

May 15, 2015

To: Parties

From: Bill Hawley

Re: Change in Lottery Policy

I have asked for further information about the number of students who could be affected by the lottery policy giving TUSD staff priority in the selection of students to oversubscribed schools. The District responded but I, and perhaps DOJ who also asked for additional information, remain uncertain. This uncertainty is also reflected in the Mendoza plaintiffs' opposition to this policy.

There are some potentially positive things about the District's proposed policy, which is been endorsed by the Board* First, high quality educators and staff are critical to the success of any school district and certainly to the success in the USP. If policy facilitates attraction and retention of such personnel that would benefit students. Second, the more TUSD personnel are in the district, the more effective the voice of families is likely to be in advocating for educational quality. However, the parties have an obligation to examine the potential effects of this policy on school integration. I believe that the analysis leading to the district's conclusion that this potential effect is insignificant is inadequate.

The District says that there were 359 applications from TUSD employees for admission to out of boundary schools. The District says that 10% of all such applications are to oversubscribed schools and reasons, therefore, that between 30 and 40 students would be involved. The District also says that the students benefitting would be evenly distributed among district schools that are oversubscribed.

*Since the Governing Board has already approved this policy, the plaintiffs, the special master and the Court are in the position of possibly overturning a board action taken in the absence of all of the information that might be relevant to such a decision.

There are at least four reasons why the District's analysis probably understates the number of students who would benefit from preferential treatment in the lottery if this policy is implemented.

1. Students already enrolled in out of boundary TUSD schools do not have to apply again. So there are more than 359 students from T USD employee families were potential lottery candidates. In the future, T USD employee families, most of whom would probably have more than one child, would bring all of their students into the system.
2. District employees are almost certainly what economists call "quality consumers". That is, District employees are likely to seek out some oversubscribed schools more than others meaning that the students selecting oversubscribed schools are unlikely to be spread across all of the oversubscribed schools evenly. This likelihood is increased if District employees do not live evenly throughout the District (e.g., more live to the east in the District or in eastern suburbs) because location plays a great role in family choice of schools.
3. Survey data presented by the District suggests that the policy would be very popular. Thus, if District employees thought they had a very good chance of getting into the district school of their choice, the number of applicants for out of boundary schools might well increase.
4. Survey data also suggest that the majority of TUSD employee families who say that this policy would affect their behavior are white. The students in these families would disproportionately seek out schools with higher than average numbers of white students.**

**The District has recently described my conclusion related to the Sabino middle school proposal that white families prefer to send their children to predominately white schools as "cynical". But there is overwhelming evidence that this is the case. Indeed, families of all races tend to want their children in schools with substantial numbers of students of their own race though this is more true for whites than people of color. Is it possible that the District does not believe that race plays a role in family decision-making? Not to belabor this but one recent study of schools in New England indicates that whites making school choices use the number of nonwhite students in the school as a proxy for school quality.

My analysis, based on the assumptions above and undertaken in the absence of needed information, yields an estimate of over 100 students affected by the proposed policy the majority of whom would be white and that the students would not be evenly distributed throughout the District's oversubscribed schools.***

I encourage the District to do a more thorough Desegregation Impact Analysis taking into account (or discounting) the four assumptions identified above. Because the proposed lottery policy could enhance the quality and stability of TUSD staff, should the DIA show a limited effect on desegregation I would recommend that the policy be approved for a three-year period and its consequences evaluated.

***Careful examination of how many TUSD families send how many students to TUSD schools and a different question on the survey might have yielded a more reliable estimate of the students affected and, therefore, better assessment of the impact of the proposed policy.