

## INTRODUCTION

A revised version of the budget (Version 3.0) is attached and reflects changes made since version 2.0.

This response includes:

- (A) Current Timeline / Process
- (B) Major Changes: 2012-13 and 2013-14
- (C) Major Changes: Version 2.0 and Version 3.0
- (D) Responses to Specific Special Master and/or Party Concerns
- (E) Special Master Recommendations

### A. CURRENT TIMELINE / PROCESS (USP Expenditure Plan 3.0)

<b>Proposed Desegregation Budgetary Process                      “USP Expenditure Plan 3.0”</b>	
Feb 5	District proposes “USP Expenditure Plan” (no objections).
Feb 5 – Mar 11	District develops: Interim Budget (2012-13); and Proposed USP Budget 1.0 (2013-14)
Mar 12	District submits both budgets to Board/Parties/Special Master (includes Deseg-Funded activities only)
Mar 22	District submits Proposed USP Budget 2.0 (2013-14) (includes Deseg and Non-Deseg funding activities)
Mar 23 – Apr 15	Parties and Special Master have 25 days to review budgets; parties submit comments by April 15
Apr 15 – Apr 25	Special Master reviews all comments and submits recommendations to all Parties by April 25
Apr 25 – Apr 29	District reviews Special Master recommendations; develops Proposed USP Budget 3.0 (2013-14)
May 2	Party Comments, Special Master Recommendations, and Proposed USP Budget 3.0 (2013-14) are reviewed by the Board at a special study session to provide direction on further adjustments prior to the May 7 vote. (Proposed USP Budget 3.0 will be revised accordingly)
May 7	Final Proposed USP Budget 3.0 submitted to the Board, the Parties, and the Special Master (including a separate section outlining the Special Master and Party recommendations that the District does not accept, pursuant to the USP)
May 17	The Parties shall submit objections to the Final Proposed USP Budget 3.0 no later than May 17.

## B. MAJOR CHANGES FROM 2012-13 to 2013-14

This section addresses certain large-scale concerns raised by the Plaintiffs and/or by the Special Master by showing the difference between the 2012-13 Deseg Budget and the 2013-14 Proposed USP Budget. All dollar amounts are rounded off.

<b>Concern</b>	<b>2012-13</b>	<b>2013-14 Proposed USP Budget 3.0</b>	<b>Change</b>
Overhead	\$9M (14%)	\$5M (7.8%) <sup>1</sup>	<b>– \$4M</b>
Exceptional Ed.	\$4.33M	\$1.06M	<b>– \$3.27M</b>
Fine Arts	\$4.25M	\$2M (of approx. \$6.5M total)	<b>– \$2.25M</b>
LSCs	\$4.1M (63 FTE, 10.5 months)	\$3.34M (57 FTE, 9.5 months)	<b>– \$750k</b>
Native-American Student Services	\$290k	\$176k	<b>– \$114k</b>
AsianPacific/Refugee Student Services	\$476k	\$257k	<b>– \$219k</b>
Prof. Development	\$5.3M	\$7.8M	<b>+ \$2.5M</b>
Contingency	\$0	\$1M	<b>+ \$1M</b>
Office of Equity and Intervention	\$630k	\$930k	<b>+ \$300k</b>
African-American Student Services	\$895k	\$956k	<b>+ \$60k</b>
Mexican-American Student Services	~\$600k	\$950k	<b>+ \$350k</b>
School Community Services	\$351k	\$410k	<b>+ \$60k</b>
Transportation	\$3.5M	\$8M	<b>+ \$4.5M</b>
Evidence-Based Accountability, Monitoring/Reporting	\$0	\$1M	<b>+ \$1M</b>

<sup>1</sup> In SY 2014-15, the District will present a proposal aimed at coming to agreement with the parties on the appropriate overhead percentage (which may be more or less than 7.8%). However, because SY 2013-14 is a bridge year into the USP, any remaining amount in contingency at the end of the year will be offset as overhead in addition to the \$5M that is specifically allocated for that purpose. For example, if there is a contingency fund remaining of \$2M, that \$2M will be added to the \$5M for overhead.

## C. MAJOR CHANGES FROM VERSION 2.0 TO VERSION 3.0

All changes in Version 3.0 are highlighted:

- (a) Benefits: version 2.0 calculated all benefits at 30.5%; version 3.0 calculates benefits at three different rates which are color-coded: green (general @ 30.5%, pink (teachers @ 32.6%) and turquoise (temp/hourly @ 19%). Calculating at three separate rates more accurately ties allocated amounts to actual amounts.
- (b) Changes from Version 2.0 are colored orange (and including a **bold** comment describing the change)
- (c) Information that was previously in the tab marked “General” is now in P11; ELL-OCR is now in P14

<b>Changes (does not include minor changes of less than \$25,000)</b>		
<b>Version 3.0 Tab / Line(s)</b>	<b>Version 3.0</b>	<b>Version 2.0</b>
<b>All</b>	Benefits calculated at three different rates to more accurately reflect the cost of benefits for different positions.	Benefits calculated at a base rate of 30.5%
<b>P1 PERS</b>	No change	
<b>P2 TRANS</b>	Transportation calculated at 37% of transportation budget. While 33% of riders are “deseg users,” those riders average more than double the miles of “non-deseg users.” (approx. \$8M of approx.\$21.4M) A “deseg-user” is a student who is receiving free transportation as a result of (a) magnets or (b) the PUSP.	Transportation calculated at 33% of transportation budget (approx. \$7M of approx. \$21.4M)
<b>P3 MAG</b>	\$8.97M allocated for Magnets based on the Magnet Plan.  *Prior MSAP grant funding expires September 30, there is only a minimal amount remaining. Future MSAP grant funding is unknown until July	\$9.5M allocated for Magnets (Magnet Plan had not yet been developed)
<b>P4 ALE</b>		
Line 9	3.5 College/Career Coordinators; the Perkins Grant will fund 1.5 (Perkins grant is CTE). Split between P4/P5 for total of 10, one per HS. (	4 College/Career Counselors.
Lines 11-29	19 LSCs (1/3 of 57) Split between P4, P5 and P7.	22 LSCs (1/3 of 66 total)
Lines 31-32	AVID costs inserted back in	AVID costs mistakenly omitted
Lines 36-37	AP/PreAP funded at 12.4/10 respectively. Originally had 12 PreAP FTE but inadvertently cut to include 6 for MS only; increased back to 10 to account for PreAP in K-8s and in 9 <sup>th</sup> and 10 <sup>th</sup> grade.	AP/PreAP funded at 16/6 respectively
Line 58	GATE low-threshold reduced to 2 FTE	GATE low-threshold funded at 5 FTE

**Changes (does not include minor changes of less than \$25,000)**

Version 3.0 Tab / Line(s)	Version 3.0	Version 2.0
<b>P5 ACH</b>		
Equity Department (Main)		
Line 9	Project Specialist will support all Alt Eds	LSC to support all Alt Eds
Line 10	3 Admin Assistants for the Equity Department	2 Admin Assistants
Line 13	Equity Department shares a travel budget	Equity Department “sub-divisions” each had their own travel budget
Lines 28-33	Eliminated or Reduced	LSS “subdivision” supplies/fees/etc.
Mexican-American Student Support Services Department – \$949,643 (total with benefits) [~\$600,000 budget in 2012-13]		
Line 35	Increased to reflect actual salary	MASSSD Director
Line 36-39	Increased to 8 Academic Specialists Increased to 2 Behavior Specialists Increased to 1 Instructional Specialist Reduced to 4 Mentor Program Specialists	7 Ac. Specialists 1 Behavior Specialist 0 Instructional Specialists 5 Mentor Program Specialists
African-American Student Support Services Department – \$955,616 (total with benefits) [\$894,839 budget in 2012-13]		
Lines 52-53	Increased to reflect actual salary	AASSSD Director; Academic Splclsts.
Lines 54-55	Increased to 2 Behavior Specialists Increased to 1 Instructional Specialist	1 Behavior Specialist 0 Instructional Specialists
Native-American Student Support Services Department		
Lines 72-76	Most positions were moved to M&O (Deseg now covers only 1/3 of Academic Splclsts)	Department was funded through Deseg/TitleVII and Grants (w/o M&O)
Asian Pacific Islander and Refugee Student Support Services Department		
Lines 79-80	Positions move to split funding with M&O	Department was funded through Deseg (w/o M&O)
Support Strategies		
Lines 100-125	19 LSCs (1/3 of 57) Split between P4, P5 and P7.	22 LSCs (1/3 of 66 total)
Line 127	3.5 College/Career Coordinators; the Perkins Grant will fund 1.5 (Perkins grant is CTE). Split between P4/P5 for total of 10, one per HS	4 College/Career Counselors.
Line 130	Eliminated the Manzo Ecology Teacher (moved to M&O)	1 FTE Manzo Ecology Teacher
Lines 132-133	Split \$2M of the cost for Fine Arts between Deseg and M&O	\$1M from Deseg for Fine Arts
Lines 134-140	\$1.72M(total w/benefits) from M&O to support Fine Arts in High Schools	--
Line 146	Set supplies at \$30k (\$10k per preschool)	Error: Total \$45k; Deseg \$15k

**Changes (does not include minor changes of less than \$25,000)**

<b>Version 3.0 Tab / Line(s)</b>	<b>Version 3.0</b>	<b>Version 2.0</b>
<b>P5 ACH Continued...</b>		
<b>Alternative Education Strategies / In-School Credit Recovery</b>		
Lines 186-190	Moved all office and support staff to M&O	Most support staff was Deseg-funded
Line 202	Reduced Deseg portion of licenses to \$60k (1/2 of total)	\$76k for licenses
Lines 205-206	Removed Staff Assistant; Reduced Ac. Spclsts to 1	1 Staff Assistant; 2 Ac. Spclsts.
Lines 211-212	Instr. Spclsts increased from 1.5 to 2; Teachers reduced to 2	1.5 Instr. Spclsts; 3 Teachers
Lines 230-233	Retake Teachers reduced to 5 FTE	Retake Teachers 5.4 FTE
Line 251	Reduced to \$150,000	\$300k Summer Crd. Recovery Teachers
<b>Alternative Education Strategies / In-School Credit Recovery</b>		
Line ????	Moved from P7,,,,,,	
<b>P6 ISE</b>		
Line 6	Deseg portion of psychs reduced from .2 each to .1 each	Deseg funded .2 of all Psychs
Lines 9-11	Multicultural Fine Arts reduced to \$842k (including \$110k from M&O)	\$1M for Multicultural Fine Arts
Line 19	11 <sup>th</sup> and 12 <sup>th</sup> grade Multicultural Courses increased to 5 FTE	3 FTE for 11 <sup>th</sup> and 12 <sup>th</sup> MC Teachers
Line 21	9 <sup>th</sup> grade CRC Teachers reduced to 5 FTE	10 FTEs for 9 <sup>th</sup> CRC Teachers
Line 23	11 <sup>th</sup> and 12 <sup>th</sup> grade CRC Teachers reduced to 5 FTE	15 FTEs for 11 <sup>th</sup> and 12 <sup>th</sup> CRC Teachers
Line 26	CRP training reduced to \$1.15M	CRP Training funded at \$1.25M
<b>P7 DECA</b>		
Lines 8-45	19 LSCs (1/3 of 57) Split between P4, P5 and P7.	22 LSCs (1/3 of 66 total)
Lines 51-54	Added a Behavior Interventionist for K-5, and 2.5 FTE for In-School Suspension Teachers for 6-12	--
Line 58	Reduced from 2 to 1	Two staff support to ensure eq. access
<b>P8 FAM</b>		
Line 6	Coordinator eliminated (exists in P14)	Coordinator .10 FTE
Line 9	Staff Assistant amount changed to reflect correct avg salary	1 Staff Assistant
<b>P9 FAC</b>	Reduced Deseg portion of Repair/Maintenance and Supplies to \$362,500 (and split with M&O)	Deseg funded the total amount, \$625k
<b>P10 TECH</b>	No change	

**Changes (does not include minor changes of less than \$25,000)**

Version 3.0 Tab / Line(s)	Version 3.0	Version 2.0
<b>P11 BAN (PROJECT 11 TAB AND "GENERAL" TAB WERE COMBINED)</b>		
Line 5	Overhead \$5M, all Turnover and Attrition will go to increase the Contingency amount. Any unused Contingency will be charged back to overhead for this year only. The District agrees to develop a set overhead rate for future years.	Overhead \$5M + Estimated \$2M from Turnover and Attrition
Lines 7-12	Staffing adjustments, mostly minor; addition of 1 Proj. Mngr.	Did not include a Project Manager
Line 25	Plaintiff Attorney Legal Fees reduced to \$500k	Plaintiffs' Attorney Fees \$1M
Lines 25-47	Transition Costs \$615k; allocated to specific schools serving students from, or going to, C- or D schools pursuant to Doc 1447, Order of Judge Bury. After identifying sites and needs, this amount was increased to \$615k.	Transition Costs \$500k
Line 49	Student Assessments reduced to \$320k (split w/P13)	Student Assessments \$340k
<b>P12 PD</b>		
Line 10	Moved to M&O	Error, should have been M&O
Line 24	Certified Staff moved to M&O	Cert. Staff \$400k from Deseg
Line 30	Deseg portion increased to \$300k; added other funding sources to fund this activity at original estimate of \$750k	\$250k for Data-Management System and Online PD Support, funded 100% from deseg
Line 31	Project Specialist moved to M&O	Proj. Splclst from Deseg
Line 38	Eliminated; alternate approach will be used	4 FTE for Teacher 6/5 – added duty
<b>P13 EM&amp;R</b>		
Line 14	Student Assessments reduced to \$320k (split w/P11)	Student Assessments \$340k
Line 15	Added .5 FTE Lead Data Coordinator	--
<b>P14 ELL/OCR</b>	Reduced Deseg amount to \$10,437,535	Deseg amount was \$10,465,898

## D. RESPONSES TO SPECIFIC SPECIAL MASTER AND/OR PARTY CONCERNS

The Parties concerns are addressed by Project and issue, all comments will be provided to the Governing Board in their entirety. Because the DOJ comments do not follow a similar format or order as do the other comments, they are not included herein but will be provided to the Governing Board for consideration.

### 1. Project 1 – Personnel No Comment

### 2. Project 2 – Student Assignment

<b>TRANSPORTATION</b>	
<b>SPECIAL MASTER</b>	What are assumptions about the increase in the numbers of students served to foster integration that results in almost \$1.5 million dollars in transportation cost? <b>See Section E. Special Master Recommendations</b>
<b>TUSD</b>	33% of the students who receive free transportation from the District are receiving that service either because: (a) they are magnet students (the USP’s primary integration tool) or (b) they are moving between ABC zones (under the PUSP student assignment plan). For this 33%, the average miles traveled is over twice the average miles traveled by the other 2/3 of students receiving transportation. The cost of added mileage, fuel, parts, and maintenance is difficult to quantify. The District will develop ways to quantify this amount for future years. For 2013-14, the District is making a modest increase of 4% - from 33% to 37% - in an attempt to adequately align the deseg cost and the deseg expenditure in the area of transportation.

### 3. Project 3 – Magnets

<b>MAGNETS</b>	
<b>FISHERS</b>	The Fisher Plaintiffs join the Mendoza Plaintiffs in their objection to allocation of \$9,500,00 to the District’s magnet program without further information disaggregating that amount into specific expenditures linked to specific performance outcomes, as discussed in general terms in point four above.
<b>MENDOZAS</b>	Given the paucity of information, including in the portion of the Draft Magnet Plan delivered to the Plaintiffs and the Special Master on April 9, 2013, we are unable to comment on the \$9,500,000 allocated to the magnet program in the proposed budget. In particular, specification of expenditures anticipated to address previously identified deficiencies in the magnet programs should be provided as well as specification of expenditures to more broadly recruit and retain an integrated student body at each magnet school and in each magnet program. The Draft Magnet Plan has a section for each magnet school and program labeled “Professional Development.” In virtually each instance it is noted that training is needed in cultural literacy and in the use of technology. The USP requires such training and it is expressly addressed under other project entries in the proposed budget (in particular, Project 12). Mendoza Plaintiffs seek confirmation that there is no duplication in the budget entries for these activities in the magnet project and that the training of teachers and other professionals in the magnet schools and programs will be appropriately integrated with the training called for under the USP.
<b>TUSD</b>	See proposed budget, amount reduced to approx. \$9M, and split into individual expenditures.

### 4. Project 4 – ALE No Comment

## 5. Project 5 – Achievement Support

### PROJECT 5, GENERAL COMMENTS

<b>FISHERS</b>	<p>Specifically, the Fisher Plaintiffs join the Mendoza Plaintiffs in their concern with: (1) expenditures not properly attributable to the District’s obligations under the USP; (2) the inefficiency likely to result from the apparent lack of “overall coordination, integration, collaboration and direction” between many of the projects programs and activities; (3) the apparent continuation and funding of programs and activities of questionable efficacy, while funding for programs holding out a greater likelihood of success is limited; and (4) the risk of prematurely committing to significant changes and expenditures not yet informed by the feedback from the Special Master and the plaintiff classes as required under the USP.</p>
<b>MENDOZAS</b>	<p>Mendoza Plaintiffs are very concerned about expenditures under this project heading which represents the largest single project in the proposed budget and, at over 17%, a very significant percentage of the total amount (including both desegregation and other funds) in desegregation-related expenses for the 2013-14 school year. Mendoza Plaintiffs believe that substantial resources are required in this area given the requirements of the USP and the urgent need to address the relatively poor academic performance of the District’s African American and Latino students and their relatively high drop out rate. Their concerns are multiple: (1) a number of the proposed expenditures are not properly attributable to the District’s obligations under the USP or its OCR agreements and therefore reduce the amounts that would otherwise be available to address those obligations<sup>2</sup> and to meaningfully address the African American and Latino “achievement gap” in the District; (2) this project includes many programs and activities that appear to be “siloed” from each other and to lack overall coordination, integration, collaboration and direction, thereby likely resulting in an inefficient use of funds that could be more effectively spent to meet the District’s obligations under the USP; (3) a number of these programs and activities appear to be continuations of efforts whose efficacy is questionable or at least unclear while lesser sums are being expended on programs and efforts that are likely to be more efficacious; and (4) in certain instances the District appears to be making significant changes and committing to new expenditures before the District as a whole has established the leadership, planning and goal setting mandated by the USP, thereby running the risk of mis-spending limited resources and having to undo or redo initiatives once that assessment and planning has occurred and once the Special Master and the plaintiffs have engaged in the review and comment mandated by the USP.</p> <p><b><i>Programs, Activities and Expenses Continue to be “Siloed,” Thereby Diminishing Overall Efficacy and Potentially Duplicating Costs that, if Addressed, Would Result in More Funds Available for Urgently Needed Initiatives to Timely Implement the USP</i></b></p> <p>The District is committed to spending a very significant amount (almost \$3 million divided among three projects) on Learning Supports Coordinators. With respect to Project 5, the USP Budget Narrative states that they are to “support[] improved academic achievement through data-driven instruction and assessments” and that they are to “develop[] and coordinat[e] a sustainable comprehensive system of learning supports...” but the proposed budget and other narratives, including the narrative attachments, give no indication of how the persons in these positions relate to the “mentor” and other specialists listed under the Mexican American and African American Support Services line items or the “academic tutors” and “enrichment instructors” listed in the subsection on before/after</p>

<sup>2</sup> Mendoza Plaintiffs acknowledge that the District’s representatives have recognized this issue with respect to some of the expenditures Mendoza Plaintiffs had questioned and understand that a revised proposed budget will eliminate or reduce some of those questioned expenditures.



	<p>school credit recovery programs, for example, much less what role they have or will play in the Life Skills and CORE Plus programs<sup>3</sup>, the other credit recovery and the “alternative” (to regular high school) programs all grouped under this project.</p> <p>Similarly, there is no indication of how the 14.4 FTEs responsible for “drop out prevention” under Project 5 relate to the LSCs even as the narrative notes that the services that the “drop out prevention” team provides has decreased over the years (Narrative at TAB P5 ACH, Dropout Prevention) and indicates that the drop out prevention team monitors the same data (attendance, grades, and behaviors resulting in disciplinary actions) that the LSCs presumably will be monitoring.</p> <p><b>The District Should Not Be Making Significant Changes and Committing to New Expenditures before the District as a Whole Has Established the Leadership, Planning and Goal Setting Mandated by the USP</b></p> <p>As stated above, the plan by Mexican American Student Services to adopt and implement the Linda Mood Bell Program is of concern to the Mendoza Plaintiffs on a number of substantive grounds. In addition, even if those serious concerns did not exist, adoption and implementation would be premature given that the academic and behavioral supports assessment and plan called for by the USP has not yet been prepared. Further, the Special Master’s implementation committee, which could well have important expertise to contribute, has not yet had an opportunity to review and comment on the Mexican American Student Services’ proposed change of direction.</p> <p>In their April 3 questions, the Mendoza Plaintiffs raised questions about the goals set for CORE Plus (and have similar concerns about the goals expressed for the 21<sup>st</sup> Century Community Learning Centers and the Lifeskills Programs). They are two-fold: (1) a concern that the District has assured us will be addressed that goals not be set piecemeal but as part of the larger overall strategy to enhance the academic achievement (and reduce the drop out rate and incidences of disproportionate disciplinary actions) of African American and Latino students in the District; and (2) that goals be far more specific, focusing expressly on African American and Latino students and setting time frames by which improvement is to have occurred.</p>
<p><b>TUSD</b></p>	<p>The USP (scheduled to be completed by June 2012) was not completed until February 2013. The District would have liked to have the time to establish the “leadership, planning and goal setting” mandated by the USP, however, the budget process begins in January and staff must be notified of whether or not their positions are secured starting in March and April.</p> <p>There was not enough time between February and April to (a) establish and hire leadership, (b) develop plans, and (c) set goals in any rational or reasonable way that in any way would have been fair to the students TUSD serves, to the goals of the USP, and to TUSD’s employees. The USP, in several places, calls for the District to implement new strategies (these are but a few of multiple examples):</p> <ul style="list-style-type: none"> <li>• “the Magnet School Plan shall...include strategies to specifically engage..students”</li> <li>• “the District shall review and revise its strategies for the marketing and recruitment of students”</li> <li>• “By July 1...the District shall develop a plan for and implement strategies...”</li> <li>• “The District shall utilize transformative strategies...”</li> </ul>

<sup>3</sup> Mendoza Plaintiffs also have concerns about the consistency of the District’s approach to these programs, and what their stated and measured goals are to be. The attachment to the budget narrative for CORE Plus references the identification of low performing 6<sup>th</sup> graders to participate in the program without any reference to discipline, much less possible suspension issues, but the TUSD website says that CORE Plus is “an alternative to suspension program.” That same label is placed on the Lifeskills Program, also included in Project 5, which is explicitly an “alternative to suspension” per the TUSD website FAQs on Formal Discipline Procedures (yet that program does not have as an express goal improved disciplinary outcomes although it does reference “improved student attendance and performance” and “increased student feeling of belonging.” [Lifeskills Narrative at p. 30 of Narrative Attachments. ])

	<p>If the District did not make “significant changes” and “commit new expenditures” the District would be in direct violation of multiple provisions of the USP. Throughout the comments from both Plaintiff parties there are multiple requests for the District to commit more money to certain new expenditures and to make even more “significant” changes in certain areas or with certain strategies. It is impossible to determine whether the Plaintiffs are suggesting the District follow the language of the USP and commit to significant changes and new expenditures, or if the Plaintiffs are suggesting the District ignore the language of the USP and refrain from such changes and expenditures until leadership is hired and/or designated and the various plans required by the USP are fully developed.</p> <p>The job descriptions for LSCs are being revised. Again, it has been two months since the USP was finalized and the District is revising the LSC duties to fit within the various mandates of the USP. The District will provide more information about the role of LSCs once that role is defined.</p>
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**SUPPORT STRATEGIES AND ALT. EDS.**

<p><b>MENDOZAS</b></p>	<p><b>A Number of the Projects and Activities Proposed to be Funded Appear to be the Continuation of Projects and Activities of Questionable Efficacy, Even as Alternative Programs Demonstrated to be More Effective Are Being Abandoned or Minimally Funded</b></p> <p>The District appears to be proposing a continuation of 50% of the funding of Project MORE, the Southwest Alternative Program, and TAPP with desegregation funds. Presumably, it justifies this expenditure because a significant percentage of the students in these programs are African American and Latino. However, nothing in the narrative description of these three programs suggests that the District intends to take any new actions to address the disproportionately poor academic performance of African American and Latino students in these schools.</p> <p>Significantly, in the narrative, the District points out that Project MORE “is a ‘B’ school despite working with a challenging population.” Narrative at TAB P5 ACH, Project MORE. But a review of the AIMS scores on the TUSD website reveals that Project MORE is considerably more successful with its white students than with those who are Latino.</p> <p>(There are no scores reported for African American students at this school.) See, <a href="http://tusdstats.tusd1.org/planning/profiles/aimsresults_byeth.asp">tusdstats.tusd1.org/planning/profiles/aimsresults_byeth.asp</a>. In 2011-12, 83% of the white students in all grades at Project MORE met the AIMS standards for reading and 80% met those standards for writing. The comparable numbers for the school’s Latino population were 33% and 26%. (Neither population performed well in math: 33% of the white students and 21% of the Latino students met the AIMS standard.) Sadly, rather than address the discrepancy between the white and Latino students attending Project MORE, as it should in a budget expending desegregation funds, the District merely describes the school and its overall grade and requests funding for 50% of the time of 6.4 FTE teachers without suggesting that anything will be done to change how these teachers work with their under-achieving Latino students.<sup>4</sup></p>
<p><b>SPECIAL MASTER</b></p>	<p>Student Support Programs Funded from Deseg Funds—There are numerous student support programs, aside from those serving each ethnic group. What is the racial composition of the schools in which these programs are delivered? If the programs are targeted to groups with a school, please identify who they serve by race. <b>See Section E. Special Master Recommendations</b></p>

<sup>4</sup> Latino students also are significantly underperforming in relation to their white peers at the Southwest Alternative Program. Latino students are doing relatively well at TAPP but their scores remain well below the District’s averages. See, [tusdstats.tusd1.org/planning/profiles/aimsresults\\_byeth.asp](http://tusdstats.tusd1.org/planning/profiles/aimsresults_byeth.asp). Again, nothing in the desegregation budget reflects an effort to focus on raising the achievement of these students. Once again, the narrative merely recites the existing and continuing programs at these schools. Narrative, TAB P5 ACH, SW Alternative Program; Teenage Parent Program.

**1. What are the proportion of AA and Latino students being served by:**

- (a) College and Career Readiness Program
- (b) Summer “boot camps”
- (c) Project MORE
- (d) Teenage Parent Program
- (e) AGAVE
- (f) Southwest Alternative Program
- (g) CORE PLUS
- (h) Lifeskills

**TUSD**

The District is committed to improving the educational access and quality of education for its African American and Latino students in these programs. The District anticipates that each of these programs will be included as strategies in the Dropout/Retention Plan to be developed under the USP and also will play a role in fulfilling other requirements of the USP.

**1. What are the proportion of AA and Latino students being served by:**

**(a) College and Career Readiness Program**

In 2012-13 we did not track the students served at these sites (we will in 2013-14). In 2013-14, Deseg will fund the Coordinators at seven high schools and CTE (Career and Technical Education) will fund the Coordinators at three high schools. The percentages of African-American and Latino students at the seven high schools with a deseg-funded College and Career Center are disproportionately above the District averages for all HS: by .5 percent for African-American students and by 9.5 for Hispanic students.

	W	AA	H	NA	AA	MR
<b>Averages at all District HS</b>	28.8	6.3	56.4	3	3.4	2.2
<b>Averages at the Seven Deseg-Funded HS</b>	18.8	6.8	65.9	3.7	2.9	1.8

Alternatively, the District may just fund all ten College and Career Coordinators at .7 Deseg and .3 M&O, rather than split up the schools. This approach would allow for more control over all 10 of these positions to ensure they are all meeting the obligations of the USP and are providing an equitable service throughout the District.

**(b) Summer “boot camps”**

In 2012-13 we did not track the students served by the summer boot camps. In 2013-14 we will recruit for African-American and Latino students, and we will monitor and report on the percentages of those groups served by the summer boot camps.

**(c) Project MORE**

	W	AA	H	NA	AA	MR
<b>Averages at all District HS</b>	28.8	6.3	56.4	3	3.4	2.2
<b>Averages at Project More 40<sup>th</sup> Day</b>	12.2	12.2	67.6	4.1	1.4	2.7

**(d) Teenage Parent Program**

	W	AA	H	NA	AA	MR
<b>Averages at all District HS</b>	28.8	6.3	56.4	3	3.4	2.2

<b>Averages at TAPP</b>	24.3	8.1	59.5	5.4	0	2.7
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**(e) AGAVE**

Approximately half of the students served by AGAVE (121 of the 252) are African-American or Latino.

	W	AA	H	NA	AA	MR
<b>Averages at all District HS</b>	28.8	6.3	56.4	3	3.4	2.2
<b>Averages at Agave</b>	41.6	7.9	40	.1	.2	4.3

**(f) Southwest Alternative Program**

	W	AA	H	NA	AA	MR
<b>Averages at all District HS</b>	28.8	6.3	56.4	3	3.4	2.2
<b>Averages at Southwest</b>	.08	0	64	28	0	0

**(g) CORE PLUS**

	W	AA	H	NA	AA	MR
<b>Averages at all District HS</b>	28.8	6.3	56.4	3	3.4	2.2
<b>Averages at CORE Plus</b>	13.6	13.6	64	6.8	.02	0

**(h) Lifeskills**

In 2012-13 we did not track the students served through this program (we will in 2013-14).

## NATIVE-AMERICAN AND ASIAN/PACIFIC SERVICES

**MENDOZAS**

In their April 3 questions, the Mendoza Plaintiffs raised questions about why ... the entirety of the expenses attributable to the Native American and Pan-Asian and Refugee Student Support Services were being paid for with “desegregation” funds. It is their understanding that a revised proposed budget will move certain of these expenses from the “desegregation” budget. They accordingly withhold further comment on this particular concern pending receipt of that revised proposed budget.

**TUSD**

See proposed budget, over \$330k was shifted from deseg to M&O to address this concern.

# MEXICAN-AMERICAN AND AFRICAN-AMERICAN STUDENT SERVICES

<p><b>FISHERS</b></p>	<p>In its current form, the budget allocates a total of \$678,904 for Mexican American Student Support Services (MASSS) and a total of \$715,936 for African American Student Support Services (AASSS). Professor Hawley has stated, but the budget does not provide, comparative data showing that the latter amount represents a relative increase as a percentage of the overall desegregation budget for the current school year. The budget will need to include discussion of the key tasks MASSS and AASSS will be required to perform before the plaintiffs will be able to assess the adequacy of the proposed funding levels. This is precisely the level of transparency contemplated by the Court in its 10/26/12 order requiring the parties to work with the Special Master to develop detailed budgets for implementing the programmatic components of the USP.</p>
<p><b>MENDOZAS</b></p>	<p>Yet another example of a program that is isolated and apparently to be initiated regardless of how reading and math will be taught in the District’s classrooms, and the content of other summer programs and other after school programs that is of particular concern to the Mendoza Plaintiffs is the determination by Mexican-American Student Services to adopt the “Linda Mood Bell Visualization and Verbalization Thinking Process” and to spend "deseg" money to train “all” MASS specialists in this process. Further discussion of this proposed initiative is set out below.</p> <p>As noted above, Mexican American Student Services intends to invest significant resources and money on the Linda Mood Bell Program. However, nothing in the narrative provided indicates why a program that purports to “strengthen[] ...sensory-cognitive functions” (Narrative Attachment at P5 8) is the optimal approach to assist Latino students who are struggling academically or why an approach designed to assist students with dyslexia, ADHD, CAPD, and ASD (per the Linda Mood Bell Program web site) should be adopted for use with Latino students who do not have these particular learning challenges or disabilities. We are unaware of any research to support the District’s decision to embrace this program or that validates use of the program with a Latino population. Moreover, Mendoza Plaintiffs strongly object to the adoption of a program designed for use with children who have disabilities since it runs the risk of inappropriately labeling children to whom the program is made available as somehow “disabled.” Unfortunately, the decision by the District’s Mexican American Student Services to embrace such a program illustrates the extent to which it has abandoned the largely successful asset model previously followed when the District still had a Mexican American Studies Department and to turn to a far less successful and increasingly discredited deficit model.</p> <p>Assuming we have read the narrative correctly, the submission from Mexican American Student Services seems to be saying that math tutoring can only be offered four Saturdays during the school year. (Narrative Attachment at P5 8.) That appears to be inadequate. Mendoza Plaintiffs respectfully suggest that sums that were to have been spent on implementing Linda Mood Bell could be devoted to more math tutoring as well as reading coaching and assistance consistent with the reading programs and approaches in a student’s regular class room.</p>
<p><b>TUSD</b></p>	<p>The amounts cited by the Fishers is incorrect, see proposed budget for total amounts (including benefits). Both departments’ budgets have been increased over 2012-13 levels. The level of detail, response, narrative, and supplemental explanation achieved in the past 60 days since the USP was finalized far outweighs anything the District has done in the past, and more than satisfies the level of detail contemplated in the Judge’s 2012 Order. Particularly since this is the first year of implementation – the District has exercised an abundance of attention, focus, and good faith efforts towards ensuring the transparency and cooperation contemplated in the Judge’s recent orders.</p> <p>The District’s position on the Linda Mood Bell and MASS issues raised by the Mendoza Plaintiffs, and the appropriate role of the Plaintiffs and Special Master in addressing the District’s programmatic decisions, is forthcoming.</p>

## ECOLOGY TEACHER AT MANZO

<b>MENDOZAS</b>	In the April 3 questions, the Mendoza Plaintiffs ask for the rationale that supports charging expenses like those for an ecology teacher and an ecology specialist at Manzo Elementary School to the “desegregation” budget. Mendoza Plaintiffs continue to question how such expenses can be justified. While Mendoza Plaintiffs understand that the District wants to engage in an assessment of “what works” before eliminating expenses, that rationale cannot justify incurring new expenses.
<b>TUSD</b>	See proposed budget, this item has been removed from the USP Proposed Budget.

## RESOURCES

<b>MENDOZAS</b>	Mendoza Plaintiffs questioned the extent to which separately run programs and activities use or are planning to use the same resources (for example, Achieve 3000 with ELLs, in CORE Plus, and in the African American Student Support Services Department) without any apparent coordination of licensing arrangements and how they are accounted for (are they “capital” or not?). The District has indicated that it currently is undertaking [steps] to address this issue. Mendoza Plaintiffs will look for confirmation of this in future District reports and budgets. Mendoza Plaintiffs also will be looking at future District reports to assess the efficacy of on line resources like Achieve 3000 currently being embraced by the District and, in particular, their efficacy across age groups, races and ethnicities.
<b>TUSD</b>	The District is coordinating efforts to leverage resources and coordinate efforts in this regard. The USP specifically requires efforts over the coming year to determine what programs and services are offered by the District and to coordinate those efforts in various Plans (Dropout/Retention Plan, Family Engagement Plan) and for personnel in other areas to further coordinate to avoid duplication of efforts.

## PRE-K

<b>MENDOZAS</b>	The District has provided an attachment to the budget narrative that documents the effectiveness of pre-kindergarten programs in closing achievement gaps and improving school performance. (Narrative Attachments at P5 9.) Yet, only approximately \$320,000 in desegregation funds (plus approximately \$380,000 in Title I funds) are to be spent on this initiative in the proposed budget. (This is about 5% of the total proposed to be spent on Project 5 programs and initiatives.) Mendoza Plaintiffs strongly recommend that the District devote more resources to pre-kindergarten programs targeted to the District’s African American and Latino children and believe that the funding to do so will be available if the District addresses the comments about inappropriate, overlapping, and duplicative expenses that the Mendoza Plaintiffs have stated above.
<b>TUSD</b>	As indicated in the Proposed Budget 3.0, the amount of resources devoted to deseg-related early intervention is exceeded by the amount of Title I resources devoted to the Jump Start Program (which overlaps by serving mostly African-American and/or Latino students). The District agrees that in future years, early intervention should be expanded to provide even more services and opportunities for these students. However, this is a K-12 case, and there is nothing in the USP that requires spending on early childhood education. Further, as with many strategies and approaches, the District is interested in ensuring that any early education programs funded as a part of the USP are done right, allowing the District to learn from the successes and mistakes from the first year, and build a strong program as it expands so that the students in these programs get the full benefit of the opportunity. Again, it is puzzling that the Mendoza Plaintiffs in one area suggest that the District “should not be making significant changes and committing to new expenditures,” but in this area argue that our significant changes are not significant enough and that our new expenditures should be even greater.

## 6. Project 6 – Inclusive School Environments

<b>EXCEPTIONAL EDUCATION</b>	
<b>FISHERS</b>	<p>The Fisher Plaintiffs join the Mendoza Plaintiffs in their objection to expenditure of some \$1,000,000 to prevent the misidentification of exceptional education students. The Fisher Plaintiffs agree that this amount appears to be excessive insofar as it appears to represent more funding than necessary to meet this particular goal of the USP.</p>
<b>MENDOZAS</b>	<p>In their April 3 questions, the Mendoza Plaintiffs raised questions about why certain exceptional education expenses ... were being paid for with “desegregation” funds. It is their understanding that a revised proposed budget will move certain of these expenses from the “desegregation” budget. They accordingly withhold further comment on this particular concern pending receipt of that revised proposed budget.</p> <p>This section of the budget includes \$683,311 for expenditures for exceptional education (including expenditures for Psychologists, Ex Ed Compliance Techs and Ex Ed Family Liaison). This expenditure on exceptional education is in addition to the expenditure of \$411,980 (not including benefits) in Project 5 for social workers. In total, the District is spending over \$1 million to prevent misidentification of exceptional education students. Mendoza Plaintiffs believe this amount is excessive.</p>
<b>SPECIAL MASTER</b>	<p><b>See Section E. Special Master Recommendations</b></p>
<b>TUSD</b>	<p>The 12-13 budget for Exceptional Education contained \$4.3M in deseg funding. The Proposed USP 13-14 budget contains approximately \$1.1M in deseg funding. As discussed with the parties and Special Master, the bulk of this funding has been shifted from the deseg budget to M&amp;O – drastically reducing the deseg funding to Exceptional Education by more than 75%.</p> <p>The remaining amount will fund:</p> <ul style="list-style-type: none"> <li>• Language Accessible Social Workers (req’d by the USP);</li> <li>• .1 (10%) of the salary of every District Psychologist to maintain the currently low and/or non-existent ExEd disparities and to ensure against future disparities in identification and placement of Latino and African American students in ExEd;</li> <li>• an ExEd family liaison to work with and inform families about the different identifications to prevent misidentification – one of the primary recommendations that came from a TUSD task force devoted to this issue that met over a period of over 5 months in 2011-2012; and</li> <li>• three compliance techs to monitor, assess and ensure compliance.</li> </ul> <p>Therefore, approximately half of this amount is aimed at a specific requirement of the USP – language accessible social workers. The other half is aimed at maintaining the success the District has had in preventing misidentification, and in following the recommendations of its own staff after the District spent several months analyzing this issue. The District agrees with the Plaintiff comments in theory, but the assertion made is simply not true: over \$1M spent solely on preventing misidentifications would be excessive, however, the District is spending only about half as much towards this end. The District will continue to develop its capacity and capability to adequately convey detailed and nuanced information in a way that is readily transparent to all parties to avoid such confusion in the future.</p>

## FINE ARTS

<b>MENDOZAS</b>	<p>Mendoza Plaintiffs also question why \$1 million for “all sites” for “fine arts” is charged to the desegregation budget. (<i>Mendoza Plaintiffs have confirmed that the Special Master’s Financial Director did not endorse the use of desegregation funds for the fine arts program as the Narrative Attachment on Fine Arts suggests (at P5 5) but even had he done so, that would not negate the Mendoza Plaintiffs’ concerns.</i>) While they understand and appreciate the value of the arts in a student’s experience, the issue remains how specific arts programs in specific schools advance the goals of the USP -- and that is not addressed in the budget or the narrative.<sup>4</sup> To the extent that some portion of the arts budget is supporting multicultural and/or culturally responsive pedagogy or supporting the improvement in the academic performance of African American and Latino students by encouraging participation in after school or summer programs that also include an academic component, those portions of the budget should be broken out and their interface with the District’s overall efforts to strengthen its culturally responsive pedagogy and increase the academic achievement of its African American and Latino students via participation in after school and summer programs should be demonstrated.</p>														
<b>SPECIAL MASTER</b>	<p><b>See Section E. Special Master Recommendations</b></p> <ol style="list-style-type: none"> <li><b>1. What is the proportion of AA and Latino students being served arts enrichment programs funded from deseg funds?</b></li> <li><b>2. What is the proportion of deseg funding versus M&amp;O funding for Fine Arts?</b></li> <li><b>3. How is Deseg funding for fine arts justified?</b></li> </ol>														
<b>TUSD</b>	<ol style="list-style-type: none"> <li><b>1. What is the proportion of AA and Latino students being served arts enrichment programs funded from deseg funds?</b> <p>An exact estimate has not yet been developed as placements are still being made. However, in general, deseg funding is supporting schools that are (a) racially concentrated or (b) otherwise have disproportionately high percentages of students from the Plaintiff classes.<sup>5</sup></p> </li> <li><b>2. What is the proportion of Deseg funding versus M&amp;O funding for Fine Arts?</b> <p>Less than a third of total Fine Arts funding.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;">Funding Source</th> <th></th> </tr> </thead> <tbody> <tr> <td>M&amp;O Central (Fine Arts Department)</td> <td style="text-align: right;">\$1,110,000</td> </tr> <tr> <td>M&amp;O Sites (Individual MS)</td> <td style="text-align: right;">\$1,158,000</td> </tr> <tr> <td>M&amp;O Sites (Individual HS)</td> <td style="text-align: right;">\$2,228,000</td> </tr> <tr> <td>Deseg Central (Fine Arts Department)</td> <td style="text-align: right;">\$2,000,000</td> </tr> <tr> <td><b>TOTAL</b></td> <td style="text-align: right;"><b>\$6,516,000</b></td> </tr> <tr> <td><b>DESEG-RELATED PROPORTION</b></td> <td style="text-align: right;"><b>31%</b></td> </tr> </tbody> </table> </li> </ol>	Funding Source		M&O Central (Fine Arts Department)	\$1,110,000	M&O Sites (Individual MS)	\$1,158,000	M&O Sites (Individual HS)	\$2,228,000	Deseg Central (Fine Arts Department)	\$2,000,000	<b>TOTAL</b>	<b>\$6,516,000</b>	<b>DESEG-RELATED PROPORTION</b>	<b>31%</b>
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<sup>5</sup> The Special Master’s financial director, Joe Schneider, after visiting the District and reviewing the data on fine arts (including demographic information about the students served by Fine Arts) did indeed endorse the use of desegregation funds for the Fine Arts program. The insinuation that the District would blatantly make up such a fact and include it in a court-case related communication is troubling to say the least. As the Court directed in prior Orders, it is important that the parties communicate and have open-dialogue about such issues to avoid conflict. In the future, when a question like this arises, the District hopes that the parties would contact the District directly if it felt some fact in a document was untrue or misleading.



### 3. How is Deseg funding for fine arts justified?

Student Assignment: Fine Arts are a major attractor t our District and within our District. The District is 20-25% White and Fine Arts is a major factor in parents’ decisions to attend District schools and to utilize school choices that further the goal of integration.

Student Engagement: All K-8 students will have access to:

**Band** Grade 5 is critical in building interest in band before leaving elementary school. The recruitment efforts at this elementary level are important for success in middle school. Because we did not have enough funding, this area has suffered. This area directly relates to student engagement and retention, thus the need for 5<sup>th</sup> grade Band.

**Orchestra/Mariachi/Folklorico** This instructional program directly relates to student engagement and retention. With the elimination of Band in 5<sup>th</sup> grade, these orchestra teachers will be responsible for identifying students who would be candidates for enrolling in middle school Band classes. Mariachi and Folklorico specifically relate to the District’s multicultural curriculum, student engagement of Latino students and integration of multicultural curriculum into school communities.

#### Multicultural Curriculum (Arts Integration)

Fine Arts instruction in SY 2013-14 will continue to reflect African-American and Latino history, experiences and culture. Fine Arts are being intentionally integrated with the multicultural plans for K-12 students. All K-5 students will have hands-on experience with arts integration and multicultural arts with a 12 week program connecting the arts to math, reading, writing, and cultural arts disciplines. This instruction will be provided through professionally trained Arts Integration Specialists (certified as classroom teachers or arts educators) and highly skilled Teaching Artists whose expertise is arts integration through music, visual arts, and multicultural perspectives. These teachers will also be enrolled in the Culturally Relevant PD that will be offered by the Multicultural Studies Department. Services/Resources include 1) two traveling multicultural ARTSmobiles, 2) the Cultural Museums established throughout TUSD, 3) the 100,000+ multicultural artifacts, and 4) Educational Materials Center. We have extensive data on the transformative impact of arts integration on students that demonstrate academic success, social growth, and depth of understanding concerning the educational expectation/delivery/ accountability for identified students based on a 36 week (not 12 week) exposure to arts integration/infusion.

#### Extra Curricular Activities (Fine Arts)

2 FTE are split between several sites to provide fine arts extracurricular activities.

## CRP and MC DIRECTOR

<p><b>MENDOZAS</b></p>	<p>Mendoza Plaintiffs object to the District’s collapse of two important positions required by the USP — the Director of Multicultural Curriculum and the Director of Culturally Responsive Pedagogy (“CRPI Director”) — into one position. The USP calls for two separate director positions for multicultural curriculum and culturally responsive pedagogy and instruction. The budget should fund both positions separately so that two persons will be responsible for these positions. The responsibilities of the Director of Multicultural Curriculum include supervising the development and integration of a multicultural curriculum at all grade levels as well as developing strategies to engage African American and Latino students through curriculum and pedagogy. (USP Section V.4.d. at 36.) The responsibilities of the CRPI Director include supervising the implementation of courses focusing on the experiences of both Mexican Americans and African Americans and supervising, developing and implementing a professional development plan for administrators, certificated staff and paraprofessionals throughout the District. (USP Section V.4.c. at 36.) To impose the enormous responsibilities of both positions on one individual is unrealistic and contrary to both the language and the intent of the USP. Moreover, it is impractical to expect that one person can fulfill both positions and meet the deadlines required in the USP.</p>
<p><b>TUSD</b></p>	<p>The USP does not call for two separate positions; the USP grants specific authority to the District to “establish the organizational relationships and lines of responsibility for the various offices and positions provided for in this Order.”</p> <p>The opinion that one person cannot fulfill the duties of both positions remains to be seen, but is not established as a fact. Furthermore, the initial “intent of the USP” (when contemplated to be finalized in the late-summer, early-fall) was that culturally-relevant courses would be available at all HS in 2013-14, as would the infusion of Multicultural Curriculum. The current Plaintiff-agreed-upon shift in timelines contemplates that a portion of that work will occur in 2013-14, with full implementation in 2014-15.</p> <p>Designating the same person to fulfill both functions serves several of the objectives that the Mendoza Plaintiffs raise in other areas: (a) reduces siloes, (b) avoids duplication, (c) leverages resources, and (d) allocates the appropriate staffing to the level and scope of the work.</p>

## 7. Project 7 – Discipline and Extra Curricular Activities

<b>DISCIPLINE AND EXTRACURRICULARS</b>	
<b>MENDOZAS</b>	<p>Mendoza Plaintiffs question the District’s expenditure of \$60,000 for “Long-term suspension hearing officers” to satisfy the provision in the USP requiring the District to “evaluate and revise . . . its due process protections for student discipline.” (USP Section VI.B.2.b. at 45.) The USP requires the District to consult with experts and to “evaluate” and “revise” its due process protections for student discipline. By allocating funds for long-term suspension hearing officers, the District has failed to take the step of consulting with experts and evaluating how best to provide due process protections for students and has, in fact, already decided how it is going to address this issue. In addition, Mendoza Plaintiffs question the use of retired District employees to serve in this role, as we were told was the case in response to our questions posed on April 3, since there is a serious question of whether such individuals will appear to be disinterested or unbiased to the students and their families who must participate in the hearings.</p> <p>Mendoza Plaintiffs also question the expenditure of \$53,000 for a “Child Study Coordinator” to “train site staff on Child-Study/Teacher Assistance Teams (TAT).” (Narrative at Tab P7.) It is unclear what a Child Study Coordinator will do and how this position satisfies the requirements of the USP.</p> <p>Mendoza Plaintiffs have previously expressed their concerns about the use of “deseg” funds for fine and performing arts to the extent such expenditures are not directly related to the provision of services to the African American and Latino students who are the focus of the USP. They therefore object both to the budget entry for two FTE teachers at “multiple sites” and to the \$200,000 for sports (salaries and supplies) at unspecified locations and seek greater particularization and explanation of these proposed “deseg” expenditures.</p>
<b>TUSD</b>	<p>The District’s current practice of using outside hearing officers was initiated as a response to the perceived or actual bias inherent in using internal hearing officers (often administrators from other schools). This was an approach taken pursuant to specific requirements in the PUSP mandates and the results have been positive. The District does not want to discontinue this practice, particularly when there has not yet been the opportunity to seek the USP-mandated expert advice or to implement any new or different discipline programs that may be recommended.</p> <p>The two FTE for Fine and Performing Arts in the extracurricular portion of this budget in many cases funds extra curricular activities like Mariachi and Choir which accomplishes a fundamental goal of the USP: spreading multicultural and diverse extra curricular offerings to students who might otherwise not have those opportunities.</p>

## 8. Project 8 – Family Engagement

<b>FAMILY CENTERS</b>	
<b>MENDOZAS</b>	<p>Mendoza Plaintiffs agree with the Special Master that the family engagement section of the proposed budget is inadequate and is likely underfunded. Family and Community Engagement is funded at \$1.8 million in the proposed budget. The family engagement section of the USP plays a critical role in sharing information with Latino and African American parents on a wide array of District programs including ALEs, ELL programs, culturally relevant courses, transportation, student assignment, magnet schools and programs, extracurricular activities, student support, dropout prevention and student discipline, among others. This provision of the USP represents an expanded and enhanced effort from the District’s previous efforts to outreach to parents of the plaintiff classes. In many respects, it is pivotal to the successful implementation of the USP. Mendoza Plaintiffs believe the District should re-evaluate its contemplated funding for Family and Community Engagement and move money into this project from the areas that have been questioned by the Mendoza Plaintiffs and the Special Master.</p>
<b>SPECIAL MASTER</b>	<p><b>See Section E. Special Master Recommendations</b></p> <p>It is hard to tell whether the district is just moving things around or actually increasing family engagement. Indeed, we need to redefine what family engagement means. Now it appears that is “telling”, not so much learning from and working with—as is common in many districts. [The] knowledge of what is being done is superficial.</p>
<b>TUSD</b>	<p>The District is engaged in a comprehensive and thorough project management process specifically for the purpose of planning and developing the family centers. At this point, two months after the USP was finalized, everyone’s knowledge in this area is superficial. However, the District has operated similar family centers in the past and has some experience and expertise in this area. Over the next few months, the District will more fully develop its plans and capabilities in this area. Until the Family Engagement Plan is complete in several months, it is impossible to know what funding needs will be. Furthermore, 2013-14 will primarily be a planning year, with much of the implementation coming in future years.</p> <p>Again, in other areas the District is being asked to eliminate funding for <u>any</u> new expenditure and to cease from making any significant changes, but paradoxically the charge here is that the amount of new expenditure and the extent of the significant change is inadequate and should be increased in this particular area, in spite of the lack of any comprehensive plan for family engagement or the use of these funds.</p>

# CLOTHING BANK

<b>MENDOZAS</b>	Mendoza Plaintiffs also question the allocation of funds from the desegregation budget for the clothing bank. The USP does not address the distribution of clothing as part of the outreach efforts in the family and community engagement section. Mendoza Plaintiffs request additional information from the District to justify its inclusion in this section of the proposed budget.
<b>TUSD</b>	<p><b><u>Clothing Bank—to ensure equitable access to schools by providing basic need support</u></b></p> <p>The TUSD Clothing Bank is one entrance into support and basic needs services for families. It is located at the Duffy Family and Community Center. The personnel in the Clothing Bank are all bilingual Spanish and engage families in learning about TUSD and community support services aimed at keeping their children successful in school. The \$56,727 allocated for the Clothing Bank will support the total salary and benefits of the Clothing Bank Specialist, currently Elga Torres. She is a 12 month employee who will allow us to make the Clothing Bank available through the summer, some evenings, and weekends, and therefore more accessible to families. The remainder of the funds will support the administrative oversight of the Clothing Bank including purchases, monitoring, personnel evaluation, etc. This will be 10% of the responsibilities of the department Program Manager, currently Dani Tarry and 10% of the Administrative Assistant, currently Anna Read. Another 2.0 FTE are funded through McKinney Vento sub grant funds and Title 1.</p> <p><b><u>Delinquent Youth</u></b> This item has been moved from Project 8 to Project 5.<sup>6</sup></p>

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<sup>6</sup> A recent study conducted by the Pima County Juvenile Court Center revealed some troubling data about youth in Pima County including youth residing in the TUSD boundaries. In the four years analyzed there were 14,750 arrests of youth ages 8 to 17 years old. It was discovered that the arrest rate (many of which occur at school) is greatest among African American youth, followed by Native American youth, then Hispanic youth, and lastly Anglo youth. This disparity became the focus of a Court program called Disproportionate Minority Contact, of which TUSD is an active participant.

One result of the collaborative nature of this exploration revealed that of the students on Probation, who live in TUSD boundaries, a full third do not attend school. When this reality was explored further it was discovered that it is very difficult to enroll students with Court involvement back into our schools for a variety of reasons. The Court employs a liaison to work with and support youth during these difficult placements. \$37,300 of Desegregation funding will support a TUSD Student and Family Mentor to assist with the placements and monitoring of selected high risk delinquent and foster youth. The Mentor will use a one to one approach to support identified students by visiting them at their schools and doing home visits as needed. Progress Reports will be monitored quarterly to assist students in not falling further behind. Our department supports some tutoring for these students and the Mentor will help coordinate those arrangements to be sure they are well utilized and appropriate for the student’s needs. Our goals are to increase the attendance of these students and support them to successful graduation. The Mentor will also advise students as to options and programs to further their education such as Job Corps in the event they age out prior to graduating. Alain Ndomba Boutoto is the current employee doing this work.

## 9. Project 9 – Facilities Access

<b>REPAIR AND MAINTENANCE</b>	
<b>FISHERS</b>	The Fisher Plaintiffs join the Mendoza Plaintiffs in their in their expectation that the District will allocate facilities funding only as required under the USP. This expectation is based on the District’s representations regarding the continued maintenance of and funding for this project.
<b>MENDOZAS</b>	It is the understanding of the Mendoza Plaintiffs based on the District’s responses to their questions of April 3 that the District is maintaining the personnel for this project and placing amounts in the deseg budget for repair/maintenance and supplies only because it has on-going obligations with respect to facilities under the USP. It therefore is incumbent on the District to spend these funds only as directed by the USP. When it comes time to report on expenditures for this project, the Mendoza Plaintiffs will seek confirmation that this has been the case.
<b>TUSD</b>	See proposed budget for reduction of deseg funding for this purpose, and addition of M&O funding. The District confirms that it will spend the deseg-allocated portion for repair/maintenance on schools identified through the USP’s FCI as in need of repair/maintenance, with particular attention paid to (a) racially concentrated schools, and (b) schools with disproportionately high percentages of African American students.

## 10. Project 10 – Technology Access No Comments

## 11. Project 11 – Program Administration (formerly “Budgets/NARA” and “General”)

<b>OVERHEAD</b>	
<b>FISHERS</b>	The District should not be allowed to allocate any funds to cover overhead. The budget allocates seven million dollars to cover overhead costs. Unless the District can provide a compelling rationale for so doing, the allocation of desegregation funding to cover overhead costs would be inappropriate. The desegregation monies at issue here have been levied to remedy a constitutional violation. Seven million dollars is a significant percentage of the District’s desegregation funding that would be better spent elsewhere. It is hard to see why a District operating under a federally mandated desegregation order should be treated as a grant recipient. This seems like an allocation that the Court would be very likely to take issue with.
<b>MENDOZAS</b>	<p>The Mendoza Plaintiffs join in the objection asserted by the Fisher Plaintiffs and the concern expressed by the Special Master. Review of the proposed budget reveals that the salaries, benefits and costs (from supplies to mileage to equipment) associated with the implementation of the USP as well as District monitoring and reporting as required by the USP are directly charged to line items in the proposed budget. Therefore, it is extremely difficult to understand how \$7 million in “overhead” can be attributable to District expenses associated with its obligations under the USP and OCR agreements.</p> <p>Mendoza Plaintiffs join the Fisher Plaintiffs in calling on the District to provide a “compelling rationale” for this proposed use of desegregation funds, which rationale should at a minimum include a detailed explanation of how these funds are intended to be spent and why such expenses are charged to “desegregation.”</p>

<p><b>SPECIAL MASTER</b></p>	<p><b>See Section E. Special Master Recommendations.</b> Anyone who has written a grant knows that overhead is difficult to define. The District has been assigning an overhead rate of about 14 percent to the total desegregation funds and this yielded about \$8 million from desegregation funds. Its current proposal reduces that rate so that the yield is about \$6 million. The District argues that desegregation funds should be treated as a grant. Furthermore, the District asserts that the rate applied to desegregation funds is low compared to what TUSD would receive from most government grants. What the rate should be or whether there should be overhead at all are debatable. Moreover, it is not common to assign the costs of key oversight personnel, space or supplies to who oversee the implementation of the grant. We have struggled with this for months. Overhead is allowed by A.R.S. 15-901(G). But we decided that this was not a fight worth engaging because the larger question is whether the District provides funding needed to implement the USP. If, in order to fund the USP, the District will have to find ways to cut other expenditures.</p>
<p><b>TUSD</b></p>	<p>As a threshold matter, for 2013-14 only, the District further reduced the Overhead amount from \$7M (\$5M plus an estimated \$2M from Turnover and Attrition) to \$5M. All Turnover and Attrition will go towards increasing the contingency fund. However, all unused contingency funds will be charged back to overhead. During 2013-14, the District will work with the Special Master to come to agreement on a standard overhead rate to be used in future years.</p> <p>The current rate is 14% (\$9M, or 14% of \$64M); the proposed rate for 2013-14 is 7.8% (\$5M, or 7.8% of \$64M).</p> <p>According to the Management Accounting, fourth Edition by Anthony Atkinson, Robert Kaplan and S. Mark Young the indirect cost is defined as “the cost of a resource that organizations acquire to be used by more than one cost object.</p> <p>In TUSD, Overhead (aka “Indirect Costs”) are expenses that are not easily traceable to a specific function. Examples of Overhead are Risk Management, Utilities, Finance, Purchasing, Payroll, Benefits, some Technology functions, some HR functions, Superintendent’s office and other leadership office functions.</p> <p>The following explains why each of those functions are considered overhead:</p> <p><u>Risk Management:</u> this function oversees the District’s risks, worker comp, insurance and employees and property liabilities, etc. If a deseg-funded employee (an employee who would not be employed by the District but for the USP) trips and hurt themselves on the job, the District will incur workers comp costs/liabilities. Insurance includes health insurance, life insurance, etc. (don’t we factor this into salaries?) Employee and property liability. If an employee is driving a District vehicle and backs into a building, whether it is TUSD or another entity, the district is liable for this liability because district employees while on the job represent the district.</p> <p><u>Finance:</u> processes accounting, bookkeeping and budgeting functions and accounts payable for all functions regardless of the source of funding. Having less funding means less staffing to handle the budget documents, modifications, state and federal reporting, etc.</p> <p><u>Purchasing and Payroll:</u> processes purchase orders and solicitations for all functions regardless of source of funds. Payroll process paychecks, etc. The volume and cost of the work done by both departments would be significantly less if the District did not have deseg-funded employees (between 700 and 1,200 total).</p> <p><u>Utilities:</u> Various programs and other requirements of the USP (and previous deseg-related programs) result in additional costs in heating, cooling, water, sewage, cleaning, computer repairs and maintenance and other miscellaneous expenses. These expenses would not be incurred in the absence of deseg requirements.</p>

	<p><u>Benefits:</u> for every employee hired the benefit department has to process paperwork related to their benefit enrollment, retirement and other things related to their employment.</p> <p><u>Human Resources:</u> while the USP will fund some direct support for certain functions, most of HR is an indirect cost as all HR functions are involved in processing hiring, termination, changes and transfer of employees, Immunization Records and maintenance of records, fingerprinting...etc.</p> <p><u>Technology:</u> while the USP is funding some technology functions, the majority of technology is an indirect cost as it supports all districts functions and staff. This support ranges from providing secured IDs and passwords, help desk support, computer set ups, remote access, broadband cost, data warehousing, ERP systems, programming ...etc.</p> <p><u>Superintendent office and the leadership office:</u> The superintendent office and the leadership offices spend a significant portion of their time addressing requirements of the USP and otherwise engaged in activities directly related to Fisher/Mendoza. If these individuals did not have to devote this amount of time to Fisher/Mendoza, there could be other reductions in personnel (employees who do the work these senior administrators would otherwise do in the absence of Fisher/Mendoza requirements). Currently, there are only a couple of leadership positions that receive any direct funding as a result of the USP (ie Maria Menconi, James Fish, etc.), and these are not fully funded from deseg.</p>
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<b>CONTINGENCY</b>	
<b>SPECIAL MASTER</b>	<b>See Section E. Special Master Recommendations</b>
<b>TUSD</b>	See proposed budget, the District has changed the estimated \$2M that was going to go into Overhead from Turnover and Attrition and will instead divert those funds to increasing the Contingency.

<b>ASSESSMENTS</b>	
<b>MENDOZAS</b>	Mendoza Plaintiffs question why salaries for professional development for academic trainers and the cost for student assessments are included in this budget. Also, how do the assessments funded in Project 11 relate to those funded in Project 4, ALEs? Mendoza Plaintiffs question the \$340,000 expenditure for student assessments in this proposed budget. What is the purpose of these assessments and why are they being split w/Project 11?
<b>TUSD</b>	This item has been reduced from a total of \$680k, to a total of \$640k. The salary portion of this effort is funded through Title I in an effort to leverage resources and avoid duplication of effort. The cost for salaries for Academic Trainers that will oversee assessments comes from Title I. The cost for printing and licenses for the assessments comes from deseg. Benchmark assessments are critical to (a) being able to monitor academic achievement progress throughout the year (rather than waiting until AIMS results come out each July), and (b) to measure, monitor, and report the effectiveness of USP programs and activities prior to the subsequent year's budget in order to make informed budget allocations for the subsequent year. Because these two purposes are key to effective ongoing monitoring, assessment, and reporting of strategies aimed at improving achievement and at measuring gains or losses in addressing the achievement gap, half of this effort is allocated to Project 13 – Monitoring and Reporting. The other half is allocated to P11 – Budgets, because having this data is key to making informed budgetary judgments. Due to the District's current budget crisis, these assessments would not be administered if it were not for the EBAS requirements of the USP.



# OVERSIGHT

<b>FISHERS</b>	<p>The District’s budget should include an external oversight mechanism to eliminate the perverse incentive for funding recipients to use up or misallocate surplus funds by engaging in unnecessary or low-priority activities. The desegregation budget does not appear to have any kind of external oversight mechanism to prevent funding recipients from retaining or otherwise misallocating surplus funds originally budgeted to meet a specific goal. Without such an accountability or oversight mechanism of this kind in place, we will be creating a perverse incentive for funding recipients to engage (an excessive number of employees) in unnecessary or low-priority activity to use up, rather than leave unspent, previously allocated funds. We need to make sure that a rational funding recipient will not be given incentives to allocate surplus funds in unintended ways. We need to know if and when a funding recipient has met their performance goals under budget if we expect to be able to identify and reallocate surplus funds to alternative or under-funded tasks in future budgets. This should be a high priority given that a large percentage of the budget is being allocated for entirely new activities that may prove much more or less costly in practice than we have estimated. We should have a mechanism in place to ensure that any over-budgeting in the budget for the 2013-2014 school year is corrected and reallocated in the budgets for the 2014-2015 and subsequent school years. While we certainly do not want to penalize successful programs for being cost-effective, we do want to make sure the choice about where to reallocate surplus funds is transparent and rational and clearly aligned with the various tasks required under the USP. We might, for example, want to consider formalizing a procedure to allow a funding recipient to draw or retain and then reallocate surplus funds to meet future goals where, and only where, the recipient can show that the proposed reallocation will be a financially and programmatically reasonable decision fully aligned with the requirements of the USP. Funding recipients could, for example, be required to request and receive approval for a budget revision (consistent with the goals of the USP) or an extension allowing them retain and reallocate any unspent funding the following fiscal year. Unspent funds would not be available to “back fund” previously incurred expenses. As stated, budget revisions and funding extensions should not be granted automatically. They should only be allowed when and where funding recipients have met the required showing and funding recipients failing to seek a reallocation or extension of unspent funds should forfeit their right to the funds.</p> <p>The District’s questionable allocation of desegregation funding in past years justifies the retention of an accounting firm familiar with public school finance practices to review the proposed budget and the District’s accounting practices and make recommendations on how to eliminate - inasmuch as possible - the potential misallocation of desegregation funding. The Court, the Special Master, the public and the plaintiffs alike should be assured that the District’s allocation of desegregation funds is identical on paper and in practice. To ensure the impartiality of the review and recommendations, the accounting firm should not be selected by, have a past relationship with or in any way report to the District.</p> <p>Where feasible, the allocation of desegregation funding should be linked to an expected performance outcome with the disbursement of a significant percentage of each funding item contingent on production of an expected outcome. Those outcomes should be articulated in the budget in sufficient detail to allow for their review and verification by the external auditor called for under the USP. The failure to rationalize the desegregation budget by providing funding recipients with strong financial incentives to reach expected outcomes on time and at or under budget will tend to limit the District’s ability to meet the requirements of the USP.</p>
<b>TUSD</b>	<p>The USP section X.B.7 requires the District to conduct an audit report of each year’s budget conducted by an outside accounting firm to ensure that expenditures align with allocations, to ensure full transparency and disclosure, and to ensure that the results of the audit (delivered by January 31) are available to all parties. The parties and Special Master also have a role in reviewing budgets, with recourse to the Court in the event of disagreement. There is no need for an additional mechanism beyond what was agreed upon by the parties and memorialized in the USP. Likewise, Section X.B.8 provides a mechanism for reallocating/discontinuing funds that are not making intended progress, are wasteful, etc.</p>

## EXTERNAL CONSULTANTS

<b>FISHERS</b>	Without in any way questioning the District’s right to retain external counsel or the quality of the services provided by attorney Maree Sneed, the budget includes no evidence or argument to support the allocation of \$125,000.00 in desegregation funding to cover the cost of Ms. Sneed’s services. If the District cannot show how her services will contribute directly to the satisfaction of the requirements of the USP, then her role in this case is likely equivalent to the function filled by local external counsel for the District, a function not funded from the desegregation budget.
<b>TUSD</b>	Dr. Sneed’s services have, and will continue, to contribute directly to the satisfaction of the requirements of the USP. In the past two months alone she has assisted the District and the Magnet department in developing the MSAP Grant (a USP requirement), developing the Magnet Plan (another USP requirement), and in developing student assignment rules and strategies. Dr. Sneed is on contract with the District as a educational consultant. While her legal background is certainly beneficial to all parties, as evidenced in various conferences between Plaintiffs and the District, her role is by no means equivalent to local external counsel. As a matter of full transparency, the District’s local counsel is funded from the desegregation budget, as are fees for Plaintiffs’ counsel and the fees for the Special Master and his experts – all appropriate under 15-910(g) (“activities which were required or permitted by a court order of desegregation.”)

## 12. Project 12 – PD

<b>PROFESSIONAL DEVELOPMENT</b>																						
<b>MENDOZAS</b>	The proposed budget for professional development lacks sufficient detail to determine whether all professional development required in the USP is included in this budget. The USP requires professional development in the following areas: [list omitted]. The proposed budget for Project 12 references section IV of the USP and “All USP PD”. This is insufficient to provide the assurances Mendoza Plaintiffs require to ensure that all professional development required in the USP is accounted for in this proposed budget.																					
<b>SPECIAL MASTER</b>	<p><b>See Section E. Special Master Recommendations. Is the District spending more on PD from M&amp;O and from Deseg than in previous years?</b></p> <p>It is hard to estimate if the allocation is adequate without knowing what the funding for PD was this year from all funds and what it will be from all sources. Obviously, a major factor is how the PD is done since I believe that many of the goals of the USP can be addressed if the PD goals are met concomitantly.</p>																					
<b>TUSD</b>	<p><b>1. Is the District spending more on PD than in previous years, particularly “deseg-related” PD?</b>            Yes. Below is a chart demonstrating that there is significantly more investment in “deseg-related PD” in 2013-14 than in 2012-13. There is a proposed \$3.2M increase in deseg-related PD from 2012-13 to 2013-14. Furthermore, the District intends (as suggested by the Special Master) to incorporate much of the USP-mandated PD into other PD (i.e. on Common Core or subject area).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">2012-13 PD Expenditures (% that was deseg-related)</th> <th style="text-align: center;">2013-14 (% that will be deseg-related)</th> </tr> </thead> <tbody> <tr> <td>M&amp;O</td> <td>\$2.8 million (at least 30% or \$+840k)</td> <td>\$3.9 million (at least 45% or \$1.755M)</td> </tr> <tr> <td>Deseg</td> <td>\$5.3 million (100%)</td> <td>\$7.8 million (100%)</td> </tr> <tr> <td>Title I</td> <td>\$2.133 million (50% or 1.066 million)</td> <td>\$2.043 million (50% or \$1.022 million)</td> </tr> <tr> <td>Title II</td> <td>\$2.9 million (95% or \$2.75M)</td> <td>\$2.755 million (95% or \$2.6 million)</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>\$13.133M</b></td> <td><b>\$16.5M</b></td> </tr> <tr> <td><b>TOTAL DESEG-RELATED</b></td> <td><b>\$9.961M</b></td> <td><b>\$13.177M</b></td> </tr> </tbody> </table>		2012-13 PD Expenditures (% that was deseg-related)	2013-14 (% that will be deseg-related)	M&O	\$2.8 million (at least 30% or \$+840k)	\$3.9 million (at least 45% or \$1.755M)	Deseg	\$5.3 million (100%)	\$7.8 million (100%)	Title I	\$2.133 million (50% or 1.066 million)	\$2.043 million (50% or \$1.022 million)	Title II	\$2.9 million (95% or \$2.75M)	\$2.755 million (95% or \$2.6 million)	<b>TOTAL</b>	<b>\$13.133M</b>	<b>\$16.5M</b>	<b>TOTAL DESEG-RELATED</b>	<b>\$9.961M</b>	<b>\$13.177M</b>
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## 13. Project 13 – EBAS and Monitoring/Reporting

<b>EBAS</b>	
<b>SPECIAL MASTER</b>	<b>See Section E. Special Master Recommendations.</b> What hat the relationship is between software developed for human resources and the funding of EBAS itself. I appreciate that we cannot tell what we will need to bring the EBAS into a system that will allow us to do much of the inquiry work and tracking that is included in the USP. That is one reason why we need a bigger contingency.
<b>TUSD</b>	See above, the contingency has been increased through Turnover and Attrition.

**14.Project 14 – ELL/OCR**

**ELL/OCR**

<p><b>MENDOZAS</b></p>	<p>The District’s proposed expenditure on ELL/OCR programs is the largest expenditure from desegregation funds in the budget at \$10.4 million. The District represents that most of the expenditures in this area are required by OCR agreements. Given the large expenditure of funds for ELL/OCR programs it is critical that the parties understand how these funds will be spent. Mendoza Plaintiffs posed a number of questions to the District regarding many of the expenditures under this project. While the District answered some of the questions, many remain unanswered.</p> <p>The USP requires the District “to expand its Dual Language programs.” (USP Section V.C.1 at 31.) Expansion of dual language programs will require an assessment of certificated staff with dual language certifications and a determination of whether new hires with the required certifications will be necessary. The proposed budget provides for an aggregate of 144.90 certificated staff ELL/DL teachers at an expense of \$5.9 million, representing the largest expenditure in the ELL/OCR budget. According to the District, the designation of “DL” in the budget does not include dual language teachers in magnet schools. Mendoza Plaintiffs request a breakdown for each category of teacher included in the budget and whether the teachers will be in dual language magnet programs or in ELL programs. This information is critical in determining whether the District’s obligations under the USP are provided for in the proposed budget.</p> <p>The ELL/OCR budget includes expenditures of over \$150,000 for Avenues and Achieve 3000, including for Achieve 3000 licenses, which appear to be duplicative of other expenditures for the same programs in other sections of the proposed budget. The budget for Project 5, Student Achievement and Support, also includes a line item expense of \$3,100 for Achieve 3000 licenses in the Alternative Education Strategy 5: CORE PLUS. The narrative for African American Student Services includes a reference to Achieve 3000 reading as a capital request (Narrative P52 at 9) but it is not included in the budget for African American Student Support Services. This expenditure appears to be duplicative and indicates a lack of coordination and integration with the other sections of the budget that include this strategy. We understand that the District is in the process of coordinating and rationalizing its IT expenses but that does not address the need for increased coordination among the different District departments that apparently are separately undertaking to use Achieve 3000 and other “credit recovery” supports.</p> <p>While the proposed budget for Project 4 ALEs states that “DL funding is in ELL/OCR and Magnets” it is not clear from a review of the ELL/OCR and magnet budgets whether and to what extent any of the expenses for dual language programs (and, as noted above, their mandated expansion) are covered in these sections.</p> <p>Mendoza Plaintiffs request the line item expenditures in the proposed budget that will fund the expanded dual language programs.</p>
<p><b>TUSD</b></p>	<p>The District will work with the parties to better understand this portion of the budget.</p>

## **E. SPECIAL MASTER RECOMMENDATIONS**

### **Summary of the Recommendations of the Special Master**

The District prepared this summary; the full-version of the Special Master Recommendations begins on Page 30, below.

**The District strongly encourages all readers to read the full-version of the Special Master Recommendations to ensure full comprehension of the context, intent, and spirit from which the recommendations were made.**

#### **Recommendation 1 – Provide a Legal Rationale for the Overhead Rate**

“If the District believes that [the Overhead] charge is legitimate, it should provide a legal rationale for doing so and establish an overhead rate based on established principles and standards for determining indirect costs and demonstrate to the Plaintiffs and the Special Master how it arrived at a given rate.”

#### **Recommendation 2 – Establish Criteria for Allocation Funds to Various Programs by December 2013**

“The District should work with the Plaintiffs and the Special Master to agree on specific criteria for determining, by December 2013, the amount of desegregation funds that can be used to support its various programs.”

#### **Recommendation 3 – Develop and Implement a Plan for Assessing Student Support Programs and LSC Functions. The District Shall Complete the Assessment by December 15, 2013.**

“I recommend that the District develop and implement a plan for assessing student support programs, including the functions of Learning Support Coordinators, that includes: evidence of the targeting of programs and activities and their possible redundancy, the use of student outcome data, and research based criteria/design principles.

I will also recommend that the Court allow the District until December 15, 2013 to complete the assessment of student support programs.”

#### **Recommendation 4 – Evaluate the Lindamood Bell Visualization and Verbalization (LBVV) Program and, if Appropriate, Make Changes to the Implementation of LBVV**

“I recommend that the District evaluate the LBVV program against such criteria as described above and make appropriate changes in the MASS before its reading support effort is implemented in the coming year.”

#### **Recommendation 5 – Gradually Increase Support for Mexican-American Student Support Services (Only if the District Maintains the Current Organization of Student Support Programs)**

“If the District chooses to continue with the way student support programs currently are organized, I also recommend that the District gradually increase its support for MASS.”

#### **Recommendation 6 – Changes to the USP Budget Format in Future Years**

“In future USP budgets, the District should list each set of program related proposed expenditures, current year expenditures and actual (projected) expenditures. For each such program area, it also should identify expected outcomes.”

#### **Recommendation 7 – Examine the Feasibility of Further Expanding Early Childhood Programs**

“The District should examine the feasibility of further expanding [early childhood] programs and what it would have to do less of to finance such programs.”

#### **Recommendation 8 – Formalize the District’s Commitment to Ensuring that Unexpended Deseg Funds are Retained to Support Provisions of the USP Using Sound Accounting Practices and Ensuring Transparency**

“The District should formalize its commitment to ensuring that unexpended desegregation funds are retained to support provisions of the USP in a way that addresses sound accounting practices and ensures transparency.”

#### **Recommendation 9 – Provide a Description for the Initial Stages of Family Center Implementation (Before May 7)**

“The District should describe how it will begin to implement the plan for the Family Centers during the coming year...” in the likely event that the Family Center plan will include new initiatives that replace or build on current Family Center-

related activities. Such a description should be provided to the Plaintiffs and the Special Master before the budget is finally approved by the Governing Board.”

## **The USP 2013-14 Budget: Recommendations of the Special Master**

April 25, 2013

### **Overview**

In making these recommendations, I am mindful that the USP asks the District to make major improvements in virtually every aspect of its work. Indeed, TUSD should be commended for its vision and commitments to equity-focused school improvement that is reflected in the Plan. I am also aware that the District is experiencing financial hardships, making the task of implementing new initiatives difficult. But equity-focused school improvement can pay off for the District by leading to further improvements that build on increased efficiency and enhanced human and social capital in schools and communities. School improvement is not a one-or-two year approach that produces miracles. But focusing on the most important things will enable all the parties and the Court to bring the case to a productive end in the near future.

### **The Roles and Responsibilities of the Plaintiffs and the Special Master**

The USP and related Court Orders define roles for and responsibilities of the Plaintiffs and the Special Master when it comes to commenting on, reviewing, and making recommendations on proposed District expenditures and many of the District's efforts to implement the USP. All significant actions related to implementing the USP have budget implications. Not surprisingly, the District believes that once the Court sets the plan in place, TUSD should have discretion in how it is implemented.

Going forward, it will be important to find ways to reconcile the Plaintiffs' and the Special Master's responsibilities with the District's need for building ownership, taking initiatives, and accommodating to unforeseen events and the strengths of its staff. However, it is also important to recognize the Court's clear intent to enable the Plaintiffs and the Special Master to not only keep track of what the District does, but to actively influence the implementation of the USP.

The USP provides that, “...for all new and amended policies, or other significant changes, the District shall solicit input from the Special Master and the Plaintiffs before they are put into practice or use” (I)(D)(1). The budget process provides an opportunity to act on this provision.

The USP provides that the Plaintiffs and the SM shall have a role in commenting on the budget and assessing “...the funding needs of this Order”(X(B)(4)). Moreover, the legitimacy of the SM's role involving the budget process and making recommendations on District activities relevant to this case is made clear in the January 6, 2012 Order appointing the Special Master.

The Court has explicitly equated the budget with a “financial feasibility plan to implement the USP” (Order of February 6, 2013 at page 39); furthermore, the Court has expressly countenanced Plaintiff input and Special Master oversight of the budget for the USP. It is meaningless to examine and make

recommendations regarding provisions of a budget without dealing with what the proposed expenditure will fund and the demonstrated or likely efficacy of the activity.

### The District's Proposed 2013-14 Budget for Implementing the USP

As the Plaintiffs and the Special Master reviewed the District's proposed 2013-14 budget to implement the USP, numerous issues have been raised. These issues can be grouped in the following categories:

1. Overhead
2. The Allocation of Desegregation Funds to Programs that Would Likely be Implemented in the Absence of the USP
3. Activities that Serve African American and Latino Students but Are Not Specified in the USP
4. The Adequacy of Activities that Are Meant to Address Provisions of the USP
5. Other Issues

Each of these categories have things in common, but I hope that organizing them this way will facilitate an understanding of basic problems that need to be resolved in the allocations, processes and justifications that make up the USP budget.

For each of these sets of issues, I make my recommendations related to issues I am asking the District to commit to now. I make other suggestions that are meant to identify actions that the District could undertake to improve the USP budget process and move things forward with respect to key aspects of the USP.

#### 1. Overhead

TUSD has been reducing the funds spent on desegregation for years by assessing the funds set aside for that purpose to indirect/overhead. Monies derived from indirect costs on desegregation funds are, in effect, then added to M&O funds. This amount has been substantial, about 9 million in 2012-13. The District has the option to spend some of these indirect cost funds on USP-related activities, which it seemingly proposes to do in 2013-14. The assignment of overhead costs to desegregation funds raises two basic issues:

1. Is the charging of overhead to Desegregation funds appropriate?
2. If it is appropriate, what should be the rate and how is it determined?

*Appropriate?*

Since desegregation funds are derived from taxes on TUSD residents, as are funds for “maintenance and operations” (M&O), the District generally treats these funds as if they were part of its M&O income. This is consistent with the Arizona Department of Education; i.e., it treats desegregation funds as a[n] entry under Maintenance and Operations. But M&O funds generate no indirect costs. The District argues however, that nothing in statutory or regulatory language related to its Court Order prohibits claiming indirect costs from desegregation funding. Nor does the Court say anything about overhead on desegregation funds.

The charging of overhead to desegregation funds is likely to remain a source of contention among the District, the Plaintiffs and the Special Master. Since the District budgets M&O funds to satisfy the provisions of the USP, it may be worth considering whether reducing desegregation funds through an indirect cost charge only to return District M&O funds to the USP is sensible.

### *Rate?*

The District’s current justification for the overhead rate—14 percent—that it used in 2012-13 is unrelated to the guidance for determining the overhead rate in its own Budget Manual. In negotiations over 2013-14 USP budget, the District substantially reduces the overhead amount and thus the rate. The District’s willingness to alter significantly the overhead charged to the desegregation budget raises questions about just how necessary is it for the District to collect those funds when it can justify a 14% rate but be satisfied to collect only half of that. It should be noted that the District collects less than six percent overhead from Title I funds.

### **Recommendation**

**I believe that it is problematic to charge overhead to desegregation. If the District believes that this charge is legitimate, it should provide a legal rationale for doing so and establish an overhead rate based on established principles and standards for determining indirect costs (e.g., those in the District Budget Manual) and demonstrate to the Plaintiffs and the Special Master how it arrived at a given rate.**

### **2. The Allocation of Desegregation Funds to Activities Mentioned in the USP that Would Likely be Funded in the Absence of the USP**

There are several programs and activities that fall into this category. In each case, the question is: what percentage of funding for that program or activity is appropriately charged to desegregation funds? Historically, the District has funded all or part of some programs it considered worthwhile using desegregation funds without clear criteria for determining the rationale for such spending. In most cases, no such criteria exist now. In the cases discussed here, the District’s justification is that the activity directly supports the goals of the USP.

### *An Example of Reasoned Criteria for the Allocation of Desegregation Funds*



An example of a program in this category that appears to have a reasoned basis for the allocation of desegregation funds is transportation. About eight million dollars of desegregation funds are allocated to transportation. This amount is based on the number of students provided transportation for purposes of desegregation and the miles travelled. The District estimates that 37% of the transportation budget is spent for this purpose. While this estimate is not precise, the District's justification for allocating 37% of its transportation budget to desegregation appears reasonable.

### *Allocations for Which the Rationale Needs Greater Clarity*

There are numerous programs and activities that the District expends desegregation funds on that it justified by referencing provisions and goals of the USP. Three examples of these activities/programs that illustrate different aspects of the Plaintiffs' and Special Master's concerns are:

- *ATI Assessments.* The implementation of ATI to provide recurrent mid-year assessments of student performance would presumably be important whether the District was involved in desegregation or not. Indeed, the District has used ATI assessment in all Title I school in recent years. The District argues that the importance of adequate monitoring of student achievement is at the heart of the USP.
- *Recruitment Travel.* While TUSD recruiters undoubtedly recruit personnel to satisfy the needs of the USP, the district has no effective way of differentiating the actual costs of recruitment for USP from the overall cost of its recruitment efforts. Consequently, the recruitment travel related to USP should not be a direct charge to the Desegregation program, but rather a charge more appropriately paid out of M&O funds or perhaps the overhead funds TUSD collects from the desegregation funds.
- *Fine Arts.* Fine arts programs are delivered throughout the district without regard to students' race or ethnicity. That is, of course, a good thing in principle. But the value of arts education is not at issue. Presumably, the District might tie the investment of some desegregation funds to these activities if it designed these programs to teach inclusiveness or racial/ethnic understanding and appreciation of the benefits of seeing or hearing through difference cultural lenses. But, that is not the case the District makes. Indeed, there is a separate desegregation-funded line called "multicultural fine arts". One argument the District makes is that these programs are not typically offered in many charter or suburban schools; consequently, when the District offers these programs in all schools, it is intended to act as an incentive for all families to continue enrolling their students in TUSD and, at the same time, foster integration. By that logic, any program of excellence or exception could be financed with desegregation funds.

The test of whether a program would be offered in the absence of desegregation is an ambiguous one. What is clear is that there are no criteria that the District uses to make consistent decisions about which expenditures for activities not explicitly called for in the USP.

### **Recommendation**

**The District should work with the Plaintiffs and the Special Master to agree on specific criteria for determining, by December 2013, the amount of desegregation funds that can be used to support its various programs. If there are cases to which such criteria cannot be productively applied, these programs and activities should be specifically**

**named. It should be understood that such an effort will involve some subjectivity. The District will retain the right to make such judgments which, in turn, can be objected to by the Plaintiffs and the Special Master.**

**3. Determining Whether Activities and that Serve African American and Latino Students but Are Not Specified in the USP Should be Funded from Desegregation Funds**

Several programs in this category could as well have been placed in the previous category depending on what inferences one attaches to the provisions of the USP. One set of programs included in this category are or could be called student support programs including TAPP, Southwest Alternative, Project More, Life Skills, CORE Plus, and more. With respect to these types of programs, the District argues that because they serve disproportionate numbers of African American and Latino students, they deserve to be funded, at least in part. Note that I will discuss the adequacy of student support programs later in this report.

Other examples include “facilities access” and exceptional education. In these two cases (and in the case of fine arts), the District substantially reduced the amount of desegregation funds going to the activities as compared to the budget to which the Plaintiffs responded on or about April 15, 2013. In the case of the Exceptional Education, the reduction was \$3.3 million. But, the question remains, what is the justification for these expenditures?

The District argues that the desegregation funds budgeted for repairs and maintenance will be targeted to schools with disproportional numbers of African American and Latino students. That can be monitored though the justification for a set aside here is problematic since such an earmark could result in limiting funds available for schools serving disproportionate numbers of African American and Latino students or denying funds to integrated schools with dire facility problems.

The District has significantly reduced the number of people in exceptional education funded with desegregation funds but retains a number of staff almost all of whom are very part-time funded by desegregation funds Consider the funding of social workers. It seems obvious that highly skilled social workers can be of significant help to many struggling students. But, what special skills do they have to address the needs of African American and Latino students. For, example, rather than fund a small percentage of the salaries of a large number of social workers, a more USP-focused expenditure would be to provide relevant professional development to all social workers and allocate larger amounts of the time of a small number of [them] who would be resource people for the rest of their colleagues.

As with the previous category, the problem is that there are no agreed upon criteria for judging the appropriateness of expending a particular amount of desegregation funds on particular programs/activities. The disproportionality criterion is too broad. It would apply to all costs in a racially concentrated school, for example. My recommendation here is the same as the one made for the previous category.

**Recommendation**

**The District should work with the Plaintiffs and the Special Master to agree on specific criteria for determining the amount of desegregation funds that can be used to support its various programs. If there are cases to which such criteria cannot be productively applied, these programs and activities should be specifically named. It should be understood that such an effort will involve some subjectivity. The District will retain the right to make such judgments which, in turn, can be objected to by the Plaintiffs and the Special Master.**

#### 4. Determining the Adequacy of Activities that Are Meant to Address Provisions of the USP

The provision of the USP that assigns the Plaintiffs and the Special Master a role in the development of the budget for implementing the USP enables the Plaintiffs and the Special Master to make judgments not only about the amount of money being invested, but to assess the efficacy of the investment. In other words, adequacy implies effectiveness. I have no doubt that this is the basis upon which the District makes its budgeting decisions over time.

A basic assumption embedded in the USP is that the best way to ensure accountability, while building commitment to the elements of the Plan, is to focus on outcomes for students rather than processes themselves. However, there is little outcome information about most of the District's programs. For many programs we may not have this information for two years given that one-time assessments are usually problematic. As noted, the District argues that it should be allowed to do what it does or decides to do and that the Plaintiffs and the Special Master should hold their concerns about the adequacy of particular expenditures until evidence of effectiveness is available. This is untenable because if it turns out that some programs are relatively ineffective, replacing them would take another year, and it would be difficult at the end of the four-year period established by the Court as a target time for achieving unitary status to conclude that the provisions of the USP related to these programs have been adequately addressed.

When the District is investing in ineffective programs or proposes to initiate programs about which there is limited evidence of their effectiveness, it deprives more promising interventions of support.

As noted at the outset of these recommendations, the funding needed to implement the USP is impossible to determine without looking at the content of the programs being funded. I do not intend to exercise this responsibility for every program. Rather, I focus here on the large number of student support programs about which the Plaintiffs expressed one or more concerns. More than a dozen programs fall into this category including support for ethnic groups, TAPP, summer programs, alternative education, Core Plus, Project MORE, AP Boot Camp, and many others. In previous sections, I addressed the basis for funding some of these programs and activities with desegregation funds. Here I focus on their efficacy.

#### *The Possible Redundancy and Potential of Increased Efficiency and Effectiveness*

Student support programs play a critical role in the potential success of the USP. Considerable desegregation funds are being invested in these programs. Given the information provided by the

District to the Plaintiffs and the Special Master about these programs, it seems reasonable to believe that that there may be substantial overlap in functions. If this is the case, there will be opportunities to reduce the overlap and in the process lower costs while improving student support and related student outcomes.

There is insufficient information about the efficacy of district programs to allow the Plaintiffs and the Special Master to evaluate whether the District's proposed budget is adequate for implementing the provisions of the USP related to student support programs.

The USP calls for the District to undertake an assessment of all its programs related to the USP by September 1, 2013. Student support programs are only part of the programs to be assessed. This will be a significant endeavor given its intent to gather data for improvement and to identify ways to increased efficiency and reduce costs.

An obvious purpose of the provision in the USP dealing with program assessment is to give direction to the District in its efforts to improve student outcomes. But such an assessment should also provide the Plaintiffs and the Special Master with information they can use to make constructive proposals about future expenditures and to make informed comments in their reviews of District activities related to provisions of the USP.

It is important that the District carry out its review of existing programs in a thorough way consistent with accepted practices for program review. This exercise will provide the District with information for its own use. But it also will assist the Plaintiffs and the Special Master as they play their roles provided for in the USP. Such a review would include—among other aspects--mapping the overlap in services provided, assessing whether programs are reaching those most in need of the services, and collecting student outcome data, whenever possible.

While student outcomes are important sources for program evaluation, such data are not, as noted, readily available in many cases in TUSD. (This is common in school systems.) Typically, many things are happening simultaneously in schools, classrooms, and communities that affect student outcomes. Consequently, separating out program effects, in the absence of a high quality program evaluation designed for that purpose, is problematic. So, in addition to gathering whatever data on outcomes are available, it is common in program evaluations to compare program characteristics to research-based “design principles”. Such design principles will not cover all aspects of student support programs, but they provide a basis for making informed judgments about the value of program. Moreover, measuring the value of existing programs by assessing program characteristics or processes provides information that facilitates improvement, something student outcome data—by itself—cannot do.

If the District's program assessment is to lead to improvement and informed decision making, this assessment should make use of a set of criteria by which student support programs can be evaluated. It is common in evaluation efforts to employ measures of behavior and processes known to be related to outcomes. The District is, in effect, doing just that in developing its approach to evaluating teacher and principals. In the TUSD Budget Manual for 2012-13, the District identifies several “examples of research-based strategies to address achievement goals” that presumably are to be used to justify

expenditures. There is a research literature upon which to base the criteria/design principles for assessing the likely efficacy of student support programs.

### **Recommendation**

**I recommend that the District develop and implement a plan for assessing student support programs, including the functions of Learning Support Coordinators, that includes: evidence of the targeting of programs and activities and their possible redundancy, the use of student outcome data, and research based criteria/design principles. This is necessary because without a well-designed and well-conducted assessment of student support programs, it will be difficult for the Plaintiffs and the Special Master to provide useful input to the development of the District's budget for the USP and to otherwise monitor and oversee the implementation of the USP.**

**I will also recommend that the Court allow the District until December 15, 2013 to complete the assessment of student support programs. It should be apparent from the discussion above that a comprehensive study of the kind recommended here will be difficult to finish by September 1, 2013. The District may, of course, continue its current efforts and treat these as an initial phase of a more comprehensive study of student support programs.**

### *Mexican American Student Support*

Among the student support programs that deserve attention is the Mexican American Student Support services (MASS) that was implemented initially in 2012-13. I focus on the MASS program because it is included in Section V of the USP related to Quality of Education and is one of the primary strategies to address Latino student achievement. All of the student support programs warrant a careful analysis. But in the case of MASS, immediate attention is proposed. There are substantial reasons to doubt whether TUSD is making the best use of funds for Mexican American student support. The District opposes action on the MASS program at this time and argues that given time, it can demonstrate that it is effectively addressing the USP and delivering results. The District says it is not the role of the Plaintiffs and the Special Master to interfere at this juncture.

However, as noted above, the USP provides that the Plaintiffs and the Special Master shall have a significant role in commenting on the budget and assessing "...the funding needs of this Order"(X)(B)(4). Particularly at a time when the District is operating under budgetary constraints, it would be wrong not to call into question a significant expenditure for a program or activity that has not adequately demonstrated its worth and does not appear to have promise of being effective.

Especially relevant to the role of the Plaintiffs and the Special Master with respect to the MASS program is the July 16, 2012 Order, in which the Court wrote, "...nothing in this Order (approving TUSD's request for an extension of the deadline to submit the USP) shall be interpreted to cause any delay by the District in the implementation of provisions which all Parties agree will be components of or required for the implementation of any USP and work by the District should continue to move forward in this regard." The parties had agreed by July 2012 that there should be a Mexican American

student support program. Indeed, the District approved funding for the program in its 2012-13 budget.

In defending the bulk of expenditures budgeted for the MASS program, the District asserts that the program is in place, has worked well [in some elementary grades of a single school], has enthusiastic people implementing it, and should be given the opportunity to show that it will be successful. Without discussing whether a program (e.g., the Lindamood Bell Visualization and Verbalization program to improve reading/literacy—hereafter the LBVV program) delivered in a single elementary school focused on some grades and not others adequately justifies the program being offered throughout the District, it appears that the LBVV program (that uses most of the funds allocated to MASS) differs importantly from the LBVV approach that was used in the elementary "demonstration" school.

The version of LBVV used in the elementary school involves the integration of LBVV approach in the school's reading curriculum. Teachers in the school were trained to provide students with intensive exposure to the program's strategies. Moreover, this program was implemented as one piece of an overall school improvement strategy that lifted performance throughout the school, not just the students who received the LBVV program.

In contrast, the MASS version of LBVV (as described to me by the MASS Director) is a modified extended learning time program to be delivered in all grades through a combination of strategies that includes pulling students out of regular classes in the school day and serving students after school and on Saturdays.

Extended learning time is a viable strategy for providing students with extra support for reading. So, is the LBVV approach the best way to help Mexican American students improve their reading proficiency? In considering the potential efficacy of the MASS version of LBVV, I did the following:

- Talked to the MASS director (who I thought was smart and committed);
- Examined relevant research; and
- Talked to national experts on the education of Latino students and reading (which is the primary focus of MASS) about the relative role of certified and paraprofessionals in student support, and the characteristics of effective extended learning programs.

Here are some examples of criteria by which to evaluate programs like the MASS version of LBVV:

1. Is there solid research to support the efficacy of the initiative (in this case, the Lindamood Bell visualization and verbalization program)?
2. Is the support program aligned with the approach to reading being taught in the schools in which the students attend?
3. Are paraprofessionals closely supervised by certified teachers?

4. Is the ratio of paraprofessional to certified teachers lower in situations where students are struggling or have limited facility with academic English?
5. What is the diagnostic method for determining students' learning needs and do the lessons or tutoring focus directly on those needs?
6. Is the program targeted to students with greatest needs?
7. If resources are limited, is the intervention delivered at the most critical sites or stages of student progress? For example, since retention in grade is likely to drive up costs and drive down student achievement, does the program ensure that students are not retained in eighth and third grades because of reading problems?
8. Are the materials used culturally relevant?
9. If students are pulled out of regular classes, is the goal to return them to classes as soon as possible? If so, with what results? (In general, pulling students out is suspect.)
10. If students with limited English proficiency are involved, what is the level of staff members' language proficiency (Spanish in this case) and does the program deal directly with English language deficiency?
11. Is the time spent with each student tailored to his or her needs? Is the amount of time adequate? (Too little makes no difference and is wasteful.) And there is a point of diminishing returns, especially in pull out and after school programs.
12. If tutoring is involved (as it is here), how is tutoring delivered? One-on-one tutoring from professional staff has been found to be more cost-effective than most small group tutoring, especially with students who are furthest behind.
13. Would students be better served if the expertise of classroom teachers was enhanced so that the number of students needing special support services was smaller?

Since I have not studied the MASS-LBVV program, it would be inappropriate to render a summary judgment about it. But as far I can determine, the MASS program does not meet criteria 1, 2 or 6. If there are two certified teachers and 8-10 paraprofessionals (with college degrees, but not teaching certification) in the reading-focused part of MASS, and MASS serves several schools at different grade levels, adequate supervision of paraprofessionals (criterion 3) seems problematic. MASS may not meet other of these criteria.

### **Recommendations**

**I recommend that the District evaluate the LBVV program against such criteria as described above and make appropriate changes in the MASS before its reading support effort is implemented in the coming year.**

**If the District chooses to continue with the way student support programs currently are organized, I also recommend that the District gradually increase its support for MASS.**

**It is obvious that the MASS program for supplemental support for Mexican American students serves an ethnic/racial student population that is ten times greater than other non-white ethnic/ racial groups, but receives less financial support per pupil than other ethnically focused support services. While support programs should be funded on the basis of student needs, not per capita allocations by race or ethnicity, either MASS is substantially underfunded or the other groups are substantially overfunded. The District should be directed to assess the needs for supplementary and accordingly increase support for Latino students gradually.**

### *Other Programs and Activities*

In my initial analysis of the District's budget proposals, I drew attention to three programmatic areas I identified as central to the USP, but appeared to be underfunded: professional development, the development of the Evidence-based Accountability System (EBAS), and dual language programs. Since I shared that analysis and the Plaintiffs have made their comments on the District's proposed USP budget, the District has made substantial changes to the budget or clarified what it intends with respect to professional development and EBAS. Many of these changes are in response to the Plaintiffs concerns and to mine.

1. The USP calls for major enhancements of teacher and administrator skills because quality teaching and excellent leadership are the most important school-based influences on student learning, especially the learning of students who are underachieving. Such professional development is costly. The district proposes to increase funds from desegregation from \$5 million to \$7 million and proposes a substantial increase in other funding from Professional Development even though federal funding will be reduced for relevant Title I and Title II professional development.
2. The EBAS provided for in the USP is addressed in the proposed budget. I suggested that its implementation could be expedited with additional support. The sooner the EBAS is in place, the sooner the budget can be evidence-based. However, when all of the funds for data management systems are combined, the initial investment is reasonable. Developing EBAS to its full potential will take more than the next year. At the end of this first year the District should be able to demonstrate that it has substantially more capability than it does now. Data collected without the capability to analyze it and apply it to practice are not useful. Additional analytical staff will be needed in future years.
3. There is agreement among the parties about the importance of dual language programs. The District proposes to increase access to dual language programs in the context of its proposed Magnet School Plan. This is a welcomed, but modest start. The effectiveness of such programs requires qualified teachers, knowledgeable leaders, and relevant learning resources. And, incentives for qualified teachers may be required. Such incentives may not be salary-based, but would involve costs to the District (e.g., time for collaboration, professional development, or reduced teaching loads). Pursuant to Section (V)(C) of the USP, the District should develop a three year plan for increasing student access to dual language programs that can become part of its overall strategic planning.



## 5. Other Budget Issues

In this category I *highlight* the recommendations made for each concern by placing them in *italics* to eliminate redundancy and place the recommendation in context.

One concern is the amount allocated to magnet schools. Because the plan for magnet schools and programs are now under review, it makes sense not to be specific about the amount of funds. But knowing how the amount of \$9,500,000 was arrived at, which is a reduction in previous expenditures for magnet schools and programs, would have been and will be useful.

In general, budgets for the coming year are usually compared to expenditures for the current year. Any major changes usually deserve an explanation. The District has argued that the USP requires so many different changes that past comparisons would be meaningless. In fairness to the District, when the District made this point in response to an inquiry I made, no one pressed the argument (including me). But it has become clear that such comparisons and analyses are needed. It is also clear that the District is capable of providing such information because it readily responded to specific budget questions I raised. ***In future USP budgets, the District should list each set of program related proposed expenditures, current year expenditures and actual (projected) expenditures. For each such program area, it also should identify expected outcomes.*** This recommendation is consistent with the characteristics of annual reports the District is required by the USP to submit.

The Mendoza Plaintiffs brought attention to the limited funds allocated to increasing student access to early childhood programs. The USP did not deal with this issue, but it is clear that quality preschool programs are a good investment in student achievement. ***The District should examine the feasibility of further expanding such [early childhood] programs and what it would have to do less of to finance such programs.***

The Fisher Plaintiffs express concern about what happens to unspent desegregation funds at the end of the year. Most unspent funds usually can be traced back to staff attrition and unfilled positions. The District commits to placing unspent desegregation funds in a contingency account that can be monitored by the external auditor. This would, based on past experience, bring the contingency fund to as much as \$3,000,000. This amount addresses the concerns I expressed in my Initial Analysis sent to the parties earlier. ***The District should formalize its commitment to ensuring that unexpended desegregation funds are retained to support provisions of the USP in a way that addresses sound accounting practices and ensures transparency.***

A major concern is the adequacy of funding for Family Centers. The budget calls for expenditures of \$1,855,669, with \$769,528 coming from desegregation funds. These are significant amounts. But without an understanding of how this compares with past expenditures, it is difficult to judge the adequacy of this amount for the expanded role the USP asks of the Centers. On the other

hand, the District's timeline upon which the parties agreed for developing a comprehensive plan for Family Center(s) is months off. ***The District should describe how it will begin to implement the plan for the Family Centers during the coming year in the likely event that the Family Center plan will include new initiatives that replace or build on current Family Center-related activities. Such a description should be provided to the Plaintiffs and the Special Master before the budget is finally approved by the Governing Board.***

#### Concluding Comments

As implied at the outset of this report, the initial implementation of the USP in 2013-14 will include learning how best to do this complicated work. Timelines and requirements are important, but they cannot anticipate the future. In making my recommendations, I did not recommend increases or decreases in specific programs/activities. That is because there is insufficient information about positive effects or potential negative consequences of doing so. I did address whether certain expenditures are adequate. And I said that the District should put in place evaluation processes that would deal with some of the issues addressed by all of the Plaintiffs. I focused attention on several programs loosely defined as student support programs. I also sought to significantly improve the collection and distribution of USP budget-related information. Armed with such information, the better-informed Plaintiffs and Special Master will be able to more adequately exercise their USP-mandated responsibilities.