendent. Dr. Clark signed his contract on January 26, 1998 and promptly became the leader of Madison's negotiation team for a separation agreement with Madison County Schools.

Numerous negotiation sessions were necessary to address division of assets, the process for proper allocation of the county system's financial obligations relating to schools in Madison, determining attendance zones and out-of-zone attendance issues, as well as special education and career technical programs.

Many extrinsic details had to be addressed. For example, Liberty Middle School, then located just outside city limits, had to be annexed into Madison to be made part of the system. At that time, Liberty Middle included an inclusion facility for special education students who attended from other parts of the county. An agreement on attendance of those students had to be addressed. Some Madison students attended a career technical program operated by the Madison County system. That had to be addressed as well.

The agreement that Triana residents would have a continued right to attend Madison City Schools was easily reached. However, in the course of negotiating the separation agreement it became apparent that roughly half of the students attending schools in Madison from the Triana area, did not reside in the Town of Triana. The unincorporated Collier area was not even contiguous with the Town. In order to assure that these Triana residents would continue to attend Madison City Schools, the Board supported legislative efforts to annex the Collier area into the Town.

There were also several large unincorporated areas adjacent to the City of Madison from which students attended Madison City Schools. To provide students from these areas the opportunity to continue to attend school in Madison, three annexation elections were held

to incorporate these unincorporated areas into the City. All three areas voted to annex.

The Board had to start up a system with no central office infrastructure. Dr. Clark's first office was a desk in the City Council offices at Madison's Municipal Building. The City soon offered its old annex, originally the pool house for the long-closed Madison City swimming pool on Sullivan Street, as the location for the first Central Office. Eventually, a modular building was brought on site and the system operated from that location for several years.

That first Board was composed of Don Spencer (who was elected its first President), Shelia Nash-Stevenson, Stephen Brooks, Ed Zompa, and Sue Helms (who gave up her elected seat on the Madison County Board of Education for a position on the initial Madison City Board). Stephen Brooks resigned from the Board before the system assumed operations and was replaced by Dr. John Walters.

During the time before assuming operations of the system, this initial Board met at least once each week and its members decided very early that they would serve without pay, a tradition that continues today. The Board hired its first superintendent and CSFO, began addressing personnel matters, and undertook efforts to establish a central office and adopt policies for the new system.

But most of the Board's effort during this early time was spent on reaching a timely separation agreement. Final agreement was reached in early March 1997. The agreement was approved by both boards of education and was signed on March 11, 1997, beating Dr. Richardson's "impossible" deadline by four days. Don Spencer and Henry Clark signed for the City of Madison Board of Education. County Board President Jim Patterson and County Superintendent Billy Broadway signed for the Madison County Board of Education.

During the negotiations with the Madison County Board, Dr. Clark and Madison School Board Attorney Woody Sanderson was engaged in negotiating with the Town of Triana, Justice Department and the NAACP Legal Defense Fund ("LDF"). Once the County agreement was signed, Sanderson prepared and filed, on March 25, 1998, a "Suggestion of Status" in the *Bennett* case. In that pleading Madison City Schools moved the court to recognize the City of Madison Board of Education as an independent school district and to change the attendance zone of Madison County schools so that students in the schools located in the City of Madison would be allowed to attend Madison City Schools. The pleading also proposed that Triana residents would be allowed "out of zone" attendance in Madison City Schools as agreed in the separation agreement. At the time of the filing of the Suggestion of Status a final agreement with the Town of Triana had not been signed. The court allowed the Justice Department and the LDF until April 29, 1997 to submit any objections to the proposed separation. Counsel for the Board continued to work with counsel for these parties as well as working toward a completion of an agreement with Triana. The Justice Department and the LDF agreed that they would not

object to the separation if Triana agreed to it. Triana committed to the agreement and the LDF and Justice Department did not file an objection. Triana signed its agreement with Madison City Schools on April 30, 1998. Counsel immediately informed the Court of the agreement and the Court approved the separation on May 4, 1998, forty days after the Suggestion of Status was filed.

This was the last legal hurdle necessary to be cleared for Madison City Schools to commence operations for the 1998-98 school year. The Board then set in motion the flurry of activities necessary to provide for a smooth transition to a new independent school system.

On July 1, 1998, the City of Madison Board of Education took over operations of all public schools located in the City and celebrated the birth of its independent school system. The Board presided over a successful opening on August 12, 1998.

Dr. Clark wisely hired Dr. Dee Fowler from his position as Liberty Middle School Principal to become his right hand in the Central Office where he assisted with administration of the new system. Dr. Clark and Dr. Fowler, who became Superintendent when Dr. Clark retired in 2006, provided stable leadership in the superintendent position for more than eighteen years, until Dr. Fowler's departure in November 2016. They were both supported, as is Mr. Parker today, by dedicated and committed volunteer school board members, and collectively they have lead Madison City Schools to be among the top performing school systems in the State of Alabama.