

FINAL BUDGET RESPONSES

On April 10, 2017 the District submitted the Draft 3 USP Budget to the Special Master and Plaintiffs. The plaintiffs then had ten business days to send comments. The District received comments from the Fisher Plaintiffs (April 18th and 24th), the Special Master (April 19th, 20th, and 23rd), and the Mendoza Plaintiffs (April 24th).¹

On May 10, 2017, the Special Master filed his “suggestions for modification” with the Court as “Recommendations of Special Master Regarding Version 3 of 910G Budget.” (See Attachment B-1, Court Doc. 2020). The same day, the District submitted to the Special Master and plaintiffs revised magnet and transition plans.

No later than May 24, 2017, the plaintiffs were to submit “any and all ‘continuing objections’ and any objections or comments they have on the Special Master’s suggestions.” The District received Mendoza Plaintiffs’ “Objections and Comments Re: Special Master Recommendation Concerning Draft # 3 of the TUSD 2017-18 910(G) Budget and Statement of ‘Continuing Objections’” on May 24, 2017. (See Attachment B-1). The District did not receive continuing objections or objections/comments on the Special Master’s suggestions from the Department of Justice ~~or from the Fisher Plaintiffs.~~ On June 13, 2017, the Fisher Plaintiffs submitted a memo to the District in which they made several requests and stated an opposition. Although this document was not titled “continuing objections,” out of an abundance of caution and to provide full transparency, the District has attached the memo here (see Attachment B-4) and provides responses below.²

After reviewing the Mendoza and Fisher Plaintiffs’ comments and continuing objections, and the Special Master suggestions for modification, the budget process requires the District to present the “Final Proposed Budget, Special Master suggestions for modification, and Plaintiffs’ continuing objections to the Governing Board.” [Doc. 2013-1 at 5].

As required, the District provides below (with responses to each):

- I. “Suggestions for modification” submitted by the Special Master (Attachments B-1 and B-3) and the District’s responses
- II. “Continuing objections” submitted by the Mendoza Plaintiffs (Attachment B-2) and Fisher Plaintiffs

¹ The Revised Budget Development Process and Timeline was filed with the Court on April 26, 2017 [Doc 2013-1].

² The Fisher Plaintiffs ~~did, however, also~~ communicated a “continuing objection” verbally to the District regarding the proposed reduction of Student Success Specialists from the African American Student Services Department.

A. SPECIAL MASTER’S RECOMMENDATIONS (Attachments B-1 and B-2)³

RECOMMENDATIONS FOR THE COURT

Recommendation #1: Student Success Specialists. The Special Master does not object to the proposed allocation for resources for Student Success Specialists. However, the Special Master believes that the functions served by SSS could be better used. See Addendum A. This position is included here because at least one of the plaintiffs has indicated that they will oppose the District’s proposal.

ADDENDUM A

The Special Master supports the District’s effort to rethink how best to address the obligations outlined in Section V.E.4 of the USP, many of which are now assigned to Student Success Specialists (SSS). The comments here are meant to contribute to that effort. The comments focus on the challenges the District must meet if it is to significantly address the learning and social-emotional development needs of African American students but these ideas apply to Latino students as well. The Special Master believes strongly that the District needs to devote more attention and resources to improving outcomes for struggling students, especially African American students. However, it is not reasonable to expect a small team of under-funded, under-armed, under-paid and under-trained individuals to have a significant impact on the learning needs of over 3000 students.

In the recent discussion between the Special Master and the District, three roles were identified as summarizing much of the work of SSS: (1) organize events, (2) deliver interventions, and (3) advocate on behalf of students. One or two people can organize events. SSS, however committed they are, do not have the training or experience to deliver interventions that substantially improve academic and behavioral outcomes. When SSS serve as advocates, they take on a responsibility that should be, and the Special Master believes for the most part is, the responsibility of all teachers, administrators, counselors, and other staff. Moreover, as the experience of the District shows, advocacy—while needed sometimes--can undermine collaboration and does not, in itself, bring about change.

The Special Master does not mean to diminish the commitments or energy that is manifested the work of SSS, but there is little evidence that they have made a big difference for those students they serve. If they didn’t exist now, we would not invent them. Indeed, we have even worked to ensure that tutoring was done by certified teachers. Why would we argue that SSS be responsible for tier two interventions? Presently, TUSD is implementing equity-focused practices that most districts lack both the commitment and the courage to pursue. To be sure, the District is not doing all of the things the USP requires at the highest possible level of performance. That is not surprising given the difficulty of implementing dozens of initiatives simultaneously. But, it is making progress across a broad range of interrelated actions.

To enhance and build upon the current efforts as well as to ensure that those efforts are not undermined by the sheer weight of the challenges involved while insisting that priority be given to actions that promote the success of African American and Latino students, the District might be well served by creating an office staffed by a small cadre of African American and Latino expert educators who can serve as consultants and provide oversight with respect to culturally responsive practices whether it be manifest in teaching, curriculum, coaching, administering discipline, working with families, or developing future district policies and procedures. The Special Master would have this office report directly to the Superintendent for both practical and symbolic reasons. It seems to the Special Master that the work TUSD is doing gives legitimacy to asserting TUSD’s national leadership in the pursuit of equity. It is time to replace the sense that the District is in a state of siege with pride in being where other districts need to go.

³ The Special Master’s “Suggestions for Modification” (Recommendations) noted: “Consistent with past practice, the Special Master makes two sets of recommendations: one for action by the Court and the other for the District. Because the District has not yet finalized its plans and budgets for magnet schools, there are no recommendations for magnet funding.”

Response to Recommendation #1: The District will create an external committee of “African American and Latino expert educators who can serve as consultants and provide oversight with respect to culturally responsive practices whether it be manifest in teaching, curriculum, coaching, administering discipline, working with families, or developing future district policies and procedures.”

Recommendation #2: Best Discipline Practices Resource. It does not appear that the District has provided sufficient funds to create an online researchable file of effective practices related to student discipline. The District says this will not cost anything to develop. The Special Master does not accept this assertion and doubts that the District knows what this will cost since it does not have a plan for the development, much less for the implementation and maintenance, of such a resource. The creation and on line searchability of this resource requires a development plan and significant resource allocation.

Response to Recommendation #2: The District has developed strategies to build on its existing plan to identify, share, and replicate best practices throughout the District. For the 2017-18 school year, the District is developing an online best practices resource within the District’s internal online file sharing system, SharePoint, in the MTSS section. Every school administrator, academic leader, MTSS Facilitator, MTSS Leads, and Restorative and Positive Practices Facilitators will have access to the MTSS SharePoint.

In its initiation, this online resource will include best practices in the following areas: Discipline (conducting an investigation, applying appropriate rules and procedures for searches, analyzing discipline data and using the Data Dashboard, entering data into the Synergy Student Information System, and implementing effective ISI classroom activities tips); MTSS (meeting protocols, possible schedules, responsibilities of team members, flowcharts, successful MTSS strategies, and data templates); PBIS (exemplary Behavior Expectation Matrices, discipline flow charts, sample incentive systems, PBIS lessons, and celebrations); and Restorative Practices (strategies, etc.).

Within each section, the District will build a collection that includes descriptions of the practices, examples, form templates, and videos clips of the practice in action (where available). Under the direction of the District’s Restorative and Positive Practices Coordinator, Cathy Comstock, the development, implementation, training, and monitoring of this online resource will occur through existing staff and resources using the existing SharePoint platform. No additional funding is needed for this resource.

In addition to the SharePoint, the District will utilize the Microsoft Office 365 PLC module specifically developed for teachers and administrators to support the PLC process and to allow staff to share and collaborate effectively and efficiently. As staff identify best practices they will be able to document and share best practices, and the items will be searchable across the district within Office365. There is no additional cost for this resource provided through Office 365 and funded through M&O.

Recommendation #3: Teacher Mentors / CRC Teacher Mentors. The formula that the District has developed for determining the appropriate number of mentors for beginning teachers generally, first-year teachers serving in low-performing schools, and CRC teachers has been generally, but not explicitly, described. But it is not possible to determine whether the District has used these formulae to arrive at the budget numbers for mentors. Given that there have been differences in the past about the adequacy of the number of mentors, the budget for mentors should not be approved until the District demonstrates how it arrived at its estimates. The number of mentors budgeted should be determined using this formula and the calculations involved should be made explicit.⁴

Response to Recommendation #3: The District has determined that it will allocate funding for 11 CRC Teacher Mentors (applying a 1:10 ratio to 110 CRC teachers) and funding for 38 Teacher Mentors (applying the point-based formula developed by the District and submitted to the Special Master and plaintiffs (see response to RFI 1329). The Special Master has submitted a supplemental memo in which he indicates that these allocations “may be excessive.” The District will analyze the Special Master’s recently-received memo and will consider budget adjustments as appropriate.

Recommendation #4: Research Based Programs. No programs should be implemented that are not based on solid research or have not been demonstrated as effective in TUSD. In the case of programs found to be effective in TUSD, the District should provide the empirical evidence of such effectiveness. Asking users what they think or conducting surveys that yield problematic responses for various reasons is not sufficient evidence of effectiveness. Among the programs that appear to fail this test are: Seven Habits of Highly Effective Teens; Fred Jones classroom management; Club Z tutoring; Courageous Conversations; and Capturing Kids’ Hearts. The District should not be trying out unproven practices on its students. Moreover, the District seeks to be evidence driven. When it implements questionable practices and programs it undermines a culture of professionalism is says it want to nurture.

Response to Recommendation #4: The District will not fund Club Z tutoring, Courageous Conversations, Capturing Kids’ Hearts, or Fred Jones classroom management training from 910G funds. Though the District will use the book, Seven Habits of Highly Effective Teens, the District is not funding a program based on the book. Rather, the District is engaging students using activities from the book during their time in ISI.

⁴ On June 11, 2017 the Special Master submitted a supplemental memo outlining additional comments on the proposed allocations for teacher mentors, indicating his belief that “the number of mentors budgeted based on the district formula may be excessive” and that budgeting mentors “should be based on estimates of need for mentors in particular situations. The district formula represents a good start in this regard but needs to be improved. The improvements suggested here would actually reduce the cost of mentoring as compared to the cost derived from applying the district’s plan.” (See Attachment B-2).

Recommendation #5: Cluster GATE. The District should fund 12 additional cluster GATE programs over the next three years, with at least four new programs being introduced in each of the next two years. It is not necessary to fund programs in every grade, though this is obviously desirable. These programs will, if located strategically, significantly increase the opportunities for Latino, and especially, African American students, to participate in ALE. The District recently reduced the number of cluster GATE programs. Those should be restored—though not necessarily at the same locations. Cluster GATE is one of the most effective ways to increase the number of African American and Latino students who experience more rigorous instruction and curricula.

Response to Recommendation #5: In SY 2017-18, the District is implementing five new cluster programs at Cavett ES (89% African American and Latino), Wright ES (68% African American and Latino), Myers-Ganoung ES (75% African American and Latino), Grijalva ES (88% African American and Latino), and Maldonado ES (81% African American and Latino). The District selected these schools strategically to increase access for African American and Latino students because these schools have relatively high African American and/or Latino student populations.

RECOMMENDATIONS FOR THE DISTRICT

Recommendation #6: Seven-Period Day at Dodge. If the seven-period day is very expensive, as the District asserts in its response to the Mendoza plaintiffs' related RFI, making this investment in a high-performance school like Dodge as compared to a vulnerable magnet school or a low-performing school seems unfair and not strategic.

Response to Recommendation #6: The District is not doing a seven-period day at Dodge but will instead institute a seven-period day at Utterback middle school.

Recommendation #7: Consultants. The District should justify the employment of any outside consultant. It seems clear that many of the consultants used do not align their advice to the ongoing approaches being promoted by the District. This is abundantly clear, for example, with respect to culturally responsive pedagogy. Moreover, when consultants come in to provide workshops for 1-3 days (and the like), they often provide their own take on the topic, and there are no opportunities for follow-up. When the consultant comes to the District as a trainer of trainers dealing with an integral part of what staff are to know and be able to do, this can be valuable. However, in justifying the consultant for EEI, the District indicates that this person will provide one-on-one training. Typically, consultants are hired to build the system capacity (e.g., training trainers). TUSD seems to be proposing the opposite.

Response to Recommendation #7: The District has developed and implemented a process by which it will share with the Special Master its justification for hiring 910G-funded, outside consultants on an ongoing basis.

Recommendation #8: Self-Contained GATE. It appears that implementing a self-contained GATE program at Wheeler may have some integrative affect. This effect will be greater if this is an open GATE program like the one at Tully. A self-contained program at Roberts Naylor is unlikely to have integrative outcomes.

Response to Recommendation #8: The District will continue to implement and monitor the self-contained initiatives at Wheeler and at Roberts-Naylor. The District has submitted to the Special Master and plaintiffs a Desegregation Impact Analysis for its proposal to implement an open-access GATE program at Roberts-Naylor (starting in SY 2017-18 at 6th grade; transitioning to a magnet program in SY 2018-19 in 6th – 8th grade).

Recommendation #9: Incentives for MTSS Lead. A \$1000 incentive for MTSS Leads appears to be inadequate and to communicate that MTSS is not important. Leads seem to have substantial responsibility.

Response to Recommendation #9: The District has identified schools based on need and will assign 38 MTSS Facilitators to those sites. Other sites with less identified need already have a designated MTSS Lead. The District’s proposed stipend – not an “incentive” – for MTSS Leads is designed to appropriately compensate the designated leads for the additional responsibilities. This in no way should be received as a communication that MTSS is not important. In fact, that the District is moving from a previous strategy of having unpaid MTSS designees to a strategy of compensating MTSS Leads is an indication that MTSS is important.

Recommendation #10: Summer Learning. One of the reasons why it is so difficult for the District to reduce the achievement gap is that students from low income families and communities lose achievement developed during the school year in the summer. Summer learning loss affects low income students significantly more than their better-off peers. This common problem can be addressed by a summer school program; there are many models to be implemented. This should be an extraordinarily high priority for the District, and such programs should be located in communities that have a significant number of African American children. Of course, such programs would benefit Latino children as well, but African American students, overall, are achieving at lower levels than Latino students and therefore should have priority for this proven academic intervention. It is too late to implement a previously unplanned summer program unless the staff of a given school has interest in doing this now.

Response to Recommendation #10: The District has increased funding and focus on summer programs for the summer of 2017 and will work to increase its summer offerings for the summer of 2018.

B. FISHER PLAINTIFFS' CONTINUING OBJECTIONS

Fisher Continuing Objection #1: Student Success Specialists. Fisher Plaintiffs object to the reduction of Specialists in the African American Student Services Department.

Response to Fisher Continuing Objection #1: The District will maintain the proposed reduction (supported by both the Special Master and the Mendoza Plaintiffs).

Fisher Continuing Objection #2: Program Coordinator. Fisher Plaintiffs are ADAMANTLY OPPOSED to the creation of a coordinator/facilitator role for two reasons. First, the AASSD budget would be more appropriately spent in other categories to increase implementation of the mission of the department. Second, due to the size of the department, the roles and duties assigned to the director would overlap with those of the coordinator/facilitator, rendering the position superfluous.

Response to Fisher Continuing Objection #2: The District will maintain the proposed coordinator. The Special Master's most recent position – stated in his memo of May 29, 2017 – is that “the District should be allowed broad discretion at this point in the process of its pursuit of unitary status.” Many, directors in TUSD have one or more coordinators to support development and implementation of programs, to conduct monitoring, and to support the work of various departments.⁵

In addition to the work already being performed by the AASSD, the Special Master and Plaintiffs (including the Fisher Plaintiffs) have requested that the District:

- expand summer programs and offerings,
- expand tutoring and mentoring programs,
- include the AASSD in efforts to expand Culturally Relevant Pedagogy and Instruction,
- include the AASSD in efforts to improve Tier I instruction,
- improve the impact of academic interventions, and
- expand and improve upon the implementation of efforts stemming from the African American Academic Achievement Task Force.

The proposed Program Coordinator will assist the department in moving these initiatives forward (either directly, or by supporting the Director and the department in fulfilling some of the Director's existing duties. In light of the District's efforts to expand and increase the activities of the AASSD, the District disagrees with the Fisher assertion that a program coordinator position would be “superfluous.”

⁵ For SY 2017-18, the Magnet Department will have a director supported by two coordinators; the ALE Department will have a director supported by three coordinators.

C. MENDOZA PLAINTIFFS' CONTINUING OBJECTIONS

Mendoza Continuing Objection #1: CRC Teacher Mentors (CRC Itinerant Teachers). Mendoza Plaintiffs assert a “continuing objection” to the number of Itinerant Teachers proposed in the Draft # 3 budget as not in “full compliance with the Intervention Plan’s Itinerant Teacher Model” (Doc. 1982 at 4), as required by Court order.

Response to Mendoza Continuing Objection #1: The District will maintain the proposed allocation of 11 CRC Teacher Mentors (CRC Itinerant Teachers) (supported by the Special Master who indicated that 11 “may be excessive” – see Attachment B-2).

Mendoza Continuing Objection #2: Self-Contained GATE. They also repeat as a “continuing objection” the statements they made in their April 24, 2017 comments on this proposed allocation:

Based on their current understanding, they question the overall integrative impact of a decision to place self-contained GATE at Wheeler, at least as described in the document that is itself attached to Attachment A to the District’s Responses to RFIs concerning the Budget Narrative. (Document entitled Impact of Opening Additional GATE Self-Contained Classrooms for Grades 1-3 at Wheeler and Roberts/Naylor (“Impact Doc.”).) ... They therefore ask that a fuller analysis be undertaken, considering locations for self-contained GATE programs beyond the schools in closest proximity to Lineweaver and Kellond, if the District does indeed intend to go forward with a proposal to expand the number of self-contained GATE classrooms in the District.

Response to Fisher Continuing Objection #2: The District will maintain the proposed allocations to support GATE programs at Wheeler (the District has already undertaken an analysis of additional locations “in closest proximity to Lineweaver and Kellond” and has expanded self-contained GATE to Roberts-Naylor in SY 2016-17 with further expansion planned for SY 2017-18).

Mendoza Continuing Objection #3: Self-Contained and Open-Access GATE. As Mendoza Plaintiffs understand it, there currently are no proposed allocations in the 2017-18 budget for the expansion of either self-contained and/or open GATE programs to provide additional opportunities for African American and Latino students to participate in such programs. They therefore have a “continuing objection” to the District’s failure to have moved the assessment and consideration process more expeditiously so that necessary analyses could have been concluded and GATE expansion could have been included in that budget.

Response to Mendoza Continuing Objection #3: The District is expanding self-contained GATE at Wheeler and at Roberts-Naylor in SY 2017-18; and expanding Open-Access GATE to Roberts-Naylor (for 6th grade in SY 2017-18 and for 6th through 8th grade in SY 2018-19). The District is also expanding Cluster GATE opportunities over the next three years – see response to Special Master Recommendation #5, above.

Mendoza Continuing Objection #4: No Allocation for Online Tool for Successful Site-Based Discipline Strategies. Mendoza Plaintiffs therefore have a “continuing objection” to the District’s failure to allocate any funds at all to the implementation of the replication of successful site-based strategies undertakings it has agreed to.

Response to Mendoza Continuing Objection #4: The District will not allocate funding for an activity that does not require additional funding. See response to Special Master Recommendation #2, above.

Mendoza Continuing Objection #5: Failure to Expand the Jump Start Program to Other Schools. Mendoza Plaintiffs agree with the Special Master’s strong recommendation that the District invest more heavily in summer programs.

In that regard, although it is not specifically a summer learning program, they draw particular attention to “Jump Start”, the 10-day summer program for incoming 6th graders that is in place at Dodge and Doolen but not at other middle schools in the District. According to the Dodge magnet school plan, that program “sets guidelines and expectations” for the program at the school, “establishes relationships with teachers, and provides remediation of basic skills in core classes.” Per the Dodge plan, the cost is approximately \$16,000. Mendoza Plaintiffs object to the District’s failure to have budgeted to expand this program to other schools given what appears to be its success and urge the District to move forward as quickly as possible to expand the program, particularly at Mansfield since there is no reason of which they are aware why such a program should not be in all middle school magnet schools.

Response to Mendoza Continuing Objection #5: The District has increased funding and focus on summer programs for the summer of 2017 and will work to increase its summer offerings for the summer of 2018. The District will consider future expansion of the “Jump Start” program for the summer of 2018.

Mendoza Continuing Objection #6: Classification of Global Issues Course as a CRC. Mendoza Plaintiffs have a “continuing objection” to the budget allocation for this activity to the extent the planned classes are categorized as CRCs.

Response to Mendoza Continuing Objection #6: The District will maintain the allocations for the new course. The question of whether or not it is “categorized as a CRC” does not have to be decided at this time.

Mendoza Continuing Objection #7: Allocations for Repair/Maintenance. Thus, beyond repairs or maintenance relating to facility safety concerns that are identified through the activities entailed in “CARE/UPKEEP,” Mendoza Plaintiffs have been given information that only suggests the “CARE/UPKEEP” allocation is supplantation of funds for activities unrelated to the USP and that the District would have to expend even in the absence of the USP. Mendoza Plaintiffs therefore have a “continuing objection” to the “CARE/UPKEEP” allocation reflected in the Draft #3 budget.

Response to Mendoza Continuing Objection #7: The District will maintain the allocation for “CARE/UPKEEP” that includes funding for repair and maintenance to related to facility safety concerns

and ongoing preventative maintenance at sites. The District allocates other available funds solely for repairing facilities, not for preventative maintenance – thus these funds do not “supplant” other funds as there are no other funds available for preventative maintenance. These funds “supplement” the limited funding available by ensuring that schools do not fall below safety thresholds on the FCI and therefore are related to the USP’s mandate to develop a plan for facilities repairs and improvements with priority on facility conditions that impact the health and safety of a school’s students and on school’s that score below a 2.0 on the FCI and/or below the District average on the ESS.

ATTACHMENT B-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,

Plaintiffs,

v.

United States of America,

Plaintiff-Intervenor,

v.

Anita Lohr, et al.,

Defendants,

and

Sidney L. Sutton, et al.,

Defendants-Intervenors,

CV 74-90 TUC DCB
(Lead Case)

Maria Mendoza, et al.,

Plaintiffs,

United States of America,

Plaintiff-Intervenor,

v.

Tucson Unified School District No. One, et al.,

Defendants.

CV 74-204 TUC DCB
(Consolidated Case)

1 **RECOMMENDATION OF SPECIAL MASTER**
2 **REGARDING VERSION 3 OF 910G BUDGET**

3 Introduction

4 Consistent with past practice, the Special Master makes two sets of recommendations:
5 one for action by the Court and the other for the District. Because the District has not yet finalized
6 its plans and budgets for magnet schools, there are no recommendations for magnet funding.
7

8 Recommendations for the Court

9 1. Student Success Specialists

10 The Special Master does not object to the proposed allocation for resources for Student
11 Success Specialists. However, the Special Master believes that the functions served by SSS could
12 be better used. See Addendum A. This position is included here because at least one of the
13 plaintiffs has indicated that they will oppose the District's proposal.
14

15 2. Best Discipline Practices Resource

16 It does not appear that the District has provided sufficient funds to create an online
17 researchable file of effective practices related to student discipline. The District says this will not
18 cost anything to develop. The Special Master does not accept this assertion and doubts that the
19 District knows what this will cost since it does not have a plan for the development, much less for
20 the implementation and maintenance, of such a resource. The creation and on line searchability
21 of this resource requires a development plan and significant resource allocation.
22

23 3. Mentors

24 The formula that the District has developed for determining the appropriate number of
25 mentors for beginning teachers generally, first-year teachers serving in low-performing schools,
26 and CRC teachers has been generally, but not explicitly, described. But it is not possible to
27 determine whether the District has used these formulae to arrive at the budget numbers for
28

1 mentors. Given that there have been differences in the past about the adequacy of the number of
2 mentors, the budget for mentors should not be approved until the District demonstrates how it
3 arrived at its estimates. The number of mentors budgeted should be determined using this
4 formula and the calculations involved should be made explicit.

5
6 4. Research-based Programs

7 No programs should be implemented that are not based on solid research or have not been
8 demonstrated as effective in TUSD. In the case of programs found to be effective in TUSD, the
9 District should provide the empirical evidence of such effectiveness. Asking users what they
10 think or conducting surveys that yield problematic responses for various reasons is not sufficient
11 evidence of effectiveness. Among the programs that appear to fail this test are: Seven Habits of
12 Highly Effective Teens; Fred Jones classroom management; Club Z tutoring; Courageous
13 Conversations; and Capturing Kids' Hearts. The District should not be trying out unproven
14 practices on its students. Moreover, the District seeks to be evidence driven. When it implements
15 questionable practices and programs it undermines a culture of professionalism is says it want to
16 nurture.
17

18 5. Cluster GATE

19 The District should fund 12 additional cluster GATE programs over the next three years,
20 with at least four new programs being introduced in each of the next two years. It is not
21 necessary to fund programs in every grade, though this is obviously desirable. These programs
22 will, if located strategically, significantly increase the opportunities for Latino, and especially,
23 African American students, to participate in ALE. The District recently reduced the number of
24 cluster GATE programs. Those should be restored—though not necessarily at the same locations.
25 Cluster GATE is one of the most effective ways to increase the number of African American and
26 Latino students who experience more rigorous instruction and curricula.
27
28

1 Recommendations for the District

2 1. Seven-Period Day at Dodge

3 If the seven-period day is very expensive, as the District asserts in its response to the
4 Mendoza plaintiffs' related RFI, making this investment in a high-performance school like Dodge
5 as compared to a vulnerable magnet school or a low-performing school seems unfair and not
6 strategic.
7

8 2. Consultants

9 The District should justify the employment of any outside consultant. It seems clear that
10 many of the consultants used do not align their advice to the ongoing approaches being promoted
11 by the District. This is abundantly clear, for example, with respect to culturally responsive
12 pedagogy. Moreover, when consultants come in to provide workshops for 1-3 days (and the like),
13 they often provide their own take on the topic, and there are no opportunities for follow-up.
14 When the consultant comes to the District as a trainer of trainers dealing with an integral part of
15 what staff are to know and be able to do, this can be valuable. However, in justifying the
16 consultant for EEI, the District indicates that this person will provide one-on-one training.
17 Typically, consultants are hired to build the system capacity (e.g., training trainers). TUSD seems
18 to be proposing the opposite.
19

20 3. Self-Contained GATE

21 It appears that implementing a self-contained GATE program at Wheeler may have some
22 integrative affect. This effect will be greater if this is an open GATE program like the one at
23 Tully. A self-contained program at Roberts Naylor is unlikely to have integrative outcomes.
24

25 4. Incentives for MTSS Lead

26 A \$1000 incentive for MTSS Leads appears to be inadequate and to communicate that
27 MTSS is not important. Leads seem to have substantial responsibility.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. Summer Learning

One of the reasons why it is so difficult for the District to reduce the achievement gap is that students from low income families and communities lose achievement developed during the school year in the summer. Summer learning loss affects low income students significantly more than their better-off peers. This common problem can be addressed by a summer school program; there are many models to be implemented. This should be an extraordinarily high priority for the District, and such programs should be located in communities that have a significant number of African American children. Of course, such programs would benefit Latino children as well, but African American students, overall, are achieving at lower levels than Latino students and therefore should have priority for this proven academic intervention. It is too late to implement a previously unplanned summer program unless the staff of a given school has interest in doing this now.

Respectfully submitted,

/s/

Willis D. Hawley
Special Master

Dated: May 10, 2017

CERTIFICATE OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that on, May 10, 2017, I electronically submitted the foregoing
RECOMMENDATION OF SPECIAL MASTER REGARDING VERSION 3 OF 910G BUDGET for filing
and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

- J. William Brammer, Jr.
wbrammer@rllaz.com
- P. Bruce Converse
bconverse@steptoe.com,
- Oscar S. Lizardi
olizardi@rllaz.com
- Michael J. Rusing
mrusing@rllaz.com
- Patricia V. Waterkotte
pvictory@rllaz.com
- Rubin Salter, Jr.
rsjr@aol.com
- Kristian H. Salter
kristian.salter@azbar.org
- Zoe Savitsky
Zoe.savitsky@usdoj.gov
- Anurima Bhargava
Anurima.bhargava@usdoj.gov
- Lois D. Thompson
lthompson@proskauer.com

Andrew H. Marks for
Dr. Willis D. Hawley,
Special Master

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT B-2

June 11, 2017

To: Parties

From: Bill Hawley

Re: Formula for Mentor Expenditures

Introduction

The Court has required that the District develop a formula for determining how many mentors will be needed to address the mentoring responsibilities--explicitly and implicitly--identified in the USP and related stipulations. These responsibilities apply to first and second year teachers, first year teachers serving in schools where students are performing below the District average, and CRC teachers.

The District has developed a formula for the allocation of mentors that reflect the challenges confronting those to be mentored. This makes a great deal of sense. However, there are two issues with respect to the District formula: (1) does the formula accurately deal with the challenges confronting mentees and (2) are the formulas applied in ways that yield appropriate budget expenditures?

While I believe that mentoring is a good investment, generally speaking, I believe that the number of mentors budgeted based on the District formula may be excessive. If so this jeopardizes the viability of the mentoring efforts and the programs they support because the level of expenditures that is derived from the District formula would be difficult to sustain over time.

Challenges Confronted by Mentees

The District formula is problematic in two ways. First, first year teachers who teach in racially concentrated schools do not face exceptional challenges. For example, not only do first year teachers in Carrillo, Drachman and C.E. Rose not confront large numbers of struggling students, they have the benefit of working with and learning from teachers in these highly effective schools.

Providing mentoring support to CRC teachers is premised on the accurate assumption that the approach to teaching CRC courses is unique and that teaching these courses requires a modification of content normally taught in these core courses. But these assumptions should not apply to teachers who have been teaching CRC courses for two or more years. First year CRC teachers might be mentored on a 10 to 1 ratio while second year teachers should be mentored on a 15 to 1 ratio. More experienced teachers should not be mentored. Some mentors should be provided extra time in the form of reduced mentoring responsibilities so that they can perform the other tasks required of Itinerant Teachers pursuant to the stipulation approved by the Court. This, of course, will affect the number of mentors required but at this stage of the development of the CRC initiative, it should be possible to know how many FTE are needed to perform these support and development tasks. Moreover, one would expect some mentors to be better at these tasks than their IT peers, making it possible to budget more precisely.

Budgeting Based on Future Needs Rather than Aggregated Past Experience

The District has proposed to budget mentors based on the aggregated average of the needs over the last three years. I appreciate that student enrollment varies from year to year and that this affects the number of teachers being hired for specific roles. But, aggregating the mentors across each type of

mentoring need seems likely to yield a poor fit between the number and expertise of particular teachers on the one hand and the need for support for beginning teachers on the other. The previous example regarding CR teachers is an example of this fit problem. Identifying the costs of mentors for beginning teachers serving in schools where students are performing below the District average would draw attention to this high cost of malpractice. Not only is this a high cost for mentors, it is a high cost to students whose learning opportunities are negatively affected by being taught by inexperienced teachers. Moreover, this high cost is increased in subsequent years by efforts to remediate the lower academic performance of students taught by inexperienced teachers.

Summary

Budgeting mentors should be based on estimates of the need for mentors in particular situations. The District formula represent a good start in this regard but needs to be improved. The improvements suggested here would reduce the cost of mentoring as compared to the cost derived from applying the District's plan. This, in turn, would foster confidence that support for these important mentoring activities will be supported over time.

ATTACHMENT B-3

MENDOZA PLAINTIFFS' OBJECTIONS AND COMMENTS RE: SPECIAL MASTER
RECOMMENDATION CONCERNING DRAFT # 3 OF THE TUSD 2017-18 910(G) BUDGET
AND STATEMENT OF "CONTINUING OBJECTIONS"

May 24, 2017

Pursuant to the agreed 2017-18 USP Budget Development Process (Doc. 2013), Mendoza Plaintiffs submit the within objections and comments concerning the "Recommendation of Special Master Regarding Version 3 of the 910G Budget" (Doc. 2020) ("SM Recommendation") and their statement of "continuing objections." Notwithstanding that the Special Master filed the SM Recommendation with the Court, they are not similarly filing the within document because they do not understand the agreed process to require Court filings until after the District has adopted and filed the final 910(G) budget.

They will separately address comments and objections relating to the revised transition and magnet plans.

Allocations Referenced in the SM Recommendation

Student Success Specialists (Comments/Objections to the SM Recommendation and "Continuing Objections")

Mendoza Plaintiffs previously stated that they do not object to the decision to reduce the number of Student Success Specialists (although they continue to ask that the District provide assurances with respect to its efforts to provide appropriate new positions for the individuals now holding those positions).

They also appreciate the conversation that they had with District representatives on May 11, 2017 to discuss the District's thinking concerning the roles and responsibilities of the Mexican American Student Support Department ("MASSD") and its personnel going forward and the opportunity the District provided to the Mendoza Plaintiffs for them to provide their views about the future of that Department.

Because the District has not yet made its final decisions concerning the structure, roles, and responsibilities of the student support departments, Mendoza Plaintiffs cannot yet provide their final comments and/or objections relating to the elimination of student success specialist positions and the related reduced funding of the MASSD.

For ease of reference as the District formulates its final design for the student support departments and considers the Special Master's recommendations, they include here as "continuing objections" comments/objections they offered on April 24, 2017 with respect to the Draft # 3 budget, amplified to address overlapping points made in the discussion on May 11:

Mendoza Plaintiffs are concerned that the MASSD has become almost exclusively focused on providing deficit model "support" and has strayed from both its original intent and that set forth in the USP, which had a far greater emphasis on an asset model approach. As discussed on May 11, they believe that to the extent personnel from the MASSD will be providing direct support to individual students in the future, there should be significant interaction with classroom teachers both to ensure a full understanding of the needs of the students who are to receive support and to assist the teachers in areas relating to culturally responsive pedagogy. Further, such support should be provided by certificated personnel in a manner that does not involve pulling students from their classrooms.

Mendoza Plaintiffs previously noted that they saw nothing on the web site or in the District's most recent Annual Report to suggest that the staff of the MASSD and AASSD departments have been involved in the development and implementation of District strategies to engage African American and Latino students (beyond the holding of yearly recognition/ celebratory events and quarterly information events), particularly with respect to the development of the multi-cultural curriculum and culturally responsive pedagogy, as is expressly contemplated by USP, Section V, 4, d. They therefore concur with the Special Master's suggestion (and what they understand to be the current thinking by the District) that experts in both the MASS and AASS Departments "serve as consultants and provide oversight with respect to culturally responsive practices whether it be manifest in teaching, curriculum, coaching, administering discipline, working with families, or developing future district policies and procedures." (SM Recommendation, Attachment A at 2.)

With specific reference to the family and community engagement component, Mendoza Plaintiffs remain concerned about the District's statement that the family engagement functions of the Student Support Specialists "will be supported by the newly proposed school community liaison stipend." (Response to Mendoza Plaintiffs' RFIs on Draft #2 at 4.) While they appreciate the effort to make the community liaison

role somewhat more robust, they object to the proposal to have that role replace what was intended to be a structured and centralized approach to community engagement that focuses on the specific needs of Latino families and reflects the history, experiences, and culture of Latino communities. In addition, they note that the District has proposed these \$3000 stipends for only 19 schools (Budget Narrative at 39), apparently leaving the great majority of the District's schools without anyone uniquely focused on how to engage Latino families in the education of their children.¹ Additionally, as discussed on May 11, Mendoza Plaintiffs believe that the MASSD has a role to play in ensuring that persons who are filling the role of community liaison are appropriately trained in culturally responsive practices and in serving as an on-going resource for them.

Mentors (Comments/Objections to the SM Recommendation and "Continuing Objections")

CRC "Mentors"

Mendoza Plaintiffs understand the portion of the Special Master's discussion that refers to "mentors for... CRC teachers" to be a reference to the Itinerant Teachers and the Court's order that the District "develop a meaningful itinerant teacher-CRC teacher ratio." (Order dated 12/27/2016, Doc. 1982, at 4.) They agree with the Special Master that the District has yet to provide a "program-based rationale" (*id.* at 3) for the number of Itinerant Teachers in the proposed budget, but they disagree with what appears to be the Special Master's understanding that these Itinerant Teachers are only mentors (as important as that role may be).

As Mendoza Plaintiffs stated in their comments on the Draft # 2 and Draft # 3 budgets, the Stipulation Re: Implementation of USP Section V,E,6, a, ii (Culturally Relevant Courses) (Doc. 1761) states (at page 34 of 49) that the Itinerant Teachers not

¹ Mendoza Plaintiffs have reviewed the District's responses to their RFI's on this subject, specifically, #1007 and #1129, and remain unclear whether and to what extent Title 1 staff will be performing a robust family and community engagement role in schools that do not have stipended community support liaisons or whether Title 1 staff will receive training and support in culturally responsive practices and, if so, from whom. Further they note that no reference is made to a role for MASSD or other student support departments' expertise and personnel in the review of the quality of school family engagement efforts described in the response to RFI #1129.

only are to mentor new CRC teachers by providing instructional support; they also are to teach three courses at two high school or middle school sites, and engage in the following: CR teacher and student recruitment, parent engagement and community outreach; model instruction for non-CR teachers, district wide; develop curriculum that will be available to other District teachers; develop CR curricular lessons for implementation by new and continuing CR teachers; work with site administration to provide support for CR students and families; serve on observation “walkthroughs” teams; present during CR Tier 1 PD sessions; develop comprehensive CR curriculum to present during CPRI summer symposium; and assist in bringing CR to scale.

Mendoza Plaintiffs assert a “continuing objection” to the number of Itinerant Teachers proposed in the Draft # 3 budget as not in “full compliance with the Intervention Plan’s Itinerant Teacher Model” (Doc. 1982 at 4), as required by Court order. They note a statement in response to RFI #1317 that the District “has budgeted for 12 ITs.” They will reconsider this “continuing objection” if the final version of the 910(G) budget includes an allocation for 12 ITs and is otherwise compliant with the Stipulation re: Implementation.²

Self-Contained GATE (Comments/Objections to the SM Recommendation and “Continuing Objections”)

Mendoza Plaintiffs support the creation of new opportunities for Latino and African American students to attend self-contained GATE classes; however they continue to ask whether there are alternatives to placing such a program at **Wheeler**, as the District proposes in the Draft # 3 budget, that will have a greater integrative impact. Absent more information and additional analysis they therefore object to the Special Master’s apparent agreement with that proposal based on his statement that it “may

² Mendoza Plaintiffs have reviewed the Itinerant Teacher list provided in connection with the District’s response to RFI #1331. They appreciate the information included and the level of detail but also note that (unless these are covered by descriptions that Mendoza Plaintiffs did not fully understand), there appear to be no activities relating to curriculum development, including for the CPRI summer symposium, modeling of instruction for non-CRC teachers, or participation in “walkthrough” teams.

Further, Mendoza Plaintiffs do not understand why the District plans to have a total of 10 CRCs taught by a total of 12 itinerant teachers by having some of those teachers “co-teach[] a class.” (See TUSD response to RFI # 1316.)

have some integrative effect.” They also repeat as a “continuing objection” the statements they made in their April 24, 2017 comments on this proposed allocation:

Based on their current understanding, they question the overall integrative impact of a decision to place self-contained GATE at Wheeler, at least as described in the document that is itself attached to Attachment A to the District’s Responses to RFIs concerning the Budget Narrative. (Document entitled Impact of Opening Additional GATE Self-Contained Classrooms for Grades 1-3 at Wheeler and Roberts/Naylor (“Impact Doc.”).)

They note in the first instance that the District itself states that the impact of the proposal on “ethnic distribution” at Wheeler would be small. (Impact Doc. at 1.) Mendoza Plaintiffs’ concern derives from the fact that, based on the information provided, it appears that the slight relative increase in white population and the slight relative decrease in Latino population would result from the fact that more white children than Latino children would benefit from providing self-contained GATE classes for those currently on the waiting lists at Lineweaver and Kellond. (Per the chart on page 3 of the Impact Doc. there would be a gain of 13 white children and a gain of 10 Latino children (as well as a gain of five African American children).) Given the locations of Lineweaver and Kellond, and the nature of the proposal (which, as Mendoza Plaintiffs understand it, calls for remapping the neighborhood school boundaries of Kellond and Lineweaver to include Wheeler (Impact Doc. at 1), this raises questions for the Mendoza Plaintiffs of whether the waiting list is the best indication of the number of qualified students District-wide who might benefit from an expansion of self-contained GATE or whether remapping of the Lineweaver, Kellond, and Wheeler neighborhood boundaries is the most racially and ethnically inclusive approach to self-contained GATE class expansion. They therefore ask that a fuller analysis be undertaken, considering locations for self-contained GATE programs beyond the schools in closest proximity to Lineweaver and Kellond, if the District does indeed intend to go forward with a proposal to expand the number of self-contained GATE classrooms in the District. In connection with any such analysis, they would also ask for the following information: the waiting lists for all self-contained GATE elementary schools (broken down by race and ethnicity) as well as a breakdown by race and ethnicity of all students who qualified for GATE at the 1, 2, and 3 grade levels in the last two years.

As to **Roberts-Naylor**, referenced in the SM Recommendations in which he states (at page 4) that a “self-contained program at Roberts Naylor is unlikely to have integrative outcomes.” Mendoza Plaintiffs note that on March 13, 2017, the District provided a discussion of the possible impact of opening additional GATE self-contained classrooms at Roberts/Naylor based on a redrawing of boundaries so that students in the current Kellond, White or Lineweaver neighborhoods could “opt to transfer ...to Roberts/Naylor.” (Impact Doc. at 1.) It concluded that the impact on “ethnic distribution would be small” but that there would be some small increase in the percentage of white enrollment and small decreases in the percentages of African American and Latino enrollment. (*Id.*) Thereafter, on April 10, 2017, in response to a Special Master comment (that included the observation that, in his view, there was an “argument for having an additional open access GATE program in a school that serves a significant number of African American students but the District should not count this as an integration initiative.” (Draft # 3 Cover Letter, at 13)), the District stated that it had “conducted, and is assessing, desegregation impact analyses for Roberts-Naylor as a possible site for Open-Access GATE.” (*Id.*)³ In the responses to information requests that the District provided along with the Draft # 3 Cover Letter, in response to a Mendoza Plaintiffs’ inquiry, the District stated that it was “still assessing the[] options” of expanding Open Access GATE opportunities at **Hollinger** and/or **Doolen**.

As Mendoza Plaintiffs understand it, there currently are no proposed allocations in the 2017-18 budget for the expansion of either self-contained and/or open GATE programs to provide additional opportunities for African American and Latino students to participate in such programs. They therefore have a “continuing objection” to the District’s failure to have moved the assessment and consideration process more expeditiously so that necessary analyses could have been concluded and GATE expansion could have been included in that budget.

³ Mendoza Plaintiffs understand that April statement to be a change in concept for a potential GATE program at Roberts-Naylor from the concept discussed in March to the extent the District now is suggesting, as they understand it, that the GATE program would not be developed in connection with boundary changes relating to the current Kellond and Lineweaver boundaries but, rather, that TUSD is envisioning a “boundaryless” program marketed to all District students.

Successful Site-Based Strategies (Comments/Objections to the SM Recommendation and “Continuing Objections”)

Mendoza Plaintiffs agree with the SM Recommendation statement that it “does not appear that the District has provided sufficient funds” for this effort – the District having asserted it will “not cost anything to develop.” (SM Recommendation at 2.) Indeed, the Special Master believes that the District does not know “what this will cost since it does not have a plan for the development, much less for the implementation and maintenance, of such a resource.” (*Id.*) While Mendoza Plaintiffs do not know how much it would cost to implement the plan they understand TUSD to currently be developing, they, like the Special Master, have serious doubts that any plan implementation to adequately address this USP requirement will have no associated costs.⁴ Mendoza Plaintiffs therefore have a “continuing objection” to the District’s failure to allocate any funds at all to the implementation of the replication of successful site-based strategies undertakings it has agreed to.

Summer Learning (Comments/Objections to the SM Recommendation and “Continuing Objections”)

Mendoza Plaintiffs agree with the Special Master’s strong recommendation that the District invest more heavily in summer programs.

In that regard, although it is not specifically a summer learning program, they draw particular attention to “Jump Start”, the 10 day summer program for incoming 6th graders that is in place at Dodge and Doolen but not at other middle schools in the District. According to the Dodge magnet school plan, that program “sets guidelines and expectations” for the program at the school, “establishes relationships with teachers, and provides remediation of basic skills in core classes.” Per the Dodge plan, the cost is

⁴ Mendoza Plaintiffs understand the District response to RFI #1324 (re replication of successful site-based strategies) that it “is not at the beginning of this effort – the District provided a report in September 2016 and has been engaged in this effort for years” to refer to actions that fall far short of what it agreed long ago it would do to comply with USP Section VI, F, 3 in connection with the Special Master’s 2014-15 Annual Report recommendation, as detailed in the Court’s December 27, 2017 Budget Order (Doc. 1981 at 8). In this regard, Mendoza Plaintiffs further note that it was not until the April 12-13, 2017 Tucson meeting that TUSD agreed to develop an online catalogue of best practices to be widely accessible (notwithstanding its initial agreement referenced in the December 27 Order).

approximately \$16,000. Mendoza Plaintiffs object to the District's failure to have budgeted to expand this program to other schools given what appears to be its success and urge the District to move forward as quickly as possible to expand the program, particularly at Mansfield since there is no reason of which they are aware why such a program should not be in all middle school magnet schools. "Continuing Objections"

General

Because the District has been unable to provide a completed Form 1-A, required by the agreed budget process and intended to provide information about what non-910(G) funds will be allocated to USP-related activities, Mendoza Plaintiffs reserve their right to object to and/or comment on the District's overall commitment to and planned expenditures for all USP-related activities, particularly those for which non-910(G) funding has been provided in the past, after that information has been provided.

Magnet School Consultant

If the final 2017-18 910(G) budget contains an allocation of \$50,000 for consultants to assist in further evaluation of specific magnet programs and the development of a new magnet school as stated in the TUSD May 10, 2017 Magnet and Transition Plan Cover Letter, Mendoza Plaintiffs will withdraw the objection they previously asserted to the failure to include such an allocation in the draft budget(s).

Dual Language Expansion/Bloom

Mendoza Plaintiffs continue to object to the District's decision to budget for only one additional dual language teacher at Bloom (to bring the total of such teachers to two). In the Budget Narrative (at 31), the District wrote: "Bloom will expand their program by adding three TWDL classes for a total of four (one at kindergarten and two at first grade; one kindergarten class began in 2016-17)." But in the Cover Letter (as confirmed by the line item budget entry), the District now says (at 14): "The District is only budgeting for one additional dual-language teacher, and will adjust based on enrollment in the fall (the District is still seeking to fill four DL classes with four DL teachers)."

Budgets drive actions. Further, absent failures to fill other vacancies (and the District already has stated it plans to use "vacancy savings" to fund stipends and to fund summer activities (Cover Letter at 2), not to hire additional teachers at Bloom), there

can be no assurance funds will be available to hire the needed teachers “in the fall.” Moreover, such an approach runs counter to the District’s recently adopted TWDL Plan because it accepts the likelihood that there will be only single kindergarten and first grade classes at the school notwithstanding the commitment to design a two classroom TWDL structure to reduce programmatic isolation of the TWDL classes at a site. Further, it precludes the opportunity to send any additional teachers hired after enrollment “in the fall” (assuming any such qualified teachers are available to be hired at that time) to the summer Two-Way Bilingual Immersion Conference, attendance at which was highlighted in the District’s initial discussions of the Bloom expansion.

Given that the District will not be expanding the dual language program to Ochoa this coming year, as it had originally proposed, it should redouble its efforts to recruit students (and teachers) for the Bloom program.

Global Issues Courses

As stated in Mendoza Plaintiffs’ March 27, 2017 Draft #3 budget comments and at the April 12-13, 2017 meeting in Tucson, Mendoza Plaintiffs do not believe the “CRC Global Issues” courses planned for the 2017-18 school year comport to the USP definition of CRCs in that they are not “courses of instruction for core English and Social Studies credit.” (USP Section V, E, 6, ii; Mendoza Plaintiffs’ March 27, 2017 Comments on TUSD USP 2017-18 Draft Budget #3.) They instead are planned “as an optional/elective credit class for 9th grade students.” (Draft #2 Cover Letter at 15.) Indeed, Mendoza Plaintiffs believe the classes which are to “have a unique focus from the African-American and Mexican American perspective” (id.) more closely align to the USP definition of multicultural curriculum, that is, curriculum that “integrates racially and ethnically diverse perspectives and experiences” (USP Section V, E, 6, i), and that these courses therefore should be re-categorized as multicultural curriculum. Mendoza Plaintiffs have a “continuing objection” to the budget allocation for this activity to the extent the planned classes are categorized as CRCs.

Higher Ground Consultant

The District’s justification for its proposed allocation for consulting services from Higher Ground (Attachment RFI 1321 (“HG Justification”)) raises serious concerns regarding the appropriateness of those services for students in DAEP. The HG Justification describes two sets of Social-Emotional Learning (“SEL”) lessons

implemented during the “2nd semester of 2016-17.” (HG Justification at 1-2.) The District indicates that the lessons involve “evidence based curriculum” called “Thinking for a Change” and “Real Colors with Youth Crossroads.” (*Id.* at 2.) However, Mendoza Plaintiffs were disappointed to find that the authority the District cites to in asserting that these lessons are evidence-based describe these programs as effective with and specifically targeting youth and adults that have been involved in the criminal justice system. (See <http://nicic.gov/t4c>; http://ncti.org/programs/crossroads_juvenile.) Indeed, in connection with the later “lesson,” curricula is described as aimed at “reduc[ing] the criminogenic needs of offenders.” (See http://ncti.org/programs/crossroads_juvenile.)

Thus it appears that the services that Higher Ground has been providing in the 2016-17 school year (and that the District proposes be provided in the 2017-18 school year) are inappropriate and may result in stigmatizing DAEP students to feel that they are criminals or have committed criminal acts. Further, from a brief review of the webpages the District cites, Mendoza Plaintiffs do not see anything that suggests there exists evidence to demonstrate the programs are effective with students who may be exhibiting behavioral issues, but are not criminals and have committed no criminal act, or that there exist effective versions of the programs tailored to and targeting students with no criminal history.

Mendoza Plaintiffs therefore object to the use of 910g funds for Higher Ground in the 2017-18 school year. Regardless of whether the District’s final version of the 2017-18 budget includes an allocation for Higher Ground consulting, Mendoza Plaintiffs request that the District provide a justification for the specific use of the program with DAEP students given that the District appears to have implemented the above-discussed “lessons” in the 2016-17 school year.

Multi-Year Facilities Plan

Mendoza Plaintiffs appreciate the District’s explanation concerning the difference between the “CARE/UPKEEP” line item (for which there is a \$520,000 proposed allocation in Draft #3 budget) and Multi-Year Facilities Plan (“MYFP”) projects, the District having said it eliminated funding from the latter, but that explanation leaves unclear how “CARE/UPKEEP” activities are prioritized, if at all, and why the proposed expenditure does not constitute supplantation.

While what the District labeled RFI#1326 requested information on whether and how the District prioritizes “CARE/UPKEEP” activities, the TUSD response instead explains that “CARE/UPKEEP” activities are entirely separate from the MYFP, but that “CARE/UPKEEP” activities may result in the identification of safety concerns which then become MYFP issues that are addressed through MYFP procedures. Although helpful in Mendoza Plaintiffs’ understanding of the relationship between “CARE/UPKEEP” and MYFP, the District response does not help Mendoza Plaintiffs understand whether and to what extent the priorities mandated by USP Section IX, A, 3 apply to “CARE/UPKEEP” activities.

Further, the District indicates in its response to RFI#1327 that MYFP funding is in the [Architecture and Engineering] Project Management group [as distinct from the group managing “CARE/UPKEEP” activities], as is the management of FCI, ESS, and the MYFP monitoring and changes.” Thus, because the USP Section concerning facilities (IX, A.) **entirely** involves “the management of FCI, ESS, and the MYFP monitoring and changes,” Mendoza Plaintiffs are left confused as to why the District continues to propose the use of 910g funds for “CARE/UPKEEP.” Compounding Mendoza Plaintiffs’ confusion is the fact that notwithstanding the \$520,000 allocation for “CARE/UPKEEP” in Draft #3 budget, the District asserts in its response to RFI#1327 that those efforts have “no MYFP funding or budget.”

Thus, beyond repairs or maintenance relating to facility safety concerns that are identified through the activities entailed in “CARE/UPKEEP,” Mendoza Plaintiffs have been given information that only suggests the “CARE/UPKEEP” allocation is supplantation of funds for activities unrelated to the USP and that the District would have to expend even in the absence of the USP. Mendoza Plaintiffs therefore have a “continuing objection” to the “CARE/UPKEEP” allocation reflected in the Draft #3 budget.

ATTACHMENT B-4

Executive Summary of the African-American Student Services Department

Department Responsibility

The Fisher Committee performed, from a historical and achievement standpoint, an exhaustive analysis and review of the African-American Student Services department (hereby AASSD). This critique, which spans from inaugural director Argentina Coleman to standing director Jimmy Hart, included review of TUSD's annual reports and evaluative discussion with stakeholders and former employees. From its inception to its current state, it appears that the mission and direction of the AASSD remains stagnant regardless of the director. The responsibility for the failure of the Department's goals cannot lie solely with the Department. From Special Master Hawley in his observations on May 26th, 2017 regarding Student Success Specialist's: "it is not reasonable to expect a small team of under-funded, under-armed, under-paid and under-trained individuals to have a significant impact on over 3000 students." It is necessary to analyze the influence of the party accountable for the oversight of the AASSD in order to completely understand the nature of the Department's failures.

District Responsibility

While the AASSD has not operated efficiently, the action of the District contributed to the failure of the department to accomplish its tasks. The AASSD had an original operating budget at its discretion but annually, near the third quarter of the year, the District placed a hiring freeze on the budget and then re-appropriated remaining funds to the M&O. This was a regular occurrence that inhibited the AASSD until Judge Bury ordered an end to the supplanting. In addition, the District failed the AASSD through an overall lack of administrative oversight. Had there been vigorous administrative oversight on the part of the Superintendents and their administrative officers, potential insufficiencies and misguided efforts could have been identified and corrective, coordinated efforts could have been put in place to redirect the AASSD. Instead, indifference towards the department and a general lack of advocacy from the District allowed for continued inadequate performance of the AASSD and its directors, constituting

educational malpractice for nearly four decades. The Fisher Committee's review of the history of the AASSD and its observations put forth in the previous paragraph by no means wishes to place the failure of the AASSD exclusively on itself; the District was complicit with this road to failure.

Outlook under Current AASSD

The AASSD, under the antiquated missions and goals and with little to no influential oversight, has not changed the fact that black children in TUSD have not closed the achievement gap, continue to be disproportionately suspended and remain with lower graduation rates and higher dropout rates than the Anglo students in the district. After four decades of underachievement by the AASSD, benign neglect on the part of the District, and after spending millions of tax payer dollars, there is no valid alternative for improving the quality of education for black students with the current status of the AASSD. In sum, the longitudinal review of the failures of the District and the AASSD reveals that the plight of the black children in TUSD to achieve a quality education has not significantly changed over time.

General Recommendations for Improvement

Far-reaching, structural improvements are necessary in order to alter the course of the department and the findings and recommendations of the Fisher Committee support the necessity for drastic measures to combat the current drastic conditions and to correct past failures. Wherefore, the Fisher committee would recommend that TUSD administration declare the AASSD a new department and incorporate the attached proposal which is a restructuring of the new department along with a new mission and updated goals. In the Special Master's observations, he nearly mirrors the findings of the Fisher Committee and recommends devoting significant resources to African-American students while also concurring with some of the central tenets of the attached proposal of reorganization of the AASSD. The general proposal from the Fisher Plaintiffs comes as a result of the May 30th meeting with the District wherein an original proposal was outlined and the District apparently took notes and stated that they would respond to the Fisher Plaintiffs with observations and agreements on the

proposal originally put forth by the Fisher Plaintiffs. Due to the failure of the District to respond as assured and as time is of the essence, the Fisher Plaintiffs now submit an edited proposal for the African-American Student Services department.

African American Student Services Department

Mission

Student advocacy is a critical component of the educational system. Many students will find their own advocates and benefit greatly from those relationships. Yet, many other students will not search out their own advocates and may fall through the cracks of the current educational system. Research shows that African-American students benefit from having African-American teachers and other African-American adults in the school. The student success specialists in the African-American Student Services Department fill this role.

The purpose of the African-American Student Services Department is to insure that all African-American students in Tucson Unified School District receive a quality education and are given the opportunity to succeed. The student success specialist's role is to identify students needing targeted intervention and work with teachers and parents to intervention.

Goals of the department

1. Reduce the achievement gap for African-American students and provide direct academic and associated services to targeted elementary, middle, and high schools.
2. Reduce the rate of attrition for African-American students by collaborating with site administrators, teachers, and staff to identify African-American students at risk of dropping out, being suspended, or being expelled and providing prevention and intervention services where appropriate.
3. Assist with efforts to enhance equal access to GATE, Honors, and Advanced Placement courses for African-American students.
4. Serve as members of the MTSS teams to develop, plan and monitor progress of African-American students.
5. Work to reduce the overrepresentation of African-American students in special education classes and participate in child studies and IEP meetings.
6. Monitor the academic progress of African American students with failing grades or substandard performance on state and district assessments and work collaboratively with sites on developing student plans that are appropriately address academic deficits.

Central Tenets

1. The African-American Student Services department should be declared a new department with a new mission and procedures for supporting African-American students.
2. Once declared new, all currently employees will reapply for their jobs, including the director. In the process of hiring and restructuring, the Fisher Plaintiffs and the community wish to be involved.

3. The Fisher Plaintiffs are ADAMANTLY OPPOSED to the creation of a coordinator/facilitator role for two reasons. First, the AASSD budget would be more appropriately spent in other categories to increase implementation of the mission of the department. Second, due to the size of the department, the roles and duties assigned to the director would overlap with those of the coordinator/facilitator, rendering the position superfluous.
4. The AASSD will operate with an independent, secured budget. The budget will be overseen by an advisory committee in order to ensure money is accurately appropriated and maintained within the department.
5. The AASSD director will report to the Superintendent of the District directly.

Staff

The African-American Student Services department will be led by a Director. Additional staff will include Student Success Specialists, a Data Specialist, and an Administrative Assistant. The Student Success Specialist requires a Bachelor's degree for consideration. Those formerly employed by the African-American Student Services department before this new declaration will be given four years to earn the credit for a Bachelor's degree, provided they are proving yearly progress.

The Director will be tasked with monitoring and reporting on the success of the African-American Student Services department. Specifically, the Director will develop and facilitate the necessary trainings for the Student Success Specialists, analyze the collected data on the impact of the department, report directly to the Superintendent on the status of the department, and prepare an annual report on the department's success for the District.

Tasks for K – 8 Implementation

1. Establish a system of benchmarks to monitor growth of students on a quarterly basis to identify students not making progress in reading, mathematics and writing.
2. Work with teachers to create a plan of targeted intervention.
3. Create before and after school tutoring sessions to extend learning time
4. Foster family communication and home-school connections via telephonic contact, email messages and home visits.
5. Monitor discipline of African American students and participate as an advocate as suspension hearings.
6. Create a personalized plan for each student not making progress towards graduation.

Tasks for 9 –12 Implementation

1. Identify incoming 9th graders who are performing below grade level on AZMerits and/or did not pass all core subjects in 8th grade.
2. Set up parent conferences to review the students' middle school and/or achievement levels and develop monitoring plan.
3. Collaborate with Dropout Prevention Specialists to create regular contact with student in order to develop four year plan and review progress towards graduation.

Training

1. All Student Success Specialists will be trained in the reading, writing and math programs currently utilized in the schools where they are assigned. For example, if the school is using the "Success for All" program, Success Specialists must participate in the training of how to implement the program and then work in coordination with teachers to implement the intervention plans when necessary.
2. Student Success Specialists will be trained in strategies for in class intervention as well as out of class intervention.
3. Student Success Specialists will be trained on the differences in intervention strategies for elementary and middle school as opposed to high school intervention. (Denise Gibbs)

Expected Outcomes

1. Increased academic performance on AZMerits and other standardized assessments.
2. Increased graduation rates of African-American students and increased numbers of African American students enrolling in post-secondary education.
3. Reduced drop-out rate of African-American students.
4. Increased attendance rates of African-American students.
5. Increased communication with parents and increased African American parent participation at parent conferences, site councils and in parent-teacher associations.