

USP Budget Comments and Responses

Attachment 1: “TUSD’s Response to the Special Masters’s (“SM”) and Mendoza Plaintiffs’ comments related to the proposed 2014-15 USP Budget (“Budget”)

June 27, 2014 from the District to the Special Master and Plaintiffs

Attachment 2: “Response to TUSD’s Answers to Budget-related Questions from Me and the Fisher and Mendoza Plaintiffs”

July 2, 2014 from the Special Master to the District

Attachment 3: USP Budget Memo from the Special Master “Toward a More Rational and Less Confrontational Approach to Allocating 910G Funds”

July 2, 2014 from the Special Master to the District

Attachment 4: “Mendoza Plaintiffs’ Comments on the TUSD Proposed USP Budget”

July 2, 2014 from the Mendoza Plaintiffs’ Counsel to the District

Attachment 5: “Fisher Plaintiffs’ Comments on the District’s June 30, 2014 Responses With Regard to the Proposed USP Budget”

July 2, 2014 from the Fisher Plaintiffs’ Counsel to the District

ATTACHMENT 1

**TUSD’s Response to the Special Masters’s (“SM”) and Mendoza Plaintiffs’ comments
related to the proposed 2014-15 USP Budget (“Budget”)**

Below are TUSD’s responses to the to the Mendoza Plaintiffs’ June 5, 2014 comments:

Mendoza Comment #1: Overhead

(Please note that the discussion of overhead is cut off at the top on the last page of the budget criterion document delivered on June 2. We believe we were able to decipher it but also ask that a better copy of that last page be provided.)

By email dated March 19, 2014, in response to the Special Master’s inquiries on this topic, Mendoza Plaintiffs stated that they object to the use of 910(g) funds for “overhead.” They maintain that position. Further, they note that budget data for other Arizona school districts that receive 910(g) funds does not include budget entries that appear to reflect the use of such funds for “overhead” in those districts. This further supports the view of the Mendoza Plaintiffs that the proposed use of 910(g) funds for “overhead” by TUSD is not appropriate and that the funds so allocated in the proposed budget should instead be applied to programs to implement the USP.

TUSD Response to 1:

Only one other Arizona school district, Phoenix Union High School District, receives 910(g) funds in an amount remotely close to what TUSD receives (approx. \$55M). Phoenix Union does not include budget entries for overhead, but Phoenix Union spends 910(g) funds directly on certain categories of funding that TUSD does not, including site administrator salaries, custodial staff, etc. Different districts have different obligations. TUSD’s obligations include satisfying every single *Green* factor, desegregating a K-12 system, and serving significantly more ELL students – just to name a few differences between TUSD and Phoenix Union.

TUSD could avoid charging overhead and instead directly charge similar items such as principal salaries and support staff wages at magnet and Racially Concentrated schools, but the amount would likely be much larger than the amount TUSD is seeking to spend on overhead – leaving less 910(g) funding to be allocated for programs to implement the USP.

See **Attachment A** (“Phoenix Union example”).

Mendoza Comment #2: Magnet School Funding/Fine Arts Teachers

We note that an issue relating to the proposed use of 910(g) funds for fine arts rose last year and apparently has not been resolved. Mendoza Plaintiffs do not question the value of fine arts programs. Their issue is the proposed use of 910(g) funds to pay for fine arts teachers in magnet schools regardless of the theme of the magnet school. (See entries for Bonillas, Borton, Carillo, Drachman, Holladay, Ochoa, Robison, Tully, Dodge, Booth Fickett, Mansfield, Safford, Utterback, and Roskruge.)

This raises a number of questions: (1) is the District using the fact that the fine arts teachers are to be assigned to magnet schools as a means to charge those costs to the 910(g) budget when they should more properly be paid from other District funds; (2) are there expenses, including the costs of hiring teachers with particular expertise more closely related to the themes of the subject magnet schools, that have been foregone as a consequence of allocating 910(g) money for the fine arts teachers; and (3) what was the basis on which the District determined that the costs of these additional fine arts teachers represented the best expenditure of 910(g) funds relative to other potential uses of those funds?

TUSD Response to 2:

The proposed funds are not allocated regardless of the theme of the magnet schools. Those particular teachers will align their lessons to match the theme of the magnet, will meet regularly with core subject teachers and will be an integral part of the magnet experience for students, and will participate in all magnet-related training for teachers at each site.

(1) No.

(2) The District has no evidence that any particular USP-required expenses have been foregone as a consequence of allocating 910(g) funds for fine arts teachers.

(3) Neither the USP nor the USP Budget Criteria includes a requirement that the District must determine whether a certain expenditure represents “the best expenditure of 910(g) funds relative to other potential uses of those funds.”

The District finds this request to be unreasonable: it has conducted the analysis required by the budget criteria and student support criteria (which were developed with the Plaintiffs and Special Master). This request is asking for a third analysis using different criteria.

Mendoza Comment #3: Tucson High

Are we misreading the entry or is something missing? There is an indication that “benefits” total \$415,466 but there are no comparable salary entries to warrant such an amount. Is there a missing line for teacher salaries?

TUSD Response to #3:

Yes, the “TEACHER” line was unintentionally omitted, and is provided below. The total amount is still the same, \$1,755,156.

TEACHER – FTE 28.80, Allocation \$1,134,536

Mendoza Comment #4: Magnet School Funding

It is not possible to understand the overall funding to support each of the magnet schools and programs from the data provided. We therefore request the data for each separate school similar to the information for Utterback Middle School that was provided for illustrative purposes when discussions were going forward about the budget criteria.

TUSD Response to 4:

This information is not yet available. The Utterback example that was provided last fall as part of the budget criteria discussions was pulled from a report created in October 2013. Similar information for all magnet schools for 2014-15 will not be available until late-July.

Mendoza Comment #5: Student Assignment – Communications & Media

We would appreciate an explanation of the District’s rationale for allocating almost \$1 million to this initiative from 910(g) funds. In particular, it would be useful to put this number in perspective by being informed of the amount and nature of any additional communications and media expenses being paid for by other District funds.

TUSD Response to 5:

Multiple provisions in the USP require activities and functions that are supported by the communications department, including: student assignment outreach, marketing, and recruitment (Section II), transportation outreach and family engagement (Section III), ALE and targeted outreach and family engagement (Section V), and Family and Community Engagement (Section VII). The District pays for approximately half of the expenses for communications from funds other than 910(g) funds; *see* “USP Budget Revised – Non-Deseg, Project 2.”

Mendoza Comment #6: ALE

We note that the District is planning to replace Achieve 3000 with Language Assessment Scales (LAS). On what basis did the District determine to replace Achieve 3000? What is the basis on which it selected LAS? Does this relate to the MASS program that was the subject of disagreement last year?

TUSD Response to 6:

[The District is not replacing Achieve 3000 with LAS. LAS was selected as a pre- and post-assessment to assess a student's Spanish proficiency in speaking, listening, reading and writing. We want to track progress of our students' biliteracy as they participate in our Dual Language model. LAS links will provide us with a valid, reliable, research-based assessment.

In regards to Achieve 3000, leadership is analyzing all instructional technology to determine how we move forward.

Please clarify the question about relation to “MASS disagreement” last year.

Mendoza Comment #7: Learning Support Coordinators

We continue to be concerned about the number, use, and expense related to the District's "Learning Support Coordinators" (an issue that also was raised last year). We therefore ask what assessments the District has made of their effectiveness during the current school year and for an explanation of how they are to be employed in relation to the ALE Plan, achievement support, and to support "monitoring" as set forth in Projects 4, 5, and 7 of the proposed budget.

TUSD Response to 7:

The Equity Department (specifically, through the Director of Learning Supports) coordinated training and scope of work for LSCs. The District has assessed the effectiveness of LSCs in multiple ways:

- TUSD employee evaluation process (site administrators completed all LSC evaluations)
- Review of discipline data to assess effectiveness of restorative practices
- Implementation level of Positive Behavioral Interventions and Supports ("PBIS") (first year of district-wide PBIS) as seen in sites' plans (collected PBIS Matrix of Behavior/Expectations from LSCs which provide evidence that PBIS teams met, planned for PBIS and made decisions regarding implementation.)
- Review of data pertaining to ALE recruitment and retention
- Grant Tracker data in which LSCs enter time spent in the following areas:
 - Discipline: Restorative circles, conferences, consequences, other practices; PBIS organization/planning, teaching behavior expectations, recognition;
 - ALE recruitment: recruitment contacts (direct, electronic, by phone)
 - ATI/Student Support: organization/logistics, data interpretation, and student intervention support
 - Achievement Support: monitoring and supporting interventions related to student attendance, student grades/progress, student behavior/discipline, and intervention team coordination

As described in the budget criteria worksheet provided on June 2, 2014, the LSCs roles are defined as follows:

Project 4: Work with site staff to conduct ALE recruiting, monitoring, and support for students in ALEs.

Project 5: Work with site staff to support student engagement and achievement by working with site intervention teams, implementing MTSS, and providing data and assessment support.

Project 7: Support discipline monitoring, professional development and related activities; fulfills role as site RPPSC (Restorative and Positive Practices Site Coordinators)

Mendoza Comment #8: Inclusive School Environments – OMA/Arts Integration

Mendoza Plaintiffs understand that OMA is a well-liked program. Their concern is whether it should be funded with 910(g) funds or whether, as a program to which the District is otherwise committed, it should be funded with other TUSD funds. What evidence does the District have that OMA is efficacious and what is the basis for seeking to use 910(g) funds for OMA?

TUSD Response to 8:

OMA, as a student support program, was analyzed using the Student Support Criteria. (See **Attachment B** “SSC Analysis – Fine Arts/OMA”). Using those criteria, it was determined to be an effective program.

Mendoza Comment # 9: Inclusive School Environments – Exceptional Education

This, also, is an issue that arose last year. As the District knows, it objected to efforts to include substantive provisions relating to exceptional education placements and programs in the USP. The only USP section that addresses exceptional education is Section V (D) relating to the development of criteria for data gathering and reporting so that TUSD can conduct meaningful review to determine if African American and Latino students are inappropriately referred, evaluated or placed in exceptional education classes or programs. Therefore, Mendoza Plaintiffs question the basis for the proposed expenses set forth under Projects 5 and 6 and do not believe the explanation provided in the USP criterion document provides a satisfactory explanation.

TUSD Response to #9:

Project 5: Language Accessible Social Workers are required by the USP. The District, through the Exceptional Education department, has several language accessible social workers. A portion of their salaries are paid with 910(g) funds as their job functions have changed to serve both ExEd and non-ExEd students, with a particular focus on African American and Latino non-ExEd students. These ExEd social workers will work closely with the five full time social workers whose salaries are funded fully from 910(g). In total, approximately 10 FTE are funded for ExEd social workers, providing a far greater level of service for African American and Latino students than if the District simply hired ten additional social workers who only worked with non-ExEd students but were relegated to only a few sites.

Project 6: The Lead Psychologist engaged a nationally recognized expert, Dr. Samuel Ortiz, in the area of assessment of students with diverse cultural and language backgrounds. Follow-up training is being planned for July. School psychologists work collaboratively with the African American Student Services and Mexican American Student Services departments. There is also a Multicultural Assessment Team, led by a bilingual school psychologist, which provides

consultation and assessment support. During SY 2012-13, 166 formal referrals were made to the Multicultural Assessment Team. (See **Attachment C** “SSC Analysis – Psychologists.”)

Mendoza Comment #10: Difficulty Aligning Budget Entries with the USP

We are having difficulty aligning the budget entries with provisions of the USP. In particular we would appreciate knowing the proposed expenses for Support Services for African American and Latino Students and the expenditures associated with the development and implementation of the multicultural curriculum and the culturally relevant courses, including the expenses associated with the expansion of such courses to the sixth through eighth grades in 2014-15.

TUSD Response to #10:

Support Services (Proposed Expenses):

AASSD: \$939,849

MASS: \$855,663

MC/CRC: The funds allocated to support multicultural curriculum, culturally relevant pedagogy and instruction, and culturally relevant courses are located in Project 6 under inclusive school environments. Those items include references to those relevant sections of the USP (V.E.4.c-d, V.E.5-6, and V.F). Likewise, the budget criteria worksheets include USP references for individual expenditures or groups of expenditures that support these activities.

Under Project 6, the current budget reflects an allocation of \$1.4M for the development and implementation of the multicultural curriculum and the culturally relevant courses, including the expenses associated with the expansion of such courses in 2014-15. However, many expenses related to implementation of MC and CRCs are paid for from other District funds such as Maintenance and Operation. For example, because last year was the initial pilot year for CRCs, 910(g) funds were used to fund teachers. This year, District M&O is funding those teachers directly.

Mendoza Comment #11: Alignment of Proposed Expenses with Approved Implementation Plans

We have not yet had the opportunity to review the proposed budget against the relevant implementation plans (for example, the proposed budget relating to discipline as compared to the GSRR). Once we have had an opportunity to do so, we will provide additional comment to the extent warranted.

TUSD Response to #11:

N/A.

Below are TUSD's responses to the to the Special Master's June 17, 2014 comments:

Special Master's Comment #1: Overhead

The amount budgeted here is similar to the amount historically budgeted but at one recent meeting those assembled were told this amount would be much lower. In any event, the private plaintiffs oppose overhead in principle.

TUSD Response to 1:

In 2012-13, overhead was \$9M. In 2013-14, it was \$5M. The proposed amount for 2014-15 is \$3.1M. The amount proposed for 2014-15 is much lower (approx. \$2M lower) and is not remotely close to the amount historically budgeted.

Special Master's Comment #2:

The absence of meaningful evaluation of student support programs as this affects funding.

TUSD Response to 2:

Student Support Forms (program evaluations) are available upon request.

Special Master's Comment #3:

The absence of investment specifically targeted at the improvement of learning opportunities and outcomes for African American students.

TUSD Response to 3:

The \$100,000 allocated in 2013-14 is still in the budget but is represented in the increased contingency, as the District is not certain if the amount needed will be more or less than \$100,000. The District is analyzing ways to calculate proportions of various activities to attempt to identify investment that is specifically targeted towards groups identified in the USP.

Special Master's Comment #4:

The significant expenditure on various arts programs. This seems like an increase over last year when questions were raised about the appropriateness of these activities being funded from 910G funds.

TUSD Response to 4:

The amount proposed for 2014-15 is a significant reduction, about \$600,000 less, than the amount allocated last year from 910(g) funds.

Special Master's Comment #5:

The amount of funding for salaries for psychologists in Special Education, social workers and school counselors.

TUSD Response to 5:

Psychologist/Social Workers: *See* response to Mendoza comment #9.

School Counselors: This proposed budget does not include using 910(g) funds to pay school counselors.

Special Master's Comment #6:

Partial salary support for key administrators (e.g., Assistant Superintendents).

TUSD Response to 6:

The District has reviewed the Plaintiffs' comments on this point and will remove these items from the proposed budget.

Special Master's Comment #7:

The criteria by which transportation costs were determined.

TUSD Response to 7:

In 2013-14, thirty-three percent of eligible student transportation users were deseg-related users. In 2014-15, the District projects that thirty-six percent of the eligible users will be deseg-related users. On average, deseg-related users travel 5.2 miles versus 2.1 miles for regular users. Eighty percent of students going through transfers are deseg-related users, meaning that they will ride four buses per day versus two per day for most non-deseg-related users. The added distance traveled by deseg-related users, coupled with the added buses and drivers necessary through the use of transfer points, adds significant cost to the total transportation budget that is attributable to deseg-related users.

Fuel was planned with a built in contingency for price increases. Additional funds have been allocated to begin implementation of the extra-curricular activities plan which will require additional transportation costs in the coming years as the number and frequency of activity buses increases. Finally, the District is implementing new transportation rules (for students from racially concentrated boundaries that will integrate receiving schools) while simultaneously providing free transportation to those students who are "grandfathered" in by the former transportation rules (ABC). (*See* "Budget Criteria Worksheet" provided to the Plaintiffs and Special Master on June 2, 2014 and again (in larger print) on June 17, 2014.)

Special Master's Comment #8:

\$200,000 for "teacher salaries" (new in 2014-15?) under inclusive school environments.

TUSD Response to 8:

Please indicate where in the budget this is located.

Special Master's Comment #9:

The apparent increase in funding of LSCs.

TUSD Response to 9:

This amount has been decreased from last year.

Special Master's Comment #10:

A new program in UHS (retention/admissions).

TUSD Response to 10:

This is required by the USP and is part of the ALE Plan.

Special Master's Comment #11:

A significant increase in GATE funding (about \$600,000).

TUSD Response to 11:

The increase in GATE is approximately \$100,000, not \$600,000.

Special Master's Comment #12:

A total on Project 13 that appears to be off by a million dollars.

TUSD Response to 12:

The confusion may be caused by the fact that there are "total" lines in Project 13's budget which make it seem as though certain items are duplicated. They are not; the total does not include subtotals – subtotals are there for information only.

Special Master's Comment #13:

A significant increase in funding for communication and media.

TUSD Response to 13:

Desegregation funds half of the communications department, including website development and maintenance, marketing and outreach, student recruitment, etc. The total amount for this department increased for 2014-15, so the share of desegregation supplemental funds increased proportionately.

Special Master's Comment #14:

A large increase in funding for THS magnet programs when one is to be eliminated (in some proposals).

TUSD Response to 14:

There is no large increase for THMS.

In the 2013-14 budget, benefits were calculated at the bottom for the entire project. So, the total amount that appears for THMS is approx. \$1.3M, but that does not include approximately \$400,000 in added benefits. In the 2014-15 budget, the total (approx. \$1.3M) and the benefits (approx. \$400,000) are in the same area and are totaled together.

At the bottom of the Project 2 budget there is a total for 2014-15 of \$10,574,364. The very next line is titled “benefits,” and to the right is \$1.6M, which represents the benefits for 2012-13 (including approx. \$400,000 for THMS.)

Special Master’s Comment #15:

What are the plans for CRC courses next year?

TUSD Response to 15:

This comment does not appear to be related to the budget. If the Special Master has a specific question regarding CRC courses and a particular budget item, the District is happy to answer it.

Special Master’s Comment #16:

Are the activities called for in V.A.2.d being implemented in just 12 schools?

TUSD Response to 16:

No, the activities called for are being implemented in all District schools.

Special Master’s Comment #17:

For some high priority activities it is difficult to tell what is being proposed and or how it relates to previous expenditures for the same set of activities. Examples: magnet schools and family engagement. In general, this is a problem because often only the bottom line for 2013-14 is presented.

TUSD Response to 17:

N/AThe District hopes that the supplemental budget information provided to the Special Master and the Plaintiffs, as well as the conference call on June 26, 2014, provided information responsive to this comment.

Below are TUSD's responses to the to the Fisher Plaintiffs' June 17, 2014 comments:

Fishers' Comment #1:

Fisher Plaintiffs share in the concerns raised by Mendoza Plaintiffs with regard to the District's criteria for assessing overhead costs. Fisher Plaintiffs join in the objections raised by Ms. Lois Thompson on Tuesday, June 17, 2014 at 12:14pm.

TUSD Response to 1:

See responses to the Mendoza comments, above.

ATTACHMENT A

Districtwide Desegregation Budget, Fiscal Year 2014 [A.R.S. §15-910(J) and (K)]

								Number of individual school budgets		11	
Maintenance and Operation (M&O) Fund	FTE		Salaries 6100	Employee Benefits 6200	Purchased Services 6300, 6400, 6500	Supplies 6600	Other 6800	Totals		% Increase/ Decrease	
	Current FY	Budget FY						Current FY	Budget FY		
Expenditures											
511 Desegregation - Regular Education											
1000 Classroom Instruction	1.	376.69	378.56	21,445,795	6,805,847	281,380	279,454	15,216	28,861,235	28,827,692	-0.1%
2000 Support Services											
2100 Students	2.	66.00	66.80	2,917,238	971,860	55,246	1,500	5,716	3,882,615	3,951,560	1.8%
2200 Instructional Staff	3.	19.30	18.30	1,005,567	358,830	38,400	9,174	1,000	1,502,547	1,412,971	-6.0%
2300 General Administration	4.	0.00	0.00			51,800			51,800	51,800	0.0%
2400 School Administration	5.	31.00	31.00	1,859,504	598,473	73,773	12,500		2,498,749	2,544,250	1.8%
2500 Central Services	6.	1.40	1.40	114,241	63,092	95,703	3,600		275,687	276,636	0.3%
2600 Operation & Maintenance of Plant	7.	145.90	147.90	3,965,757	1,726,080	1,278,221	1,556,755		8,305,728	8,526,813	2.7%
2900 Other	8.	0.00							0	0	0.0%
3000 Operation of Noninstructional Services	9.	8.00	8.00	217,532	89,841		2,300		305,311	309,673	1.4%
Subtotal (lines 1-9)	10.	648.29	651.96	31,525,634	10,614,023	1,874,523	1,865,283	21,932	45,683,672	45,901,395	0.5%
512 Desegregation - Special Education											
1000 Classroom Instruction	11.	41.50	34.70	1,866,005	652,308	182,000	3,891		2,880,995	2,704,204	-6.1%
2000 Support Services											
2100 Students	12.	11.00	11.00	604,080	226,872				831,198	830,952	0.0%
2200 Instructional Staff	13.	0.00	0.00	11,784	5,664				17,260	17,448	1.1%
2300 General Administration	14.	0.00	0.00						0	0	0.0%
2400 School Administration	15.	0.00	0.00						1,326	0	-100.0%
2500 Central Services	16.	0.00	0.00						0	0	0.0%
2600 Operation & Maintenance of Plant	17.	0.00							0	0	0.0%
2900 Other	18.	0.00							0	0	0.0%
3000 Operation of Noninstructional Services	19.	0.00							0	0	0.0%
Subtotal (lines 11-19)	20.	52.50	45.70	2,481,869	884,844	182,000	3,891	0	3,730,779	3,552,604	-4.8%
513 Desegregation - Pupil Transportation	21.	0.00				3,593,580	42,726		3,508,876	3,636,306	3.6%
514 Desegregation - ELL Incremental Costs											
1000 Classroom Instruction	22.	14.64	11.67	753,153	277,400		10,600		1,285,025	1,041,153	-19.0%
2000 Support Services											
2100 Students	23.	0.00		3,000	571				3,559	3,571	0.3%
2200 Instructional Staff	24.	0.00		9,450	2,099	45,200	49,300	3,000	109,923	109,049	-0.8%
2300 General Administration	25.	0.00							0	0	0.0%
2400 School Administration	26.	0.00							0	0	0.0%
2500 Central Services	27.	0.00				9,000			9,000	9,000	0.0%
2600 Operation & Maintenance of Plant	28.	0.00							0	0	0.0%
2700 Student Transportation	29.	0.00							0	0	0.0%
2900 Other	30.	0.00							0	0	0.0%
3000 Operation of Noninstructional Services	31.	0.00							0	0	0.0%
Subtotal (lines 22-31)	32.	14.64	11.67	765,603	280,070	54,200	59,900	3,000	1,407,507	1,162,773	-17.4%

Districtwide Desegregation Budget, Fiscal Year 2014 [A.R.S. §15-910(J) and (K)]

M&O Fund (Concluded)	FTE		Salaries 6100	Employee Benefits 6200	Purchased Services 6300, 6400, 6500	Supplies 6600	Other 6800	Totals		% Increase/ Decrease	
	Current FY	Budget FY						Current FY	Budget FY		
Expenditures											
515 Desegregation - ELL Compensatory Instruction											
1000 Classroom Instruction	33.	0.00	160,000	30,464				112,708	190,464	69.0%	
2000 Support Services											
2100 Students	34.	0.00						0	0	0.0%	
2200 Instructional Staff	35.	0.00						0	0	0.0%	
2300 General Administration	36.	0.00						0	0	0.0%	
2400 School Administration	37.	0.00						0	0	0.0%	
2500 Central Services	38.	0.00						0	0	0.0%	
2600 Operation & Maintenance of Plant	39.	0.00						0	0	0.0%	
2700 Student Transportation	40.	0.00						0	0	0.0%	
2900 Other	41.	0.00						0	0	0.0%	
3000 Operation of Noninstructional Services	42.	0.00						0	0	0.0%	
Subtotal (lines 33-42)	43.	0.00	0.00	160,000	30,464	0	0	0	112,708	190,464	69.0%
Total M&O Fund Desegregation (lines 10, 20, 21, 32, & 43) (to Budget, page 1, line 25) (1)	44.	715.43	709.33	34,933,106	11,809,401	5,704,303	1,971,800	24,932	54,443,542	54,443,542	0.0%

(1) In accordance with A.R.S. §15-910(K), the total amount budgeted for desegregation expenditures in the M&O, UCO, and IA Funds cannot exceed the amount budgeted in FY 2009.

Desegregation Revenues A.R.S. §15-910(J)(3)(a), (h) & (j):

Tax Levy:	\$ #####
Other (description): _____	\$ _____
Other (description): _____	\$ _____
Other (description): _____	\$ _____

Employees needed to conduct Desegregation activities

Teachers	Administrators	Others	Total
373.33	19.8	316.2	709.33

1. The date that the school district was determined to be out of compliance with Title VI of the Civil Rights Act of 1964 (42 United States Code Section 2000d) and the basis for that determination. A.R.S. §15-910(J)(3)(c) See Verification Report

2. The initial date that the school district began to levy property taxes to provide funding for desegregation expenses. A.R.S. §15-910(J) (3)(d) 1985

3. An estimate of when the school district will be in compliance with the court order or administrative agreement. A.R.S §15-910(J)(3)(r) August 2007

Districtwide Desegregation Budget, Fiscal Year 2014 [A.R.S. §15-910(J) and (K)]

Unrestricted Capital Outlay (UCO) Fund	Rentals 6440	Library Books, Textbooks, & Instructional Aids 6641-6643	Property 6700	Redemption of Principal 6832	Interest 6842, 6850	All Other Object Codes (excluding 6900)	Totals		% Increase/ Decrease
							Current FY	Budget FY	
Expenditures									
511 Desegregation - Regular Education									
1000 Classroom Instruction 45.		137,750	924,100				1,061,850	1,061,850	0.0%
2000 Support Services 46.		68,500	216,650				285,150	285,150	0.0%
3000 Operation of Noninstructional Services 47.							0	0	0.0%
4000 Facilities Acquisition & Construction 48.							0	0	0.0%
5000 Debt Service 49.							0	0	0.0%
Subtotal (lines 45-49) 50.	0	206,250	1,140,750	0	0	0	1,347,000	1,347,000	0.0%
512 Desegregation - Special Education									
1000 Classroom Instruction 51.		1,000	9,350				10,350	10,350	0.0%
2000 Support Services 52.							0	0	0.0%
3000 Operation of Noninstructional Services 53.							0	0	0.0%
4000 Facilities Acquisition & Construction 54.							0	0	0.0%
5000 Debt Service 55.							0	0	0.0%
Subtotal (lines 51-55) 56.	0	1,000	9,350	0	0	0	10,350	10,350	0.0%
513 Desegregation - Pupil Transportation 57.							0	0	0.0%
514 Desegregation - ELL Incremental Costs									
1000 Classroom Instruction 58.									
2000 Support Services 59.									
3000 Operation of Noninstructional Services 60.									
4000 Facilities Acquisition & Construction 61.									
5000 Debt Service 62.									
Subtotal (lines 58-62) 63.									
515 Desegregation - ELL Compensatory Instruction									
1000 Classroom Instruction 64.							0	0	0.0%
2000 Support Services 65.							0	0	0.0%
3000 Operation of Noninstructional Services 66.							0	0	0.0%
4000 Facilities Acquisition & Construction 67.							0	0	0.0%
5000 Debt Service 68.							0	0	0.0%
Subtotal (lines 64-68) 69.	0	0	0	0	0	0	0	0	0.0%
Total UCO Fund Desegregation (lines 50, 56, 57, 63, & 69) (Include in Fund 610 Budget page 4, lines 2-9) (2) 70.	0	207,250	1,150,100	0	0	0	1,357,350	1,357,350	0.0%

(2) In accordance with A.R.S. §15-910(K), the total amount budgeted for desegregation expenditures in the M&O, UCO, and IA Funds cannot exceed the amount budgeted in FY 2009.

School-by-School Desegregation Budget, Fiscal Year 2014 [A.R.S. §15-910(J) and (K)]

Maintenance and Operation (M&O) Expenditures (M&O Fund and Impact Aid Fund) Expenditures	FTE		Salaries 6100	Employee Benefits 6200	Purchased Services 6300, 6400, 6500	Supplies 6600	Other 6800	Totals	
	Current FY	Budget FY						Current FY	Budget FY
	511 Desegregation - Regular Education								
1000 Classroom Instruction	1.	51.60	54.80	2,711,531	845,076	38,780	0	0	3,595,387
2000 Support Services									
2100 Students	2.	14.00	14.00	552,665	189,227				741,892
2200 Instructional Staff	3.	3.00	3.00	181,213	52,503				233,716
2300 General Administration	4.	0.00							0
2400 School Administration	5.	6.00	6.00	371,759	106,783				478,542
2500 Central Services	6.	0.00							0
2600 Operation & Maintenance of Plant	7.	16.00	17.00	401,508	178,447	118,000			697,955
2900 Other	8.	0.00							0
3000 Operation of Noninstructional Services	9.	3.00	3.00	83,668	33,930				117,598
Subtotal (lines 1-9)	10.	93.60	97.80	4,302,344	1,405,966	156,780	0	0	5,865,090
512 Desegregation - Special Education									
1000 Classroom Instruction	11.	5.80	4.80	297,074	85,363				382,437
2000 Support Services									
2100 Students	12.	2.00	2.00	73,778	26,047				99,825
2200 Instructional Staff	13.	0.00		2,551	486				3,037
2300 General Administration	14.	0.00							0
2400 School Administration	15.	0.00							0
2500 Central Services	16.	0.00							0
2600 Operation & Maintenance of Plant	17.	0.00							0
2900 Other	18.	0.00							0
3000 Operation of Noninstructional Services	19.	0.00							0
Subtotal (lines 11-19)	20.	7.80	6.80	373,403	111,896	0	0	0	485,299
513 Desegregation - Pupil Transportation	21.	0.00							0
514 Desegregation - ELL Incremental Costs									
1000 Classroom Instruction	22.	0.00					150		150
2000 Support Services									
2100 Students	23.	0.00							0
2200 Instructional Staff	24.	0.00							0
2300 General Administration	25.	0.00							0
2400 School Administration	26.	0.00							0
2500 Central Services	27.	0.00							0
2600 Operation & Maintenance of Plant	28.	0.00							0
2700 Student Transportation	29.	0.00							0
2900 Other	30.	0.00							0
3000 Operation of Noninstructional Services	31.	0.00							0
Subtotal (lines 22-31)	32.	0.00	0.00	0	0	0	150	0	150

School-by-School Desegregation Budget, Fiscal Year 2014 [A.R.S. §15-910(J) and (K)]

M&O Expenditures (M&O Fund and Impact Aid Fund) Expenditures (Concluded)	FTE		Salaries 6100	Employee Benefits 6200	Purchased Services 6300, 6400, 6500	Supplies 6600	Other 6800	Totals	
	Current FY	Budget FY						Current FY	Budget FY
	515 Desegregation - ELL Compensatory Instruction								
1000 Classroom Instruction 33.	0.00								0 33.
2000 Support Services									
2100 Students 34.	0.00								0 34.
2200 Instructional Staff 35.	0.00								0 35.
2300 General Administration 36.	0.00								0 36.
2400 School Administration 37.	0.00								0 37.
2500 Central Services 38.	0.00								0 38.
2600 Operation & Maintenance of Plant 39.	0.00								0 39.
2700 Student Transportation 40.	0.00								0 40.
2900 Other 41.	0.00								0 41.
3000 Operation of Noninstructional Services 42.	0.00								0 42.
Subtotal (lines 33-42) 43.	0.00	0.00	0	0	0	0	0		0 43.
Total M&O Desegregation (lines 10, 20, 21, 32, & 43) 44.	101.40	104.60	4,675,747	1,517,862	156,780	150	0		6,350,539 44.

Desegregation Revenues A.R.S. §15-910(J)(3)(a), (h) & (j):

Tax Levy:	\$ 6,350,539
Other (description): _____	\$ _____
Other (description): _____	\$ _____
Other (description): _____	\$ _____

Employees needed to conduct Desegregation activities

Teachers	Administrators	Others	Total
54.6	4.0	46.0	104.6

School-by-School Desegregation Budget, Fiscal Year 2014 [A.R.S. §15-910(J) and (K)]

Capital Expenditures (Unrestricted Capital Outlay Fund and Impact Aid Fund) Expenditures	Rentals 6440	Library Books, Textbooks, & Instructional Aids 6641-6643	Property 6700	Redemption of Principal 6832	Interest 6842, 6850	All Other Object Codes (excluding 6900)	Current FY	Budget FY
511 Desegregation - Regular Education								
1000 Classroom Instruction 45.								0 45.
2000 Support Services 46.								0 46.
3000 Operation of Noninstructional Services 47.								0 47.
4000 Facilities Acquisition & Construction 48.								0 48.
5000 Debt Service 49.								0 49.
Subtotal (lines 45-49) 50.	0	0	0	0	0	0		0 50.
512 Desegregation - Special Education								
1000 Classroom Instruction 51.								0 51.
2000 Support Services 52.								0 52.
3000 Operation of Noninstructional Services 53.								0 53.
4000 Facilities Acquisition & Construction 54.								0 54.
5000 Debt Service 55.								0 55.
Subtotal (lines 51-55) 56.	0	0	0	0	0	0		0 56.
513 Desegregation - Pupil Transportation 57.								0 57.
514 Desegregation - ELL Incremental Costs								
1000 Classroom Instruction 58.								58.
2000 Support Services 59.								59.
3000 Operation of Noninstructional Services 60.								60.
4000 Facilities Acquisition & Construction 61.								61.
5000 Debt Service 62.								62.
Subtotal (lines 58-62) 63.								63.
515 Desegregation - ELL Compensatory Instruction								
1000 Classroom Instruction 64.								0 64.
2000 Support Services 65.								0 65.
3000 Operation of Noninstructional Services 66.								0 66.
4000 Facilities Acquisition & Construction 67.								0 67.
5000 Debt Service 68.								0 68.
Subtotal (lines 64-68) 69.	0	0	0	0	0	0		0 69.
Total Capital Desegregation (lines 50, 56, 57, 63, & 69) 70.	0	0	0	0	0	0		0 70.

School-by-School Desegregation Budget, Fiscal Year 2014 [A.R.S. §15-910(J) and (K)]

Maintenance and Operation (M&O) Expenditures (M&O Fund and Impact Aid Fund) Expenditures	FTE		Salaries 6100	Employee Benefits 6200	Purchased Services 6300, 6400, 6500	Supplies 6600	Other 6800	Totals	
	Current FY	Budget FY						Current FY	Budget FY
	511 Desegregation - Regular Education								
1000 Classroom Instruction 1.	51.60	54.80	2,711,531	845,076	38,780	0	0		3,595,387 1.
2000 Support Services									
2100 Students 2.	14.00	14.00	552,665	189,227					741,892 2.
2200 Instructional Staff 3.	3.00	3.00	181,213	52,503					233,716 3.
2300 General Administration 4.	0.00								0 4.
2400 School Administration 5.	6.00	6.00	371,759	106,783					478,542 5.
2500 Central Services 6.	0.00								0 6.
2600 Operation & Maintenance of Plant 7.	16.00	17.00	401,508	178,447	118,000				697,955 7.
2900 Other 8.	0.00								0 8.
3000 Operation of Noninstructional Services 9.	3.00	3.00	83,668	33,930					117,598 9.
Subtotal (lines 1-9) 10.	93.60	97.80	4,302,344	1,405,966	156,780	0	0		5,865,090 10.
512 Desegregation - Special Education									
1000 Classroom Instruction 11.	5.80	4.80	297,074	85,363					382,437 11.
2000 Support Services									
2100 Students 12.	2.00	2.00	73,778	26,047					99,825 12.
2200 Instructional Staff 13.	0.00		2,551	486					3,037 13.
2300 General Administration 14.	0.00								0 14.
2400 School Administration 15.	0.00								0 15.
2500 Central Services 16.	0.00								0 16.
2600 Operation & Maintenance of Plant 17.	0.00								0 17.
2900 Other 18.	0.00								0 18.
3000 Operation of Noninstructional Services 19.	0.00								0 19.
Subtotal (lines 11-19) 20.	7.80	6.80	373,403	111,896	0	0	0		485,299 20.
513 Desegregation - Pupil Transportation 21.	0.00								0 21.
514 Desegregation - ELL Incremental Costs									
1000 Classroom Instruction 22.	0.00					150			150 22.
2000 Support Services									
2100 Students 23.	0.00								0 23.
2200 Instructional Staff 24.	0.00								0 24.
2300 General Administration 25.	0.00								0 25.
2400 School Administration 26.	0.00								0 26.
2500 Central Services 27.	0.00								0 27.
2600 Operation & Maintenance of Plant 28.	0.00								0 28.
2700 Student Transportation 29.	0.00								0 29.
2900 Other 30.	0.00								0 30.
3000 Operation of Noninstructional Services 31.	0.00								0 31.
Subtotal (lines 22-31) 32.	0.00	0.00	0	0	0	150	0		150 32.

School-by-School Desegregation Budget, Fiscal Year 2014 [A.R.S. §15-910(J) and (K)]

M&O Expenditures (M&O Fund and Impact Aid Fund) Expenditures (Concluded)	FTE		Salaries 6100	Employee Benefits 6200	Purchased Services 6300, 6400, 6500	Supplies 6600	Other 6800	Totals	
	Current FY	Budget FY						Current FY	Budget FY
	515 Desegregation - ELL Compensatory Instruction								
1000 Classroom Instruction 33.	0.00								0 33.
2000 Support Services									
2100 Students 34.	0.00								0 34.
2200 Instructional Staff 35.	0.00								0 35.
2300 General Administration 36.	0.00								0 36.
2400 School Administration 37.	0.00								0 37.
2500 Central Services 38.	0.00								0 38.
2600 Operation & Maintenance of Plant 39.	0.00								0 39.
2700 Student Transportation 40.	0.00								0 40.
2900 Other 41.	0.00								0 41.
3000 Operation of Noninstructional Services 42.	0.00								0 42.
Subtotal (lines 33-42) 43.	0.00	0.00	0	0	0	0	0		0 43.
Total M&O Desegregation (lines 10, 20, 21, 32, & 43) 44.	101.40	104.60	4,675,747	1,517,862	156,780	150	0		6,350,539 44.

Desegregation Revenues A.R.S. §15-910(J)(3)(a), (h) & (j):

Tax Levy:	\$ 6,350,539
Other (description): _____	\$ _____
Other (description): _____	\$ _____
Other (description): _____	\$ _____

Employees needed to conduct Desegregation activities

Teachers	Administrators	Others	Total
54.6	4.0	46.0	104.6

School-by-School Desegregation Budget, Fiscal Year 2014 [A.R.S. §15-910(J) and (K)]

Capital Expenditures (Unrestricted Capital Outlay Fund and Impact Aid Fund) Expenditures	Rentals 6440	Library Books, Textbooks, & Instructional Aids 6641-6643	Property 6700	Redemption of Principal 6832	Interest 6842, 6850	All Other Object Codes (excluding 6900)	Current FY	Budget FY
511 Desegregation - Regular Education								
1000 Classroom Instruction 45.								0 45.
2000 Support Services 46.								0 46.
3000 Operation of Noninstructional Services 47.								0 47.
4000 Facilities Acquisition & Construction 48.								0 48.
5000 Debt Service 49.								0 49.
Subtotal (lines 45-49) 50.	0	0	0	0	0	0		0 50.
512 Desegregation - Special Education								
1000 Classroom Instruction 51.								0 51.
2000 Support Services 52.								0 52.
3000 Operation of Noninstructional Services 53.								0 53.
4000 Facilities Acquisition & Construction 54.								0 54.
5000 Debt Service 55.								0 55.
Subtotal (lines 51-55) 56.	0	0	0	0	0	0		0 56.
513 Desegregation - Pupil Transportation 57.								0 57.
514 Desegregation - ELL Incremental Costs								
1000 Classroom Instruction 58.								58.
2000 Support Services 59.								59.
3000 Operation of Noninstructional Services 60.								60.
4000 Facilities Acquisition & Construction 61.								61.
5000 Debt Service 62.								62.
Subtotal (lines 58-62) 63.								63.
515 Desegregation - ELL Compensatory Instruction								
1000 Classroom Instruction 64.								0 64.
2000 Support Services 65.								0 65.
3000 Operation of Noninstructional Services 66.								0 66.
4000 Facilities Acquisition & Construction 67.								0 67.
5000 Debt Service 68.								0 68.
Subtotal (lines 64-68) 69.	0	0	0	0	0	0		0 69.
Total Capital Desegregation (lines 50, 56, 57, 63, & 69) 70.	0	0	0	0	0	0		0 70.

ATTACHMENT B

BUDGET YEAR 2014-15

Program: Fine Arts – Opening Minds through the Arts (OMA) Multicultural

Site(s) and/or Dep’t(s): Fine Arts District wide K-12 schools

Preliminary Information		
	Every proposal must include the required preliminary information for numbers 1-5. Include preliminary information for numbers 6-9, <u>only where applicable.</u>	Included?
1	<p>Description of the targeted population for the Program.</p> <p>K-12 African American or Hispanic students</p>	Yes
2	<p>Description of the general need of the target population to be addressed by the Program.</p> <p>Through Fine Arts experiences, all aspects of teaching and learning are being fully implemented to increase student achievement, improved attendance, and self discipline. Multicultural music and arts integrated lessons aligned to Arizona College and Career Readiness Standards (AZCCRS) will enhance understanding of tested content and will increase students’ interest in attending school and becoming actively involved in quality programs that also challenge and enhance critical thinking and creative problem solving. These programs have a strong reputation of drawing students into the multicultural study of music, literature, dance, and visual arts.</p>	Yes
3	<p>List of alternative Programs that were considered to address the need.</p>	NA
4	<p>Description of the rationale and/or data for selecting the Program.</p> <p><i>Instructions: Please include a list of supporting research and/or evidence. For new programs, provide a description of the rationale for selecting the Program. For ongoing programs, provide the data that supports continuing the program.</i></p> <p>14 years of external research conducted by West Ed, Inc., Harvard University Project Zero, University of Arizona, National Association of Music Educators, Arizona Department of Education. Executive summaries from West Ed as well as data collected through University of Arizona, and Dr. Clarridge is available if requested.</p>	Yes
5	<p>Describe the expected outcome and the process for monitoring and measuring success, including how the monitoring and evaluation will be documented.</p> <p>Attendance, discipline, District and State-directed testing, as well as Assessment Technology, Inc. (ATI) testing created specifically for the Opening Minds through the Arts (OMA) program.</p>	Yes

Preliminary Information

	<p style="text-align: center;">Every proposal must include the required preliminary information for numbers 1-5. Include preliminary information for numbers 6-9, <u>only where applicable</u>.</p>	<p style="text-align: center;">Included?</p>
<p style="text-align: center;">6</p>	<p>Describe how Learning Supports Coordinators (LSCs) participate in the Program. <i>Instructions: If “Yes”, the explanations and data provided below must reflect the functions of the LSC as relates to the Program.</i></p> <p>LSCs should observe and participate in the arts lessons (music, dance, visual art, drama) to understand how this instruction is relevant for improved academic and social growth of students.</p>	<p style="text-align: center;">Yes</p>
<p style="text-align: center;">7</p>	<p>Describe how paraprofessionals are utilized. <i>Instructions: If “Yes”, include whether or not they are closely supervised by appropriately certificated personnel.</i></p> <p>Aids come with students to support instruction and assist learning. In some cases, they assist students with physical and technical issues that at times limit their progress. Monitoring and adjustment are regularly utilized.</p>	<p style="text-align: center;">Yes</p>
<p style="text-align: center;">8</p>	<p>Describe how the program utilizes culturally relevant materials and/or practices.</p> <p>Music, Dance, Theatre or Visual Art masterpieces are carefully selected for study to reinforce culturally relevant topics. OMA lesson plans are available upon request that demonstrate the use of masterpieces in bringing deeper understanding to culturally relevant topics. (Examples: <i>The Problem We All Live With</i> by Norman Rockwell demonstrating informational text, <i>Follow the Drinking Gourd</i> a spiritual that sends secret messages, <i>Sugar Cane</i> by Diego Rivera that relays a personal message.)</p>	<p style="text-align: center;">Yes</p>
<p style="text-align: center;">9</p>	<p>If the program involves students with limited English proficiency, describe: <i>(a) the level of staff members’ proficiency in providing non-English language accessibility and/or working with English language learners, and (b) proposed methods for addressing English language learners’ reading abilities.</i></p> <p>Fine Arts works directly with Language Acquisition Dept protocol English Language Proficiency-ELP Standards, Sheltered Instructional Observation Protocol - SIOP strategies) in order to provide relevant arts integrated lessons for students. The results have been remarkable with improved student comprehension, more interaction between students and teachers, elevated self esteem and risk taking, increased sense of community, and increased enthusiasm for learning. Language acquisition is scaffolded through visual and kinesthetic experiences as well as instrumental and choral music which reinforces vocabulary, sentence structure, phrasing, form, and repetition.</p>	<p style="text-align: center;">Yes</p>

Criteria

Does the proposed program satisfy the criteria?

Yes or No

1

Is there research/data that supports the efficacy of the program?

Instructions: If “Yes”, please provide; research must include documentation from one or more of the following sources:

- Professional Journals and Publications (e.g. Educational Administration Quarterly (EAQ))
- Internal research (i.e. research conducted internally; TUSD-specific)
- External research (e.g. Universities, Educational Entities, What Works Clearinghouse, www.bestevidence.org, Gov’t Agencies (such as ADE), etc.)

Yes, this program has been described within 9 published educational books, research journals, and grant summaries. School sites participated in the OMA Colloquium which helped educators learn strategies to improve/deepen questioning. (i.e. How do you ask questions that get students to verbalize their creative thinking process? This protocol will be repeated in 2014-15.) Our work has been recognized in *Third Space Where Learning Matters*, *Best 100 Communities for Music Education (2xs)*, *The Power of Partnerships in Higher Education*, *Qualities of Quality: Excellence in Arts Education and How to Achieve It*, *Edutopia*, *Pixar Passion: Getting to Creativity*, *Innovate the Pixar Way*, *Education Nation: Six Leading Edges of Innovation in Our Schools*, *Good Music*, *Brighter Children*, *ACA Art Tank*. We have also received three federal grants to design, implement, assess, refine, and research this arts integration model.

Yes

2

Does the program support existing or proposed programs?

Instructions: If “Yes”, please explain, and include a description of how the program relates to other programs being implemented at the same site or targeting the same student population.

Yes, Fine Arts staff is regularly included in District/Site PDs addressing relevant USP topics. Arts integrated lessons are built upon AZCCRS and mandated District initiatives. (Staff is trained in Essential Elements of Instruction - EEI, Common Core, Danielson, Depth of Knowledge, Harvard Project Zero Visible Thinking Routines, Sheltered English Instruction - SEI, and are exposed to national clinicians with expertise in multicultural strategies, arts discipline strategies and skills, and arts integration.)

Yes

3

Is there a professional development plan for implementing the Program?

Instructions: If “Yes”, please describe the plan, and include 1) human resource needs, 2) budgetary needs, and 3) timeline.

Staff attends Professional Development (PD) at their school sites weekly as well as once a month, and summer Fine Arts PD that address USP topics. Staff is regularly updated as information and data is disseminated to deepen their understanding of student academic and social needs. Fine Arts PDS include Instrumental and Choral teachers, OMA Arts Integration Specialists, Teaching Artists and selected Classroom teachers and principals who give insight into the implementation of OMA in their schools. This often leads to creative ideas to better address individual student needs and school culture.

Yes

Criteria		
Does the proposed program satisfy the criteria?		Yes or No
4	<p>Does the program focus on students’ specific needs? <i>Instructions: If “Yes”, describe the diagnostic method for determining students’ specific needs, and include the ways by which the program directly focuses on those needs.</i></p> <p>Yes, Fine Arts programs differentiate instruction to address specific needs of students. This includes instruction beyond the school day, small ensemble rehearsals, student-to-student peer instruction, master classes with high school and university graduate students, peer reflection and evaluation, as well as opportunities to work with guest conductors/artists. Collaboration meetings between Fine Arts staff and Classroom Teachers provide in depth understanding of individual students needs and AZCCRS expectations. Additionally, students have the opportunity to demonstrate their learning through school and district “informances” and exhibits (i.e. OMA Showcase, OMA Colloquium, Fine Arts Instrumental Festivals, Dance Celebration Concert, Courthouse Galleries, etc.)</p>	Yes
5	<p>Is there a selection process for determining which sites and students participate? <i>Instructions: If “Yes”, describe how sites and/or students are selected, including how the selected sites demonstrate the potential for producing the greatest outcomes for the cost of the program.</i></p> <p>Targeted sites have the highest amount of Hispanic and African American students.</p>	Yes
6	<p>Is the program targeted towards students at-risk in the areas of behavior, attendance and/or academics? <i>Instructions: If “Yes”, explain how interventions are delivered and how progress will be monitored and evaluated. If a “pull-out” method is used, describe: (a) alternative methods that exist to avoid pull-out; (b) the justification for why pull-out is the best method in this particular case; and (c) the strategy for returning students to classrooms. If tutoring is involved, please describe how, and when services are to be delivered.</i></p> <p>Absolutely: The arts have documented consistent improvement in behavior, attendance and academics as a result of the discipline that is required within the study of the arts. The arts consistently focus on listening skills, student engagement, individual growth in creating/performing/evaluating, perseverance, critical thinking and creative problem solving skills. Attention is paid to each school’s culture and specific arts experiences that are most relevant for student engagement, academic learning, and social growth.</p>	Yes
7	<p>Are the proposed expenditures likely to positively impact outcomes more than the alternatives? <i>Instructions: If “Yes”, describe how the program is more cost effective and cost efficient than the alternatives?</i></p> <p>Inclusion of the arts is an integral part of learning and can positively impact expected student outcomes. The arts equalize the “playing field” - they have no barriers. The arts reach across language, culture, race, academics, and artistic ability. Individuals soar as a result of finding their creative strength which then enfolds their academic achievement. To quote a powerful statement from the WestEd Executive Summary after a five-year period of evaluating OMA’s model: <i>The OMA program mitigates the impact of poverty and the lack of English proficiency....</i>”</p>	Yes

ATTACHMENT C

STUDENT SUPPORT CRITERIA FORM (SSC FORM)

BUDGET YEAR 2014-15

Program: School Psychological Services

Site(s) and/or Dep't(s): All schools/Exceptional Education

Preliminary Information		
	Every proposal must include the required preliminary information for numbers 1-5. Include preliminary information for numbers 6-9, <u>only where applicable</u> .	Included?
1	Description of the targeted population for the Program. All students in Preschool through Community Transitions (age 3-21 years).	Yes
2	Description of the general need of the target population to be addressed by the Program. Ensure that instruction, assessment, and interventions are responsive to students' individual backgrounds and circumstances, including culture and language.	Yes
3	List of alternative Programs that were considered to address the need. School psychological services are mandated by IDEA and state certification.	N/A
4	Description of the rationale and/or data for selecting the Program. See statements from the National Association of School Psychologists, attached, regarding Improving school outcomes for all students and Preventing Disproportionality.	Yes
5	Describe the expected outcome and the process for monitoring and measuring success, including how the monitoring and evaluation will be documented. Breakdown by ethnicity of the population receiving exceptional education services	Yes
6	Describe how Learning Supports Coordinators (LSCs) participate in the Program. School psychologists have the expertise to provide support to LSCs to analyze data, both at the individual student level and school level, to identify students in need of academic and behavioral support.	N/A

STUDENT SUPPORT CRITERIA FORM (SSC FORM)

Preliminary Information		
	<p>Every proposal must include the required preliminary information for numbers 1-5. Include preliminary information for numbers 6-9, <u>only where applicable</u>.</p>	Included?
7	Describe how paraprofessionals are utilized.	N/A
8	<p>Describe how the program utilizes culturally relevant materials and/or practices.</p> <p>See Training Description. The Lead Psychologist brought a Nationally recognized expert, Dr. Samuel Ortiz (see attached) in the area of assessment of students with diverse cultural and language backgrounds to TUSD. Follow-up training is being planned for July. School Psychologists make appropriate referrals and work collaboratively with the Exceptional Education Multicultural Evaluation Team, Language Acquisition, Meaningful Access for interpreters, African American Student Services, Mexican American Student Services, Native American Student Services, and Tribal representatives.</p>	Yes
9	<p>If the program involves students with limited English proficiency, describe: <i>(a) the level of staff members' proficiency in providing non-English language accessibility and/or working with English language learners, and (b) proposed methods for addressing English language learners' reading abilities.</i></p> <p>School psychologists are trained in the area of nonverbal assessments and how to interpret assessment results within the context of the students' cultural, linguistic, and educational background. The Lead Psychologist works to recruit School Psychologists who are bilingual and/or have proficiency in languages other than English. Approximately 25% of our school psychologists are proficient in a language other than English. School psychological services also includes a Multicultural Assessment Team, lead by a bilingual school psychologist, which provides consultation and assessment support. During the 12-13 school year, 166 formal referrals were made to the Multicultural Assessment Team.</p>	Yes

STUDENT SUPPORT CRITERIA FORM (SSC FORM)

Criteria		
	Does the proposed program satisfy the criteria?	Yes or No
1	<p>Is there research/data that supports the efficacy of the program?</p> <p>See statements from the National Association of School Psychologists, attached, regarding Improving school outcomes for all students and Preventing Disproportionality.</p>	Yes
2	<p>Does the program support existing or proposed programs?</p> <p>The psychologists are instrumental in the overall holistic education of our exceptional education students. However, they play just as important of a role in the inclusive practice model. They also identify Ex Ed students that should be mainstreamed into the general education classes.</p>	Yes
3	<p>Is there a professional development plan for implementing the Program?</p> <p>N/A</p>	N/A
4	<p>Does the program focus on students' specific needs?</p> <p>The psychologist are integral in the district meeting the specific needs of the exceptional education students, therefore; assisting TUSD with remaining in compliance with state and federal laws and policy.</p>	Yes
5	<p>Is there a selection process for determining which sites and students participate?</p> <p>The psychologist support the students and the schools based on the Multidisciplinary Evaluation Team (MET) recommendations and outcomes. In addition, the psychologists assist in the compliance and fidelity of the IEP implementation process.</p>	Yes
6	<p>Is the program targeted towards students at-risk in the areas of behavior, attendance and/or academics?</p> <p>Research-based best practices are recommended and intended to meet the specific needs of each learner. Due to the various exceptionalities of students, psychologists participate in analyzing data for the identified population. Adjusted strategies and interventions are also recommended.</p>	Yes

STUDENT SUPPORT CRITERIA FORM (SSC FORM)

Criteria		
	Does the proposed program satisfy the criteria?	Yes or No
7	<p>Are the proposed expenditures likely to positively impact outcomes more than the alternatives?</p> <p>The proposed expenditures are drastically needed in order for the district to ensure compliance with the Unitary Status Plan (USP). The psychologists lead the MET teams and are of paramount importance when it comes to ensuring that students of color are not disproportionately identified for exceptional education services. The aforementioned team determines whether a student is eligible for special education based on evaluation results.</p>	Yes



NATIONAL
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School Psychologists: Improving Student and School Outcomes

Achieving excellence in education for the 21st Century requires that every student is ready to learn and every teacher is empowered to teach. School psychologists work with students, educators, and families to support the academic achievement, positive behavior, and mental wellness of all students, especially those who struggle with barriers to learning. School psychologists help schools and families address some of our biggest challenges in education: improving and individualizing instruction to close the achievement gap; increasing graduation rates and preventing dropouts; creating safe, positive school climates and preventing violence; providing meaningful accountability; and strengthening family-school partnerships (NASP, 2008).

School psychologists have extensive training in assessment, progress monitoring, instruction, child development and psychology, consultation, counseling, crisis response, program evaluation, and data collection and analysis. Their training is specific to applying this expertise within the school context, both general education and special education, and also includes extensive knowledge in school systems and law (NASP 2010a, 2010b).

School psychologists are a critical part of the school team that ensures quality, genuinely accessible education for all students. This is one of our nation's most important responsibilities and wisest investments. Services that lower barriers to learning and effective teaching are not ancillary to this mission but rather central to the supportive educational process necessary to prepare all of America's children for academic success, healthy development, and responsible citizenship.

NASP's *Ready to Learn, Empowered to Teach* (2008) foundational policy document recommends that educational policies and practices be led by a series of guiding principles. Specifically, the five *Ready to Learn, Empowered to Teach* guiding principles call for providing:

1. Comprehensive curricula matched with individualized instruction.
2. Sufficient student support services to address barriers to learning for *all* students on a continuum of care that engages families and community providers.
3. Comprehensive accountability and progress monitoring measures that provide a valid picture of student and school functioning.
4. Professional development and supports for teachers and other educators necessary for instructional excellence.
5. Federal leadership and school-based research to promote effective services that support the whole child in the learning context.

Following are examples of how school psychologists support these principles, and how their services link to research and policies regarding improved outcomes for students. These examples address the priorities identified by the U.S. Department of Education for the reauthorization of the Elementary and Secondary Education Act.

Improved Instruction and Learning (*Ready to Learn*, Guiding Principles 1 & 4)

- School psychologists work with teachers to motivate all students to engage in learning^{1,2}, and interventions that foster students' engagement in school have been shown to reduce high school dropout (Reschly & Christenson, 2006; Sinclair, Christenson, Evelo, & Hurley, 1998) and improve academic performance (Catalano, Haggerty, Oesterle, Fleming, & Hawkins, 2004; Battistich, Schaps, & Wilson, 2004).
- School psychologists work with students and their families as part of a multidisciplinary team to evaluate eligibility for special education services and to design interventions^{3,4}, and research has revealed that the strategies they employ produce substantial positive impact on student outcomes (Forness, 2001).
- School psychologists work with teachers to design and implement academic and behavioral interventions^{5,6}, and interventions using positive behavior supports have been shown to improve academic performance and decrease behavior problems (Luiselli, Putnam, Handler, & Feinberg, 2005; Nelson, Martella, & Marchand-Martella, 2002).
- School psychologists provide instructional consultation for other educators on strategies and interventions for remedying barriers to learning^{7,8}, and evidence has shown that supporting teacher-reflective activities enables their teaching skills to grow and, subsequently, to improve student outcomes (Rosenfield, Silva, & Gravois, 2008).

Supporting Healthy Successful Students (*Ready to Learn*, Guiding Principle 2)

- School psychologists work with administrators to design, implement, and garner support for comprehensive school mental health programming^{9,10}, and school mental health programs have been shown to improve educational outcomes by decreasing absences, decreasing discipline referrals, and increasing test scores (President's New Freedom Commission on Mental Health, 2003).
- School psychologists work with students and their families to support students' social, emotional, and behavioral health^{11,12}, and research has shown that students who receive this type of support achieve better academically in school (Fleming et al., 2005; Greenberg et al., 2003; Welsh, Parke, Widaman, & O'Neil, 2001; Zins, Bloodworth, Weissberg, & Walberg, 2004).
- School psychologists promote development of children's communication and social skills, problem solving, anger management, self-regulation, self-determination, and optimism^{13,14}, and research has shown that children's developmental competence is integral to their academic competence (Masten et al., 2005).
- School psychologists work with parents to encourage effective parenting and discipline strategies^{15,16}, and there is substantial research evidence for the effectiveness of interventions designed to prevent the development of aggressive and antisocial behavior and related problems (National Research Council and Institute of Medicine, 2009).

Creating Safe, Positive School Climates (*Ready to Learn*, Guiding Principle 2)

- School psychologists work with teachers and administrators to create classroom environments and school climates that are conducive to learning^{17,18}, and research has shown that improving school climate is associated with increases in student performance in reading, writing, and mathematics, both in low- and high-performing schools (Hanson, Austin, & Lee-Bayha, 2004; Spier, Cai, & Osher, 2007; Spier, Cai, Osher, & Kendziora, 2007).
- School psychologists work with administrators to promote school policies and practices that ensure the safety of all students by reducing school violence, bullying, and harassment^{19,20}, and services provided by school psychologists support virtually every area of the lives of students, including school safety (Bear & Minke, 2006; Brock, Lazarus, & Jimerson, 2002).
- School psychologists work with administrators to respond to crises by providing leadership, direct services, and coordination with needed community services^{21,22}, and research has revealed that

school staff rate the crisis intervention services provided by school psychologists as very important (Watkins, Crosby, & Pearson, 2007).

Strengthening Family–School Partnerships (*Ready to Learn*, Guiding Principle 2)

- School psychologists work with students and their families to enhance home–school collaboration^{23,24}, and research has demonstrated the power of family–school partnerships to positively impact children’s school success (Christenson, 2004) and their general well-being into adulthood (Reynolds et al., 2007).
- School psychologists work with students and their families to identify and address learning and behavior problems that interfere with school success^{25,26}, and school-based behavioral consultation has been shown to yield positive results such as remediating academic and behavior problems for children and reducing referrals for psychoeducational assessments (MacLeod, Jones, Somer, & Havey, 2001).
- School psychologists participate in early intervention programs designed to provide parents with knowledge of child development and how to keep children healthy and safe^{27,28}, and early intervention programs targeting at-risk students have been shown to reduce special education referrals and placement, suspension, grade retention, and disciplinary referrals (National Research Council and Institute of Medicine, 2000).
- School psychologists work to enhance understanding and acceptance of diverse cultures and backgrounds and to promote culturally competent practice^{29,30}, and there is considerable evidence that failing to address cultural and linguistic differences can negatively impact assessment activities and students’ performance on achievement tests (Ortiz, 2008).

Improving Assessment and Accountability (*Ready to Learn*, Guiding Principle 3)

- School psychologists work with administrators to collect and analyze data related to school improvement, student outcomes, and accountability requirements^{31,32}, thus helping schools meet legal requirements established by the No Child Left Behind Act of 2001 and the Individuals with Disabilities Education Improvement Act of 2004.
- School psychologists work with teachers to design and implement student progress monitoring systems^{33,34}, and school staff rate as very important the assessment, consultation, counseling, and behavior management services provided by school psychologists (Watkins, Crosby, & Pearson, 2007).
- School psychologists work with teachers and administrators to collect and analyze data on risk and protective factors related to student outcomes^{35,36}, and there is evidence that addressing these factors in schools promotes children’s well-being and resilience (Baker, 2008).

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Endnotes

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² NASP Position Statement: *School Psychologists' Involvement in the Role of Assessment* (2009)

³ *Model for Comprehensive and Integrated School Psychological Services* (NASP, 2010), Domain 1—Data-based Decision Making and Accountability, Domain 2—Consultation and Collaboration, and Domain 7—Family–School Collaboration Services. Proposed for adoption by the NASP Delegate Assembly, March 2010.

⁴ NASP Position Statement: *Identification of Students with Specific Learning Disabilities* (2007)

⁵ *Model for Comprehensive and Integrated School Psychological Services* (NASP, 2010), Domain 2—Consultation and Collaboration, Domain 3—Interventions and Instructional Support to Develop Academic Skills, and Domain 4—Interventions and Mental Health Services to Develop Social and Life Skills. Proposed for adoption by the NASP Delegate Assembly, March 2010.

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- ¹⁴ NASP Publication: *Best Practices in School Psychology V* (Thomas & Grimes, 2008)
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NASP’s *Ready to Learn* document is available at <http://www.nasponline.org/advocacy/readytolearn.aspx>

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Preventing Disproportionality: A Framework for Culturally Responsive Assessment

By Amanda L. Sullivan

For as long as there has been special education, there has been racially based disproportionality in identification and placement coupled with the concern that some students may be inappropriately identified as disabled (Artiles, 1998). This is especially true for Black students in the categories of emotional disability (ED) and mild mental retardation (MR), where they have long been two to three times more likely to be identified than White students (Donovan & Cross, 2002). While the roots of disproportionality are far-reaching and varied, there has been much concern regarding the influence of cultural dissonance in referral and assessment practices on disparities.

In its 2002 report on disproportionality, the National Research Council recognized that the overrepresentation of Black children as ED may suggest the need to reexamine the procedures used for screening and identifying students (Donovan & Cross, 2002). This perspective is not unique; within the disproportionality literature, it is frequently suggested that professional practices in referral and identification are one cause for disparate rates of disability across racial groups (Artiles & Trent, 1994). Several authors (e.g., Artiles & Trent, 1994; Osher, Woodruff & Sims, 2002) have challenged the appropriateness of diagnoses of children of color as ED or MR in particular, contesting the reliance on professional judgment by practitioners who may be unintentionally influenced by cultural misconceptions. They suggest that racial bias and/or lack of cultural competence may be the basis of many educational disability diagnoses rather than any cognitive, psychological, physical, or affective deficits intrinsic to individual students. Indeed, there is much concern that practitioners confuse difference—particularly in terms of behavior, interaction styles, and funds of knowledge—with disability, thus inappropriately identifying racial minority students as disabled in schools.

School psychologists can contribute to the reduction of this ongoing phenomenon by ensuring that their own practices are sound. Given the increasing diversity of our nation's schools, it is inevitable that practitioners will encounter students and families with backgrounds and experiences drastically different from their own. As such, the cultivation of knowledge, skills, and dispositions conducive to effectively serving diverse populations is essential to ensuring that our professional practices remain relevant and beneficial to the communities we serve. A broad approach to reducing educational inequities that is increasingly advocated for is culturally responsive practice (Klingner et al., 2005). Such an approach foregrounds considerations of culture in direct service, thus reducing the likelihood that mere (cultural) difference will be misinterpreted as disability when school psychologists and educators work with students from culturally and linguistically diverse backgrounds. This is particularly relevant to the discussion of ensuring the appropriateness of the educational diagnoses for culturally and linguistically diverse (CLD) children and youth. This article seeks to provide actionable steps for practitioners seeking to engage in culturally responsive assessment of CLD students for special education eligibility. While we acknowledge the need for a culturally responsive approach to educational and school psychological practices generally, this article emphasizes assessment as one dimension of such practice.

Cultural responsiveness moves beyond most notions of cultural competency and multiculturalism in its explicit emphasis on making our practices responsive to the differences we encounter. Thus, while critical awareness, pluralism, and knowledge of diversity are necessary, they are not enough. Culturally responsive professionals use their understanding of students' cultural knowledge, experiences, and performance styles to bolster the students' educational experiences. This necessitates careful analysis of the ways in which learning and performance are conceptualized and how they may need to be reconceptualized within the diverse settings in which we work to ensure students from minority backgrounds are not disadvantaged by certain mainstream assumptions and attitudes. A culturally responsive approach is based on the belief that all students have the potential to be successful in their academic endeavors when they are provided access to quality programs, services, and supports and their culture, language, heritage, and experiences are acknowledged, valued, and used to facilitate their learning and development (Klingner et al., 2005). Moreover, cultural responsiveness is also underpinned by an ethos of respect, care, responsibility, and substantive transformation of discriminatory systems. The key components of cultural responsiveness include (a) affirming diversity, (b) developing sociocultural consciousness, (c) engaging in critical reflection, (d) examining the cultures that shape schools, (e) promoting change, and (f) seeking professional learning.

Affirm Diversity

The most basic component of culturally responsive assessment is respecting the cultural differences of students, families, and colleagues. Cultures differ in what constitutes desirable behavior, temperament, and traits, and those behaviors that deviate substantially from the prevailing norms of a given setting risk being

pathologized. A culturally responsive individual recognizes that such deviations often represent group-based differences in values and learned behaviors, instead of assuming they represent some kind of dysfunction. Thus, rather than thinking of certain differences as something that disadvantage a student, a culturally responsive practitioner adjusts expectations to allow for natural human diversity, tries to understand the possible value of those differences, and considers how students' differences can be used to facilitate their success. This involves a willingness to recognize and accept that there are multiple legitimate ways of behaving in any given context. Thus, a culturally responsive school psychologist acknowledges the diversity of potential ways of knowing, learning, and interacting in educational settings.

Moreover, when working with diverse families, it is especially important to understand that there are a variety of ways in which individuals approach school involvement. While it is essential to establish a cooperative partnership with students' families during the evaluation process, we should not expect that all parents will engage in the process in the same way, and we should be respectful of variations in families' school involvement and rapport with education professionals. Recognizing the importance of avoiding stereotypes, it is appropriate to consult with cultural brokers (i.e., individuals who can provide information about a particular culture) when encountering individuals from cultural backgrounds with which you are unfamiliar.

Failure to affirm diversity can lead to a number of unintended and unwanted outcomes, including lowered expectations for minority students, failure to develop rapport with students and families from diverse backgrounds, inappropriate educational planning and service provision, and reliance on ineffective practices. As previously noted, there is much concern that disproportionality in special education, particularly overidentification of racially diverse students as ED or MR, may be the result of a widespread failure to acknowledge and value differences among students from racial and culturally diverse backgrounds. This includes failure to acknowledge that students come to schools with different funds of knowledge and learned behaviors, that "inappropriate" behaviors may be adaptive in home contexts, that individuals' values and norms may not match what is expected within schools, and that these differences may not be indicative of a learning or emotional disability. Thus, engaging in culturally responsive assessment requires knowing and valuing the cultural differences of the students we serve—seeking to understand the cultural background and experiences of the individual and the implications thereof for learning and behavior in school. It also means suspending judgment regarding deficits and disability until we have ruled out the possibility that the problems are due to difference.

Develop Sociocultural Consciousness

A related component is development of sociocultural consciousness, or awareness of the social nature of learning and development. This perspective, heavily influenced by Vygotsky's work, emphasizes that both learning and development occur through social interaction and are largely dependent on the environment in which the child lives. As such, understanding the contexts and relationships in which individuals develop are critical to understanding their behaviors. Within the assessment process, this includes acknowledging that educators' conceptualization of what is considered problematic academic or social-emotional functioning is socially based, and that students' behaviors, both social-emotional and academic, can be heavily influenced by the classroom environment. Consequently, practitioners must engage in critical reflection of how the culture of students, families, and educators may impact students' educational experiences.

The sociocultural basis of disability is particularly relevant when working with students for whom diagnoses of learning disabilities, emotional disabilities, or mild cognitive impairments are considered. These disorders are generally regarded as being less biologically determined and more the result of the reciprocal interaction of the child and ecological factors (D'Amato, Crepeau-Hobson, Huang, & Geil, 2005). Thus, there is the potential that the child's difficulties are heavily impacted by the educational environment, necessitating thorough consideration of educational opportunity and experiences. School psychologists should engage in ecological assessment (Hosp & Ardoin, 2008) before considering intrinsic explanations (i.e., disability). This will require examining how the educational environment—curriculum, instruction, behavior management, school climate—is structured in ways that support or hinder academic and/or social-emotional development. If the school curriculum is not relevant for all students, instruction is not provided in a culturally and linguistically appropriate manner, or certain groups are marginalized within the classroom or school, this creates a context that is not conducive to learning and cannot be ruled out as a determining factor in students' academic or behavioral difficulties. Before undertaking an evaluation, we should always consider whether it is warranted given the quality of the student's learning experiences. Ecological and cultural considerations should be foregrounded throughout the assessment process to ensure that external factors are ruled out as causes for the students' academic difficulties. For example, in the Los Angeles Unified School District, multidisciplinary teams strive to conduct evaluations that account for students' cultural differences via multimodal assessment and emphasize consideration of prereferral intervention; thus reducing ED identification for all students (Hernandez, Ramanathan, Harr, & Socias, 2008).

Critically Reflect on Perspectives and Practices

Engaging in culturally responsive assessment also requires reflecting on the ways our professional attitudes, norms, and values—and the ways we view and interact with children, families, and colleagues—are shaped by our own cultural backgrounds and educational experiences. Whenever we take on a new case, we should examine the potential biases that may be triggered by the characteristics of those with whom we work and the implications for our capacity to effectively serve those individuals. When initiating a case we should ask ourselves a series of questions:

- What is my knowledge base about this particular student?
- How might cultural differences affect my own perceptions of the student and his behaviors?

- What stereotypes might be activated by what I know of the student?
- To what extent does the student's cultural background, level of acculturation, and language proficiency inform my selection of assessment procedures?

Throughout the process of engaging in any case, whether in assessment, consultation, or intervention, we should check our expectations for bias and self-fulfilling prophecies, as well as consider the biasing effect of the educational setting in which we work. That is, some sites develop characteristic responses to certain academic or social behaviors such that a given behavior almost always leads to a particular diagnosis regardless of the circumstances of a specific case.

Particularly essential to assessment is remembering the importance of the interpretations we apply to tests and to all of the factors that influence the interpretations we make day-to-day. Rigid approaches to interpretation risk pathologizing diversity by failing to account for cultural differences and ecological influences on individual's responses within the assessment process. We must also acknowledge the limitations of normative comparisons, keeping in mind that when utilizing a standardized instrument, we assume that the examinee is similar to the standardization sample in terms of language, history, opportunity to learn, acculturation, and so on. To the extent that this is not the case, we must be cautious in making interpretations and predictions based on the observed scores.

We should be careful to adopt a problem-solving approach that begins with critical reflection on our own biases and suspend judgment. Adopting a disconfirmatory approach, that is, one in which we look for evidence that disproves potential diagnoses, can serve us well. Utilizing a grounded-theory approach can be particularly valuable because it avoids prespecified hypotheses and instead endeavors to develop a theory of the client and problem throughout the assessment process. The basic steps to this process are as follows:

- Collect data on past and current functioning (e.g., cognitive, adaptive, academic, behavioral), including teacher and family perspectives.
- Look for patterns and convergence across methods, sources, and time (e.g., records reviews, medical background, developmental history, parent and teacher interview data, self-reports, norm-referenced instruments).
- Summarize and formulate a theory of the problem.
- Test the theory against all available data.
- Collect additional data as needed.
- Consider potential diagnoses' fit and added value.
- Consult with stakeholders regarding appropriateness.

Another area of reflection that can enhance our interactions with minority families is the cultural bases of our field and the potential implications for practicing in culturally responsive ways. As an example, consider the roots of cognitive assessment and special education and how this might impact our own attitudes towards assessment and diagnosis compared to those of students and families from marginalized backgrounds. These individuals may have negative attitudes toward our roles because of histories of discrimination related to testing and institutionalization (Murdock, 2007). If we seek to understand the histories of our practices, we can better navigate the resistance and suspicion we may encounter when engaging with those who come from racial or cultural groups that historically were negatively impacted by certain practices. For instance, the "six-hour retarded child" (President's Commission on Mental Retardation, 1969) is not something we frequently discuss today, but if we consider its legacy, we will see it may continue to influence our interactions with others.

A culturally responsive approach also necessitates matching our assessment practices to the characteristics of the students and utilizing a variety of formal and informal methods to adequately tap the strengths and weaknesses of the student. Such methods include curriculum based measurement, portfolio assessment, criterion-referenced assessment, test-teach-retest, observation, and dynamic assessment. Assessment should always be driven by questions regarding learner needs, not the search for pathology and the quest to secure scores that fit disability criteria. Considerations of culture and individual differences should inform the assessment process and be accounted for throughout instruction and intervention planning. As Cartledge, Kea, and Simmons-Reed (2002) suggest, it is best "neither to make culture account for everything nor to discount its impact altogether" (p. 114). Rather, cultural considerations should be made throughout the process to ensure that incorrect interpretations and decisions are avoided.

Examine the Cultures That Shape Schools

In addition to reflecting on our own culture, it is essential to examine the multiple cultures that shape students' experiences in schools and the ways in which they may influence achievement and behavior. This requires acknowledging that in any given classroom, there are numerous cultures at play: (a) the cultures from which each individual student and teacher come, (b) the culture of the classroom that is created by the individuals' interactions within it, and (c) the culture of the school produced by the professional norms, attitudes, and values of those in authority. Thus, it is necessary to acknowledge the cultural nature of schooling and the norms and values that guide the professional behavior of teachers, administrators, staff, and school psychologists. When students' behaviors violate these norms or values, they are likely to create friction within classrooms and may lead to efforts to "fix" the child's problem, including referral for intervention or special education consideration. Further, we have to consider how the status quo may contribute to the disabling of certain children because they don't fit in with what is expected, not because they have a true disability.

The school culture, and its corresponding values and norms, is often based on mainstream White culture, which can inadvertently disadvantage students from diverse backgrounds when they do not come to school

with the knowledge, attitudes, or behaviors that are valued within the system. As noted by the National Research Council (Donovan & Cross, 2002):

Every institution, including the school, has practices (or a culture) that are taken for granted. Children whose households are imbued with the very same culture as that of the school are likely to have an advantage once they enter school. This advantage is likely to be maintained over time because the very taken-for-granted nature of many school practices reduces the likelihood that school personnel will attempt to explicitly instruct disadvantaged students as to the cultural norms of the school. Indeed, school personnel may be unaware of the particularistic nature of their unspoken, taken-for-granted assumptions and the actions that flow from them. (p. 183)

This issue can be particularly salient with the special education referral and evaluation process. School psychologists should give careful consideration to those "taken-for-granted" practices and the ways in which they may contribute to diagnoses by default—that is, those practices that are more heavily influenced by the habits of the setting than the needs of the student.

Promote Change Where Necessary

School psychologists should also consider how the school culture could be changed so that all students are supported and differences are not problematized by virtue of difference alone. Some school systems have assessment policies and practices in place that are not appropriate for many of the individuals or groups within the school community (e.g., standard assessment batteries that do not allow for test selection based on student characteristics, prereferral or assessment processes that do not allow for parent input). As school psychologists, we have an ethical responsibility to speak up against practices that are potentially biased, not based on research, and/or that contribute to undesirable outcomes. This will require being familiar with the laws and best practice guidelines, and acknowledging the fallibility of memory and clinical judgment—particularly for subjective diagnoses such as mild MR, ED, and LD. When evaluating practices or policies, do not just ask what works, but what works under what circumstances and for whom. We should promote critical evaluation of policies and practices, as well as promoting change where necessary. This may also include helping administrators to construct more appropriate policies and assisting teachers to create more effective practices so that the need for assessment is reduced.

Seek Professional Learning

Finally, the breadth of our professional roles and the dynamic nature of the field necessitate engaging in professional learning to deepen our understanding about emerging evidence for instruction, consultation, intervention, and assessment practices that are promising, recognizing that some are better for certain groups than others, and may or may not be applicable nor effective in one's context. It is also essential to appreciate that one-size does not fit all; therefore, we must have a broad and ever-expanding conceptual toolbox to effectively serve our school communities.

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**Tucson Unified School District
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One Day Training on ELL Issues: Instruction and Evaluation

Dr. Samuel O. Ortiz

St. John's University

***Evidence-based Instruction and Evaluation
of English Language Learners:
Bridging research and practice to promote fairness and equity in
assessment***

**Friday, July 26m 2013 8:00 AM – 4:00 PM
Utterback Middle School Auditorium**

Program Objectives: The workshop is designed to provide training and education in practical skills that can be immediately applied into practice by all practitioners irrespective of prior training or bilingual ability. Specific skills and knowledge that represent the learning objectives for this workshop are as follows.

Learning Objectives: Participants will:

- 1) Understand the history of cultural and linguistic factors in the development of psychometric principles and tools.
- 2) Know the basic steps and process involved in conducting comprehensive and systematic evaluation of culturally and linguistically diverse learners.
- 3) Learn the advantages and limitations of traditional approaches to evaluation of individuals from diverse backgrounds including alteration or modifications in test administration, use of nonverbal tests, and native language evaluation procedures.
- 4) Apply current research in the evaluation of the extent to which the validity of various assessment approaches and test results are undermined by cultural and linguistic factors.
- 5) Learn how to apply and use the Culture-Language Test Classifications and Interpretive Matrix as a method for evaluating the extent to which cultural and linguistic factors may have compromised the validity of test performance and results.
- 6) Learn how to interpret standardized test and other data in a nondiscriminatory manner.
- 7) Learn how to evaluate collected data within the context of the examinee's unique cultural and linguistic background as the foundation for drawing nondiscriminatory conclusions and making appropriate recommendations for intervention.

SAMUEL O. ORTIZ, PH.D. Professor of Psychology, Dept. of Psychology, St. John's University

Dr. Ortiz trains and consults nationally and internationally (e.g., Japan, Mexico, Vietnam) for various federal, state, regional, and local educational agencies, conducts and supervises research in the schools, and has published widely on a variety of topics including nondiscriminatory assessment, evaluation of English learners, cross-battery assessment, and learning disabilities. His workshop is designed to provide



training and education in practical skills that can be immediately applied into practice by psychologists irrespective of prior training or bilingual ability.

This program is designed for postgraduate training. There will be **6 hours of Category 1** credit earned. Continuing Education Units provided by the Southern Arizona Psychological Association (SAPA). SAPA is approved by the American Psychological Association to sponsor continuing education for psychologists. ADE recertification credit is also available. Special needs can be accommodated with advanced notice.

Who: SAMUEL O. ORTIZ, PH.D

What: Continuing Education: **Evidence-based Instruction and Evaluation of English Language Learners**

When: Friday, July 26, 2013 8:00 a.m. – 4:00 p.m.
8:00-8:30 Registration/Sign-in
8:30-11:30 Morning session
11:30-1:00 Lunch on your own
1:00-4:00 Afternoon session

Where: Utterback Middle School
3233 S Pinal Vista, Tucson, AZ 85713

Registration: **TUSD STAFF:** TUSD Psychologists are already registered. Other TUSD staff wanting to attend must register through the Professional Learning Portal.

Non-TUSD Staff: There is a \$50 registration fee.

Purchase Orders or check (NO CASH) must be made out to:

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Please pre-register by emailing: **Amy Diebolt, amy.diebolt@tusd1.org** or calling 520-225-6547.

Payment by check can be at the door. There is no refund policy as this is not a pre-pay conference.

Directions to Utterback Middle School:

From Broadway and I-10:

1. Go East on I-10 toward Tucson International Airport
2. Take Kino Pkwy NORTH exit, EXIT 263B, toward Ajo Way
3. Merge onto Kino Pkwy
4. Turn RIGHT onto Duvall Vista
5. Turn LEFT onto Campbell Ave.
6. Turn RIGHT onto Pinal Vista.
7. Turn LEFT into Utterback Middle School

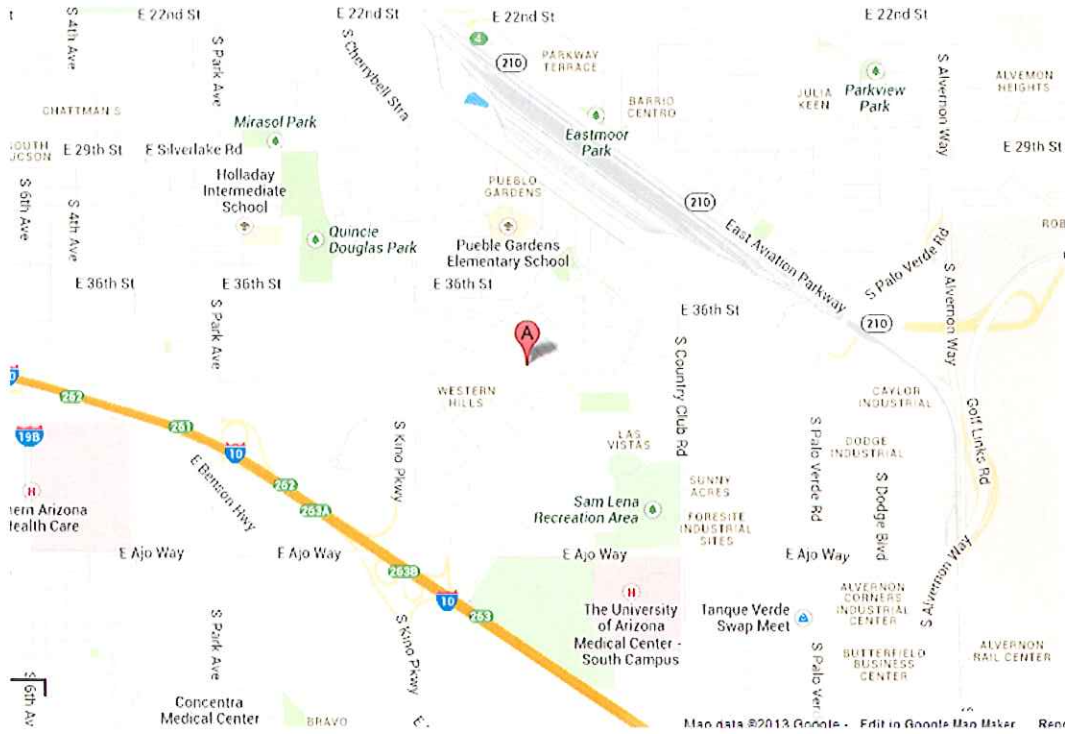
From mid-town:

1. Go West on Broadway to Kino Pkwy
2. Turn LEFT onto Kino Pkwy
3. Turn LEFT onto 36th St.
4. Turn RIGHT onto Campbell Ave.
5. Turn LEFT onto Pinal Vista
6. Turn LEFT into Utterback Middle School



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ATTACHMENT 2

Response to TUSD's Answers to Budget-related Questions from Me and the Fisher and Mendoza Plaintiffs

Overview

This memo is a response to the District's comments on questions raised regarding the budget by me and Mendoza and Fisher plaintiffs. It does not address the more general issues that I believe need to be resolved we are to have a productive interaction about the budget over time. I will send such a memo tomorrow.

I found the responses informative in many ways. My comments below are limited to specific issues I feel need to be discussed and may be matters about which there will be continuing disagreements.

Comments on Some of the Issues I Raised

The District's response to questions raised about overhead was that the amount of overhead this year is much lower than any budget historically. That is a non sequitur. The issue is whether overhead can be justified.

With respect to a meaningful evaluation of student support programs, the question is not whether the criteria were used how they were applied and by whom. I look forward to seeing the evaluations.

I expressed concern about the response of the district to the African-American academic achievement task force. The district indicated that it has put aside \$100,000 to address this need. If we assume that about one third of African American students are in need of support beyond that which they now receive, the amount allocated is less than \$100 per student.

The district response to a question about the use of 910 G funds for art programs is, like comments on overhead, nonresponsive. The fact that the district proposes to spend less than it did last year is not a justification for the expenditure. This is not to say that some arts programs should not be funded and 910 G money. Rather, the issue is whether these expenditures are focused on objectives specified in the USP.

I raised the question about the expenditure 910 G funds for counselors. The response was that there is no such allocation. However, in projects 4 and 5 (V.A.2-5 and V.E.2-8) funds for counselors are indicated.

I asked about the allocation of funds for Tucson High School which I now understand to be similar to those allocated last year. However, the magnet plan indicates that one of the magnet themes at Tucson high will be eliminated (p.36 of the magnet plan).

I asked about plans for CRC courses this year and the district responded by saying that this was not a budget issue. Does this mean that there will be no funds allocated to CRC courses? In its response to the Mendoza/Fisher comments the district justifies spending \$1,400,000 on CRC and multicultural courses. My understanding is that, like last year, only three high schools will offer CRC courses, though the number of sections of these courses will be increased. There is no question that 910G funds could be used for purposes related to these courses, such as teacher training, curriculum development, special resources and smaller class sizes. But 910G funds should not be used to pay teacher salaries since the courses taught would be taught in any case, if not on these subjects in these ways, to satisfy a requirement. \$1,400,000 is a lot for the purposes I identified above.

Comments on the District's Response to Mendoza/Fisher Concerns

In response to a question about overhead, the District's response is that Phoenix Union High School District spent 910G money for things that T USD did not. However, some the examples given would not meet the supplement not supplant rule. And, the state has called into question how the PUHSD allocated 910G funds.

With respect to the funding of fine art teachers at magnet schools raised by the Mendoza/Fisher plaintiffs, the District responded by saying that the art teachers align their lessons with the core subjects, an argument it presumably makes for all art teachers. The question about funding arts program from 910 G goes beyond magnet schools in any event. The District argues that the expenditure on 910 G funds arts programs has no implication for funding any other USP related activity. How is it that the district can be certain that it is has adequately funded all the provisions of the USP?

Questions were raised about expenditures for psychologists and social workers in the field of special education. Here the question is one supplement not supplant, an issue I will engage in a subsequent memo at more length (although I dealt with this

issue in my previous budget comments). The essential point here is that most of these professionals seem to be responsible for tasks they would perform there was no USP or in any school system.

Adding to the List

I would appreciate knowing how the allocations of \$500,000 were arrived at. For example, a simple (simplistic?) calculation of the amount per family for the FCE plan is \$20. This is on top of what is already going on (I assume) but given that the District has not directly addressed the substantial challenges of reaching families of struggling students (as defined by the USP), The payoff in student achievement from substantial increases in the engagement of non-engaged families is substantial.

ATTACHMENT 3

Toward a More Rational and Less Confrontational Approach to Allocating 910G Funds

The budget experience so far in TUSD suggests that arguments and conflict will be forever part of the movement toward unitary status precisely because it is difficult to see how significant parts of the proposed budget reflect the priorities in the USP. This need not be. It turns out that the criteria agreed upon are not helpful and that the rationale applied by the District to contested expenditures are too often ad hoc justifications for many expenditures that were divisive last year but were more or less put on hold because of the timing and arguments by the District about needing time for transition.* And, of course, overhead.

The role of the plaintiffs and the special master in the budget making process is inherently difficult in the TUSD situation because of the scope of the USP. Moreover, the process set forth in the USP was not followed, the timelines for assessment and discussion are tight, the ways budget information was presented made analysis difficult, and—as noted, and the criteria for determining how funds should be allocated are ambiguous and difficult to apply.

Over the years, 910 G funds have been spent on a broad array of purposes without adequate attention to whether they related to attaining the goals of desegregation orders. While the current budget and that proposed for 2014-15 are better targeted than budgets in the past, they still reflect the history of using 910 G funds somewhat arbitrarily. That does not mean that these expenditures are wasteful necessarily or inappropriate for pursuing the overall mission of the district. However, that it is hard to understand why some activities are funded by 910G funds rather than from other sources or why some activities funded from 910G funds are not funded from O&M .

*These include funding for student support programs (TUSD appears to have an imbalance between classroom teachers and support personnel most of whom are not certified), fine arts, special education based psychologists, salaries for core administrators, funding for school counselors that does not appear to be targeted, and others.

If we proceed without rethinking the budget process and criteria I believe that the plaintiffs and the district will continue to annually debate how the USP should be funded.

It seems to me that there is a relatively simple rule that should be used to guide expenditures from 910G funds: Use 910G funds to support things the District would not otherwise do in the absence of the USP. This rule would implicate:

1. Activities and programs that are fundamental to the USP. Examples of this sort are magnet schools, transportation and student recruitment efforts to facilitate integration, professional development related to culturally responsive pedagogy and inclusive school environments, MC and CR curriculum development and teacher training, dual language programs, extra efforts to recruit African American and Latino educators, and other matters.
2. Activities identified in the USP that the District would undertake in the pursuit of quality education for all students but could not do as well in the absence of 910 G funds. Such activities include the development and implementation of the evidence-based accountability system, enhancing access to advanced learning opportunities, among other matters.
3. Investments benefiting African American and Latino students that are in excess of what the District would be spending given the weighed student funding formula it has devised to ensure fairness across schools.

Within these guidelines, which would seem to be easier to apply than the current criteria, the District would have broad discretion conditioned by with the following caveats (which would seem to be decision rules the District would apply in any case):

1. As the Court indicated in 2013, investments should, to extent possible, be research-based. (The Lindamood Bell program for Latino students proposed last year is an example of an inappropriate expenditure).
2. Second, reasonable assessments of adequacy should be applied. Some hypothetical but relevant examples include:

- a. If research says that as many as 48 hours of combined professional development and practice with feedback is required to master a new skill (like CRP), 20 hours would not be adequate.
- b. If 1000 African American students are underperforming, allocating 100 dollars per student to enhance their performance would be problematic.
- c. If it was a priority to engage families of struggling students, significant funds would be targeted to that effort.

These guidelines would render several, but by no means most, proposed expenditures of 910 G funds as inappropriate (see my July 1 memo related to the District's response to comments on the budget by me and the Mendoza/Fisher plaintiffs). But many programs not now funded from 910G funds could be supported with 910G funds so long as the expenditures were over and above what would have been spent using the District's funding formula. So, funding for Carillo as a non-magnet would be appropriate, perhaps part of an incentive program for racially isolated schools. The Superintendent's plan to use C.E. Rose as a hub for change could be funded from 910G and extended learning for African American and Latino students would be appropriate. Other targeted investments could include class size reduction in early grades or incentive pay for highly qualified teachers and administrators who "take on" low-performing schools.

The issue of overhead is not readily resolved by the calculus suggested above. The District has proposed a reduction in overhead for 2014-15. While this is a move in the right direction, it rather begs the question. Overhead is typically charged on external funding because such funding is expected to go to programs directly. 910G funds are not grant-related. When unitary status is achieved, the District expects to retain 910G funds and incorporating USP-related activities into its everyday, on-going programs and practices so overhead would not be sensible. That is, it will be treated like O&M money. I would welcome the District's commitment to phase out overhead in 2015-16 and avoid a fight over the proposed allocation for 2014-15.

A final comment. A corollary to the proposals above is that if the District believes that requirements of the USP do not promote integration or enhanced outcomes for

all students, especially African American and Latino students, it should say so and propose changes. That is the spirit of this memo. There are ways to avoid the persistent tensions in implementing the USP. That might well be a topic for future discussion.

ATTACHMENT 4

MENDOZA PLAINTIFFS' COMMENTS ON THE TUSD PROPOSED USP BUDGET

July 2, 2014

Introduction

Mendoza Plaintiffs made requests for information relating to the proposed USP budget on May 19, 2014, submitted preliminary written comments on June 5, 2014, and discussed those and certain additional comments with the District on June 26, 2014. During the conversation with the District on June 26, they received responses addressed to certain of their concerns and on June 30, 2014, they received a written response from the District. Those responses, while helpful in many respects, do not eliminate the Mendoza Plaintiffs' previously expressed concerns. Further, Mendoza Plaintiffs' request for certain information to inform their analysis of the proposed budget remains outstanding. Mendoza Plaintiffs state their major outstanding concerns below, after setting forth some additional context which they believe is critical to District resolution of those concerns.

Pursuant to the Court's Order of June 7, 2013, the District agreed to criteria for determining when desegregation dollars may fund all or part of a program. Those criteria include the requirement that 910(G) funding be "used to supplement (not supplant) other funding that would not be expended in the absence of the related USP-provision." (USP Budget Criteria at 4.)

Mendoza Plaintiffs remain concerned that a number of expenditures included in the proposed USP budget supplant rather than supplement. This is discussed in more detail below.

In its June 7, 2013 Order, the Court also wrote: "In the same way it would make little sense to examine program efficacy without considering budgetary restraints, 'it makes little sense to examine and make recommendations regarding provisions of a budget without examining the proposed expenditure and the demonstrated or likely efficacy of the activity or action to be implemented.' (Special Master's Objection at 3.) The Special Master and the Plaintiffs' role in this case regarding the desegregation budget is more than 'spectators shouting from the sidelines,' they are charged with offering advice regarding program efficacy relative to the USP." (Doc. 1477 at 4:8-15.)

Neither the Plaintiffs nor the Special Master have been provided the information that permits them to make the informed comment anticipated by the USP and reaffirmed by the Court. This also is discussed in more detail below.

Supplement Rather Than Supplant

Fine Arts Teachers/Magnet Schools

Mendoza Plaintiffs do not believe that the District's June 30 response alleviates their concern that the cost of the fine arts teachers in magnet schools supplants rather than supplements. They also are concerned about the magnitude of the expense which totals approximately \$605,000 *before* benefits (and therefore is greater with benefits) and is more than, for example, the total that the District

is proposing to spend from 910(g) funds for the entire 2014-15 family engagement effort mandated by Section VII of the USP. The explanation provided, that the fine arts teachers will align their teaching with the magnet school curriculum, provides little explanation beyond that provided by the District in the USP Criterion Document. Further, it would not seem to distinguish these particular teachers from fine arts teachers in any other school -- who presumably would be expected to align their teaching to the curriculum of whatever school they found themselves in. (Note: Although Mendoza Plaintiffs have separate issues with the District's approach to Utterback and Holladay in the Magnet Plan, which they will separately address, they would understand given the themes of those two schools if the costs of the fine arts teachers in those two schools were represented to be integral to the design, develop, and delivery of the magnet theme. Curiously, however, the District is not making that assertion.)

The District says that it has no evidence that any particular USP-required expenses have been foregone as a consequence of allocating 910(g) funds for fine arts teachers. This raises two issues, the class plaintiffs and the Special Master have questioned the relative allocation of 910(g) money to the District's obligations under the USP -- see comment above re: family engagement and the multiple questions posed about the adequacy of planned expenditures on professional development, student engagement/student support programs, and discipline/dropout prevention in the plaintiffs' and the Special Master's previous comments on the proposed budget including during our telephone conversation on June 26.

The second question goes to the adequacy of expenditures on the magnet schools. The District has said that it cannot provide full school by school presentations because they are not yet available so it is difficult to assess the level and nature of planned expenditures at the magnet schools. However, it is clear from the draft Magnet Plan that many of the magnet schools have significant work to do to further develop and implement their themes and to develop and implement engagement and recruitment strategies. Mendoza Plaintiffs remain concerned that these core activities integral to the successful functioning of the magnet schools are not being adequately supported with 910(g) funds.

Tucson High Magnet

Mendoza Plaintiffs question why \$1.7 million of the total \$9 million magnet budget from 910(g) funds are being spent on the fine arts/OMA program at Tucson High. They seek an explanation both of the absolute number and the relative investment of 910(g) funds in that magnet as compared to the District's other magnet schools.

Exceptional Education

We appreciate the response provided by the District. However, like Dr. Hawley, we continue to be concerned that this is an area where there has been supplanting rather than supplementation. We also do not understand why it takes more than 7 FTE's and over \$400,000 under Project 6 to prevent misidentification of African American and Latino students.

Overhead

We have previously expressed our concerns in this regard. Given the history of this case, the provisions of the USP, and the requirements of the adopted budget criteria, we do not believe that the suggestion by the District that it could directly charge items such as principal salaries and support staff wages at magnet and racially concentrated schools to the 910(g) funding to avoid charging for “overhead,” would be appropriate or permissible.

Program Assessment and Efficacy

OMA/Arts Integration (Note: this also involves a supplement/supplant issue)

Mendoza Plaintiffs understand that the District has a strong commitment to the OMA program and believes that it benefits students in multiple ways. The issue remains, however, whether the approximately \$1.2 million in 910(g) funds (some of it as “achievement support” but most of it as “multicultural and inclusive environments”) that the District intends to spend on OMA in the 2014-15 year is supplementing or supplanting since it appears that the District would support the OMA program regardless of whether it were subject to the USP. Further, the Student Support Criteria Form provides general descriptions of efficacy (in part referencing the “arts” rather than the OMA program) but does not provide any internal or external evidence of improved academic outcomes for Latino and African American students, specific results with respect to dropout prevention (please see previously expressed concerns about the dropout prevention plan for its inclusion of a wide variety of different programs rather than on a targeted approach to student support interventions as recommended by Dr. Gary Orfield), or other outcomes directly related to the mandates of the USP.

Student Support Programs

Mendoza Plaintiffs appreciate having been provided a proposed expense for MASS for the 2014-15 year (\$855,663). Absent an explanation of what services are reflected in that number, it is difficult to comment further. However, as was true last year, Mendoza Plaintiffs remain concerned about the relatively low allocation vis a vis the AASSD (\$939,849), particularly when it is understood that an additional \$100,000 is to be allocated to implement the recommendations of the African American task force. (Mendoza Plaintiffs understand that the District’s underperforming African American students are entitled to significant attention and services to close the achievement gap and to address disproportionate negative disciplinary outcomes; however, given the relative size of the Latino population and the needs of that student population, the amount allocated to MASS seems comparatively low.)

To the extent this organizational issue implicates the budget, Mendoza Plaintiffs state here that they join the Fisher Plaintiffs in their objection to what appears to be a significant dismantling of the AASSD and MASS Departments and the assignment of support personnel to work in individual schools under the supervision of school principals.

A major issue during the budget review last year was the existence of a host of student support programs, the efficacy of which had not been demonstrated and whose sheer number and variety

raised issues. It was for that reason that the class Plaintiffs and the Special Master raised the concerns that the Court addressed in its Order of June 7, 2013 (Doc. 1477.) The parties and the Special Master continue to lack the information they need to assess the budgeting for student support programs, including but not limited to Plato, Project MORE, TAPP, and AGAVE distance learning (none of which appear to have any funds identified in the non-deseg budget report and with respect to which we raised questions last year) proposed for 2014-15.

The Mendoza Plaintiffs appreciate the further explanation provided concerning the Learning Support Coordinators. Together they represent a significant expense (in excess of \$3.7 million). Mendoza Plaintiffs believe that it is very important therefore to continue to assess their efficacy, particularly with respect to disciplinary outcomes and the enhanced achievement of the students for whom they are responsible.

Other Concerns/Comments

As previously noted, Mendoza Plaintiffs remain concerned about whether sufficient funds have been allocated to professional development and family engagement. They also remain concerned about whether more funds than warranted have been allocated to communication and media (and believe this may also raise an issue of supplant vs. supplement).

We appreciate the explanation of Language Assessment Scales provided by the District and support the District's decision to invest in this assessment tool.

ATTACHMENT 5

FISHER PLAINTIFFS' COMMENTS ON THE DISTRICT'S JUNE 30, 2014 RESPONSES WITH REGARD TO THE PROPOSED USP BUDGET

July 3, 2014

Introduction

Fisher Plaintiffs, after having reviewed District's June 30, 2014 responses, find them in some ways helpful and, and on the other hand, find the responses to raise more questions than they answer. The responses the District submitted on June 30, 2014 neither address nor assuage Fisher Plaintiffs concerns.

The Fisher Plaintiffs believe the District is confused as to when programs supplement or supplant the budget process. Fisher Plaintiffs strongly agree with Mendoza Plaintiffs, where we want to remind the District of the June 7, 2014 Court Order. Here, the District agreed to use 910(G) funds to "supplement" – not to supplant or substitute – other monies which "would not be used in the absence of the related USP-provision.") [See Doc. 1477 at 4:8-15; Mendoza Plaintiffs' Comments, July 2, 2014 at 1:13-14.]

Outstanding Concerns

Fisher Plaintiffs have major outstanding concerns and reiterate some of these concerns they believe critical to the District's resolution of these concerns.

(1) TUSD allocates only \$100,000 to the African-American academic achievement task force. This amount is so small that it is, in fact, but one-half the salary of the TUSD Superintendent. Put another way, the total amount spent toward people and resources dedicated to improving the academic achievement of thousands of African-American students in the Tucson Unified School District is but fifty-percent of the salary of one TUSD employee. One: Superintendent H. T. Sanchez. (Based upon 100,000 and approximately 5,000 students, with TUSD allocating \$20/student in this program, it is no wonder that AA students can't close the achievement gap.)

(2) The objection to the principle of budget overhead remains regardless of the amount of overhead in relation to past years (i.e., the District contends this year's budget overhead is "much lower" than those historically).

(3) With regard to the allocation of 910(G) funds as a whole, it appears the district has taken the attitude of, "Just because one school district (Phoenix Union High School District – PUHSD) can do it, so can we." This is wholly inappropriate. TUSD should remain focused on the best interests of its students, rather than the goings-on of an outside district. Furthermore, the PUHSD

practices have been called into question by the Office of the Arizona Auditor General.

(4) Fisher Plaintiffs concur with Mendoza Plaintiffs that TUSD cannot directly charge items such as principal or staff funding to 910(G) funding to avoid charging overhead which would otherwise be appropriate or permissible.

(5) Fisher Plaintiffs join in the Mendoza Plaintiffs objection to funds allocated to Learning Support Coordinators (a significant amount in excess of \$3,700,000). Fisher Plaintiffs have not been provided with the number of personnel devoted to this position or the appropriate use of funds directed to this task.

(6) The Fisher Plaintiffs object to the use of 910(G) funds for art programs. The District has not supplied a reasonable explanation or justification for 910(G) funds for art programs for all students as well as at non-magnet schools.

(7) Fisher Plaintiffs object to the addition of funds for the University High School retention/admission program. This cannot be justified when it will only increase the number of African-American students from two to six.

(8) Fisher Plaintiffs object to the increase in allocation of USP funds for communication and media. How can such an increase be justified when such funds be otherwise used for other programs, including the African American academic achievement task force?

(9) Fisher Plaintiffs inquire as to the plans for the CRC courses for the 2014-2015 school year? Where are these courses within the budget and what are the costs?

(10) With regard to the budget allocation of \$400,000 for "teacher salaries" under inclusive school environments, the Fisher Plaintiffs require further clarification as to the following:

(A) Why is this amount being allocated?

(B) Why are these funds being set aside now, rather than in previous academic years?

(C) Is this sum directed toward a particular teacher or, instead, is this sum directed toward a set number of teachers?

(D) If the sum is directed toward a particular individual teacher, to whom and why? How was this decision derived?

(E) If the sum is directed toward a particular group of teachers, to which group of teachers, why, and how was the decision derived?

(11) Fisher Plaintiffs object to the same amount of money allocated to the Tucson Magnet High School magnet focus areas when, in the 2014-2015 school year, one of the four focus areas is to be eliminated. Fisher Plaintiffs inquire as to why there is not an equal reduction in funds for the remaining total magnet program at Tucson Magnet High School? What is the justification for this increase?

(12) Fisher Plaintiffs object to the significant increase for Gifted and Talented Education (GATE) program funding in the budget – \$600,000. Upon what grounds is this increase justified? Are these monies, or any part thereof, originating from 910(G) funds? If so, please provide a justification.

(13) When the District unilaterally dismantled the African-American Studies Department, what happened to those funds that had previously been allocated for the department? How could those funds be traced? Who is responsible for the oversight of those funds?