

NEWS RELEASE

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FOR IMMEDIATE RELEASE

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ATTORNEY GENERAL STRANGE ANNOUNCES VICTORY FOR STATE EDUCATION OFFICIALS AND LOCAL SUPERINTENDENT IN LAWSUIT FILED AGAINST BIRMINGHAM SCHOOL BOARD

(MONTGOMERY) – Judge Houston Brown of the Jefferson County Circuit Court rendered complete victory today for state officials in a landmark lawsuit brought by the State Board of Education and Attorney General Luther Strange against the Birmingham City Board of Education and its members. The State’s lawsuit had been consolidated with a case brought by local school superintendent Dr. Craig Witherspoon, whom the Court also ruled for today. The lawsuits became necessary after local board members refused to obey directives from state education officials regarding finances and governance matters, including after state officials officially intervened and assumed control of the local board’s finances pursuant to state law.

The officials’ lawsuit explains that the Birmingham Board is in a state of financial and political crisis. The local board, however, has openly challenged and impeded the properly-invoked statutory authority of the State Board of Education and State Superintendent Bice.

A two-day bench trial was conducted August 1 and 2, 2012, where testimony was presented that the Birmingham school system was not compliant with state education laws requiring the local board to maintain \$17 million of operating reserves. The Birmingham Board is approximately \$15 million short of the required amount. Within days of the trial, the Court allowed additional evidence to be considered in the form of a letter from the Birmingham school system’s accreditation agency expressing official concern over governance issues at the local board.

In its order issued today, the Court agreed with the State Board of Education’s finding that the Birmingham Board has “engaged in a pattern of decision making, action, and inaction that has impeded or prevented implementation of plans, initiatives, and programs designed to meet the Birmingham Board’s financial and fiduciary obligations under State law and to ensure the provision of appropriate education services to 25,000 students.” The Court ruled that the State Board of Education and State Superintendent Bice were authorized to take “all of the actions they have taken with respect to the Birmingham Board of Education at all material times,” including



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their action to implement the financial recovery plan which the Birmingham Board had approved but failed to implement.

Along with its order of judgment for the state officials and Dr. Witherspoon, the Court issued a permanent injunction today, prohibiting the Birmingham Board and its members from interfering with the state officials' control of the financial operations of the Birmingham city school system and with an ongoing state investigation relating to governance issues of the Birmingham Board.

Attorney General Strange said, "Legal action like this should never become necessary. However, as the State's chief law enforcement official, it is my responsibility to ensure that public officials follow the law. Sometimes, that means going to Court to vindicate the State's laws and to ensure that the directives of state education officials are followed. The Court today sent a message to public officials who would flout the law and defy state directives: You are not above the law; you must follow it."

Attorney General Strange continued, "I could not be prouder of the State's legal team, including Josh Payne of the Constitutional Defense Division in my office. I stand ready to assist State Superintendent Bice and the State Board of Education in any way I can."

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