

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

SONNIE WELLINGTON HEREFORD,)	
IV., et al.,)	
)	
Plaintiffs,)	
)	
AND)	CV-63-MHH-109-NE
)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff-Intervenor,)	
)	
v.)	
)	
HUNTSVILLE BOARD OF)	
EDUCATION, et al.,)	
)	
Defendants.)	

**NOTICE OF DEFENDANTS’ FILING OF THE
 SECOND SUPPLEMENTAL COURT REPORT**

Introduction

Defendant, Huntsville City Board of Education (the “Board” or the “District”), files this day a Second Supplemental Report with the Court (hereinafter, collectively the “Second Supplemental Report”) to provide the Court notice of a filing omission related to Report III.M.1.b in the Sixth Consent Order Report. (Doc. 698-3, pp. 6-8). This Supplemental Report will provide the Court with an explanation of the omission and will attach, as an exhibit, the omitted report.

III. EQUITABLE ACCESS TO COURSE OFFERINGS AND PROGRAMS

III.M.1.b.: *For the 2019-20 school year, academic proficiency of students in English and Math in the District and by school, as measured by the State assessments disaggregated by race.*

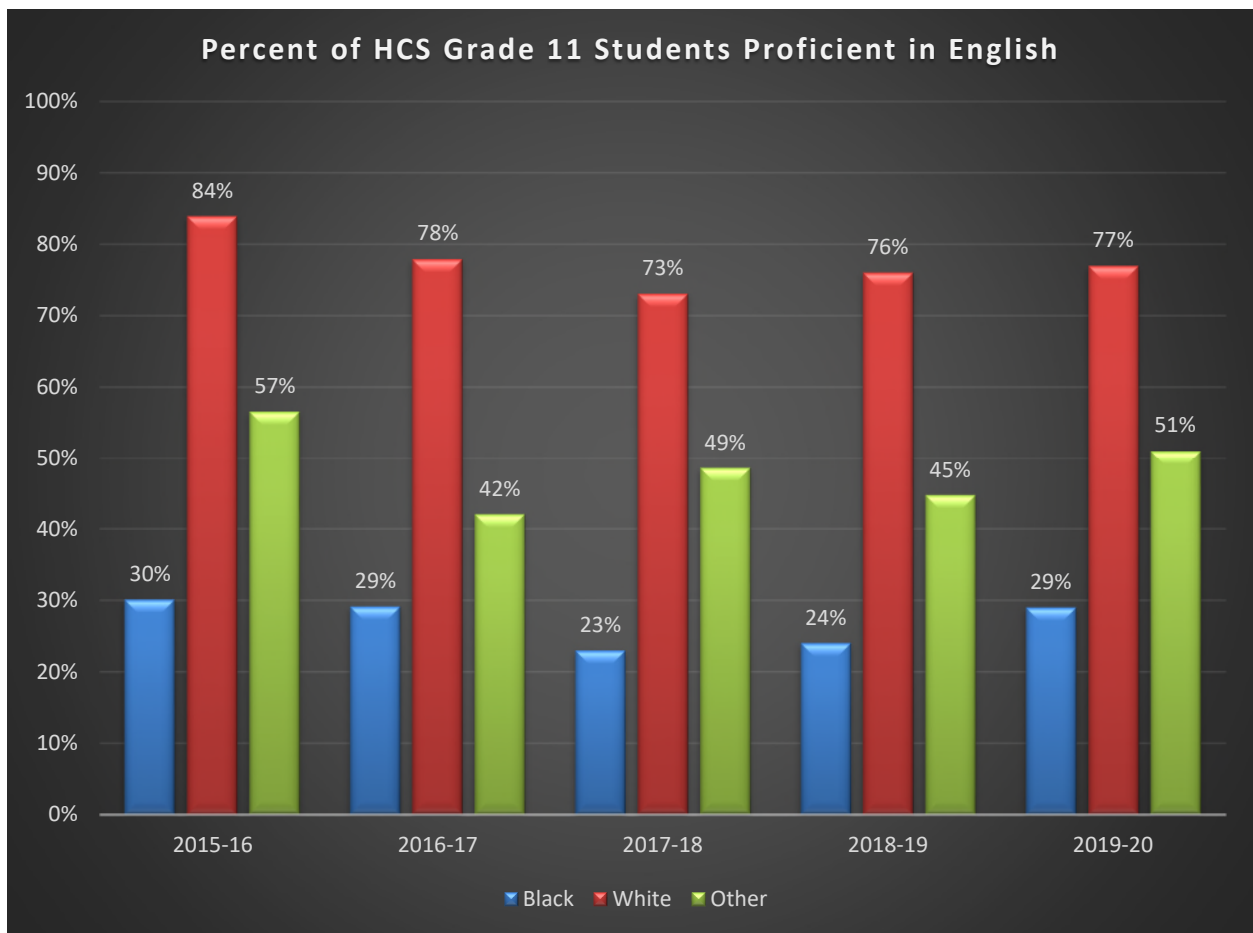
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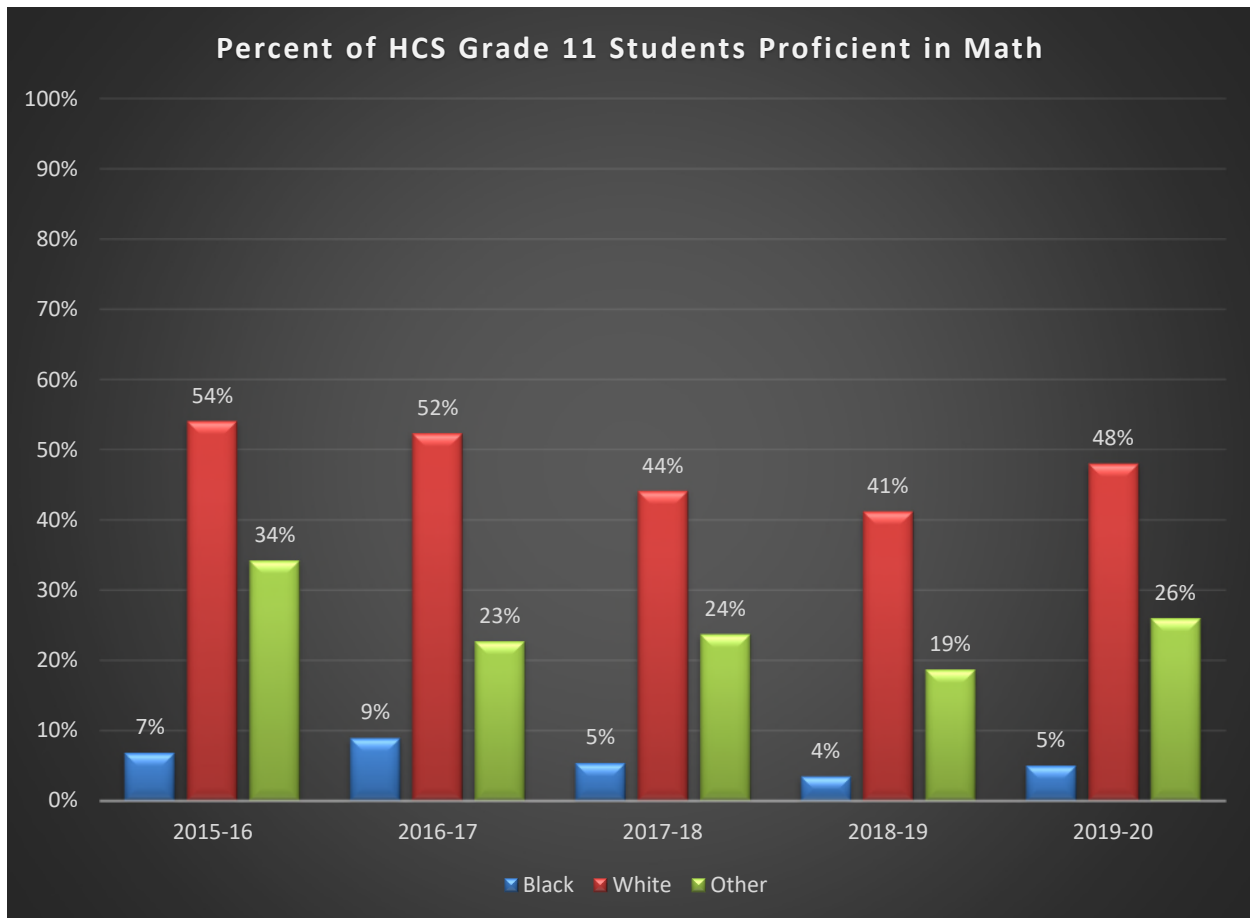
As mentioned in the Notice of Defendant's Filing of Sixth Consent Order Report (Doc. 698), COVID-19 limited the District's ability to complete tests for academic proficiency during 2019-20. However, COVID-19 only had a minimal impact on the District's ability to evaluate student proficiency for eleventh grade students using the ACT test.¹ Thus, despite COVID-19, the District was able to complete proficiency testing for eleventh grade students using the ACT exam.

In the course of filing the District's Sixth Consent Order Report, Counsel for the District inadvertently omitted the District's ACT proficiency data from the reports filed with the Court. In short, Report III.M.1.b (Doc. 698-3, pp. 6-8) should have not only included a statement regarding the District's inability to complete Alabama Comprehensive Assessment Program ("ACAP") testing, but also data from the 2019-2020 school year related to proficiency for eleventh grade students using the ACT test. This omission was purely an error on the part of Counsel for the District and not due to any act or failure to act on the part of the District.

¹ Due to the school closure, some students who had missed the first round of testing for the ACT were not able to complete their make-up exams.

Attached hereto, the District has provided a complete version of Report III.M.1.b, which includes both a statement regarding ACAP testing and ACT proficiency data from the 2019-2020 school year. Additionally, as was provided in the Notice of Defendant’s Filing of Sixth Consent Order Report (Doc. 698), the District has provided a year-to-year comparison of ACT proficiency data below:





* * *

WHEREFORE, and in consideration of the foregoing, the Board submits the following:

EXHIBIT III.M.1.b.: Documents responsive to § III.M.1.b. of the Consent Order for the 2020 Court Report.

RESPECTFULLY SUBMITTED this 7th day of December.

/s/ Christopher M. Pape

Christopher M. Pape

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CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2020, 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:

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/s/ Christopher M. Pape

Christopher M. Pape

Supplemented

EXHIBIT

III.M.1.b

Administration of the 2019-20 ACAP was canceled by the Alabama State Department of Education due to the COVID-19 Pandemic

- Huntsville City Schools closed school buildings on March 16, 2020, and moved to remote learning only; the ACAP Test window was scheduled to open on April 6, 2020, and close on May 1, 2020
- HCS students were not in physical school buildings during the ACAP Test window and no state summative assessment was administered for the 2019-20 school year for Grades 2-8
- Because of this, no summative proficiency data for accountability is available for Grades 2-8 for 2019-20

K-8 schools across the district typically take Star Reading and Math three times a year. This assessment administration was also disrupted by the COVID-19 Pandemic. Additionally, Star is a formative, not summative assessment, and is not directly comparable to proficiency data for accountability from the prior school year.

Consent Order: Reference: III.M.1.b		ACT English			Updated 092320		
School	Grade Level	Number of Students Tested	Number of Students Tested	Number of Students Tested	Proficiency	Proficiency	Proficiency
		Black	White	Other	Black	White	Other
Columbia High School	11	82	24	54	26%	54%	20%
Grissom High School	11	56	261	81	34%	72%	62%
Huntsville High School	11	73	264	56	25%	83%	70%
Jemison High School	11	90	13	21	16%	77%	24%
Lee High School	11	82	27	31	24%	78%	45%
New Century Technology High School	11	42	49	23	74%	90%	70%
District	11	425	638	266	29%	77%	51%

Consent Order: Reference: III.M.1.b		ACT Math			Updated 092320		
School	Grade Level	Number of Students Tested Black	Number of Students Tested White	Number of Students Tested Other	Proficiency Black	Proficiency White	Proficiency Other
Columbia High School	11	82	24	54	1%	17%	0%
Grissom High School	11	56	261	81	5%	43%	28%
Huntsville High School	11	73	264	56	8%	55%	54%
Jemison High School	11	90	13	21	4%	69%	14%
Lee High School	11	82	27	31	0%	30%	16%
New Century Technology High School	11	42	49	23	21%	65%	39%
District	11	425	638	266	5%	48%	26%