



Tucson Unified School District
Student Assignment Committee Report
November 2015

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GRADE CONFIGURATION PROPOSAL INTRODUCTION

The District submits this proposal as the last step of a months-long engagement with the Special Master and Plaintiffs, prior to the filing of formal DIAs or requests for approval.

The District first submitted draft DIAs (and other information) to the Student Assignment Committee (SAC) in July and made this information available to the Special Master and Plaintiffs on July 20, 2015. Pursuant to the initial timeline, the District planned to file a draft DIA/NARA on September 18, 2015, including updated draft DIAs incorporating the feedback, comments, and concerns provided by the Special Master and Plaintiffs over the preceding two month period. Pursuant to the parties' discussion on August 26, 2015, the Special Master and Plaintiffs would respond to the September 18, 2015 draft DIA/NARA within ten days, by September 28, 2015.

On September 18, 2015, the District notified the Plaintiffs and Special Master that in lieu of submitting a draft DIA/NARA on that date, it intended to submit a proposal by September 25, 2015 (including draft DIAs) – with a request for a response within ten days, no later than October 5th. The District submitted a written proposal on September 25, 2015, and received written responses from some of the parties as they reviewed the proposal ahead of the in-person conference scheduled for October 5th and 6th, and used the conference as an opportunity for further engagement and collaboration. Based on the outcome of the conference discussions, the District revised requests (including Special Master and Plaintiff feedback) to its Governing Board for information only on October 20, 2015. Next, District staff presented the Governing Board, Special Master, and Plaintiff feedback to the SAC on October 28, 2015 for further analysis and review. Based on these discussions, committee members voted on recommendation priorities. Finally, District staff presented all of the information to the Superintendent's Leadership Team (SLT) for further analysis and review ahead of the Governing Board vote in November. If approved, the District would then take the steps necessary to file the formal request with the Court, and to follow the agreed-on briefing schedule once it filed the formal request

STUDENT ASSIGNMENT COMMITTEE PROCESS TIMELINE SUMMARY:

June 11	TUSD Planning Department met with DLR Group to plan the SAC process
June 26	Conference Call with the Special Master to discuss and approve the SAC process
July 6	DLR Group toured the five TUSD schools under consideration
July 14	Conference call with five TUSD principals to review their school's current grade configuration and programmatic function
July 20	Draft DIAs and other information available to Special Master and Plaintiffs
July 22	Student Assignment Committee Meeting <ul style="list-style-type: none">• Presentation of case studies in similar grade configurations as those proposed• Presentation from the Principals of Morgan Maxwell K-8 and Robins K-8 about the challenges and rewards of a K-8 school• Presentation of preliminary demographic and facility data• Goals and objectives• Evaluation criteria
August 10	Student Assignment Committee Meeting <ul style="list-style-type: none">• Develop Options• In three small groups, lay out how a grade configuration might work• Sam Brown presented past concerns from the Special Master and Plaintiffs• Evaluate the options based on the agreed goals and objectives• Discuss the Pros and Cons of each option
August 19	Student Assignment Committee Meeting <ul style="list-style-type: none">• Presentation by the Plaintiffs to the SAC Committee• Revisit options with a focus on desegregation goals• Evaluate the pros and cons and revise the options based on Plaintiff Feedback
August 26	Special Master and Plaintiffs Conference Call <ul style="list-style-type: none">• Review SAC draft recommendations with the Special Master and Plaintiffs
September 25	Draft DIA and NARA available to the Special Master and Plaintiffs
October 5/6	Comments received from the Special Master and Plaintiffs
October 20	Presentation to the Governing Board for information only
October 28	Student Assignment Committee Meeting <ul style="list-style-type: none">• Presentation by Magee Principal on effects of the proposed grade reconfigurations• Presentation of Special Master and Plaintiffs' concerns about the proposed grade reconfigurations• Revise options to better address on feedback
November 10	Presentation to the Governing Board

I. REVISED SAC GOALS

Based on feedback and input from the Special Master and Plaintiffs, and internal review and analysis, the District revised the goals of the Student Assignment Committee multiple times between August 5, 2015, and September 10, 2015. Below are the final, revised goals:

The goals are not designed to function as minimum standards. Thus, a proposed change should not be rejected for failure to meet one or more goals. Proposed changes should be evaluated by weighing the costs and benefits, in light of the District's obligations under the USP.

- a. that increase integration of District schools, considering the four integration strategies (through the proposed change itself, or through strategies related to the proposed change);
 - b. that enhance education (e.g. reducing the number of student transitions, providing for supplemental programs or curricular continuity between grades);
 - c. that improve student retention; and
 - d. that will be supported by the communities of the affected schools (those impacted directly and indirectly through the potential loss of more than ten students).
1. To attract a broader applicant student pool as that will enhance the impact of marketing, outreach, and recruitment efforts and further integrate District schools.
 2. To ensure that the additional students can be added without detracting from existing programs or diverting resources from other schools.
 3. To ensure that the receiving facilities can support the additional grades with minimal facility investments.
 4. To address both immediate and future needs due to the reconfiguration; consider short-term and long-term impacts.

II. GRADE RECONFIGURATION PROCESS

In its May 12, 2105 Order denying the request for grade reconfigurations at Sabino and Fruchthendler (Order 1799, request denied without prejudice to it being reurged), the Court outlined four specific, process-related expectations for similar requests in the future – in summary:

1. the District shall solicit the input of the Special Master and Plaintiffs;
2. the District must use four strategies for assigning students to schools, to be developed in consultation with the Plaintiffs and the Special Master;
3. when it undertakes certain enumerated student assignment actions, the District must review to determine whether to redraw its attendance boundaries; and
4. the District should explain how a student assignment change fits into other USP plans and strategies and if not, why not.

As described below, the District has worked diligently over the past few months to fulfill all four process-related expectations outlined by the Court in May of 2015 to prepare to “reurge” the previous requests and three additional requests. This work has been informed by the input, analysis, thoughtfulness, time, and energy of the Student Assignment Committee (SAC) volunteers, the Special Master, the Plaintiffs, and the District’s outside consultant (DLR Group)

1. The District Shall Solicit the Input of the Special Master and Plaintiffs

The Court found that USP section I.D.1 requires: “the District ‘shall’ solicit the input of the Special Master and the Plaintiffs and submit items for review before they are put into practice or use for ‘all new or amended plans, policies, procedures, or other significant changes’ contemplated pursuant to the USP.” ECF 1799 at 3-4. The Court found further that “[t]here is nothing about a NARA proposal to change student assignments to exempt it from the USP requirement that the District, the parties, and the Special Master comprehensively consider the proposal, pursuant to applicable USP criteria, in an effort to increase the integration of TUSD schools.” *Id.* at 5.

Within a month of the Court’s Order, the District had developed a draft timeline and proposal to engage the Special Master and Plaintiffs in the process of reviewing grade reconfigurations comprehensively, pursuant to applicable USP criteria, in an effort to increase the integration of its schools. In June 2015, the District reached out to the Special Master to discuss the timeline and proposed approach. After discussing the timeline and approach with the Special Master, the District shared the timeline and approach with the Plaintiffs in July 2015 to solicit their feedback.

Throughout July, August, and into September, the District engaged the Special Master and Plaintiffs in an effort to consider the proposals comprehensively pursuant to applicable USP criteria in an effort to increase the integration of TUSD schools. These efforts included multiple phone and email exchanges, the solicitation of comment and feedback, the sharing of SAC committee meeting agendas and materials, an invitation to Plaintiff representatives to present their concerns to the SAC, and the facilitation of a teleconference in August.

During this time, the Special Master and Plaintiffs reviewed relevant material and requested supplemental information. They also shared concerns including, but not limited to: process, goals, timelines, approach, committee make-up, enrollment data (and projected enrollment data), equal access, student retention, school attractiveness, geography, demographics, marketing and outreach, transportation, K8 school distribution, implementation, boundaries, magnets, pairing and clustering, open enrollment, analyses of additional sites for grade expansion, impacts to surrounding schools and communities, access to Davis-Monthan Air Force Base, scope of the Desegregation Impact Analyses (DIAs), educational benefits of reducing student transitions between schools/grades, strategies for mitigating integrative and/or educational impacts to the schools directly (and indirectly) impacted, feeder patterns, Advance Learning Experiences (ALEs), costs, school capacity, short- and long-term impacts, and potential impacts for promoting desegregation through the proposals themselves, or through mitigating strategies involving one or more proposals.

Following the engagement with the Special Master and Plaintiffs in August and September 2015, the District submitted its proposals for grade reconfigurations, including draft DIAs, and solicited additional feedback from the Special Master and Plaintiffs. The Special Master and Plaintiffs provided verbal feedback during a discussion at the USP Conference held on October 6, 2015, and provided written feedback through October 19, 2015. The District presented their feedback and input consideration to the Governing Board on October 20, 2015, and presented it again (along with Governing Board feedback) to the SAC on October 25, 2015 for further review and analysis. District staff then presented all of the information (including Special Master, Plaintiff, Governing Board, and SAC member feedback) to the Superintendent's Leadership Team (SLT) for further analysis and review ahead of the Governing Board vote in November.

District staff and leadership carefully considered the additional feedback, analyzed internal and external stakeholder concerns, revised goals, provided supplemental information, revised the scope and information contained in its draft DIAs, proposed strategies to improve integration and mitigate impact to surrounding schools, conducted further equal access analyses, considered additional sites for grade expansion to improve the integration of District schools, engaged in comprehensive and creative review and analysis on ways to improve integration through the proposals (and within each proposal) using transportation, marketing and outreach, and by strengthening ALE programs, considered the proposals comprehensively in the context of the four primary integration strategies, analyzed feeder patterns and boundaries, and considered impacts to surrounding communities and those directly impacted by the proposals (including inviting and hosting principals of affected schools to SAC meetings), rescheduled the timelines to allow more time for feedback, reviewed the proposals to assess the need for boundary changes per the USP, proposed and evaluated scenarios to increase integration, assessed the distribution of K8 schools, expanded the size and makeup of the committee to include principals from potentially-impacted schools, invited Plaintiffs' reps to engage with the SAC members on issues important to each class, conducted surveys of parents in the immediately impacted areas to determine interest levels, conducted surveys of non-Anglo parents in racially concentrated boundaries to determine interest levels in participating in incentive transportation with express busing, considered the positive integrative impacts of express busing (increasing integration at the receiving school and decreasing racial concentration at the sending schools), developed cost and revenue estimates, and examined potential sixth grade additions at west and south side K-5 schools.¹

The Special Master and Plaintiff comments are available in Appendix B.

2. The District Must Use Four Strategies for Assigning Students to Schools, to be Developed in Consultation with the Plaintiffs and the Special Master

The Court found “the student assignments proposed by TUSD [at Fruchthendler and Sabino] were not considered in the context of the four integration strategies required by the USP: attendance boundaries, pairing and clustering of schools; magnet schools and programs; and open enrollment.” *Id.* at 5. Between July and November, the District considered the proposals comprehensively in the context of the four integration strategies, as described above. The executive summaries for each proposal include a summary of the District’s analysis of each proposal in the context of the four integration strategies proposed by the USP.

In addition, the District has committed to developing and proposing initiatives on a much broader scale to increase the number of students attending integrated schools within the District by March 1, 2016 (see ECF 1858-1 at 3:1-3). In developing these initiatives, the District will consider the four integration strategies, and others, for improving integration beyond the current proposals.

3. When it Undertakes Certain Enumerated Student Assignment Actions, the District Must Review to Determine Whether to Redraw Its Attendance Boundaries.

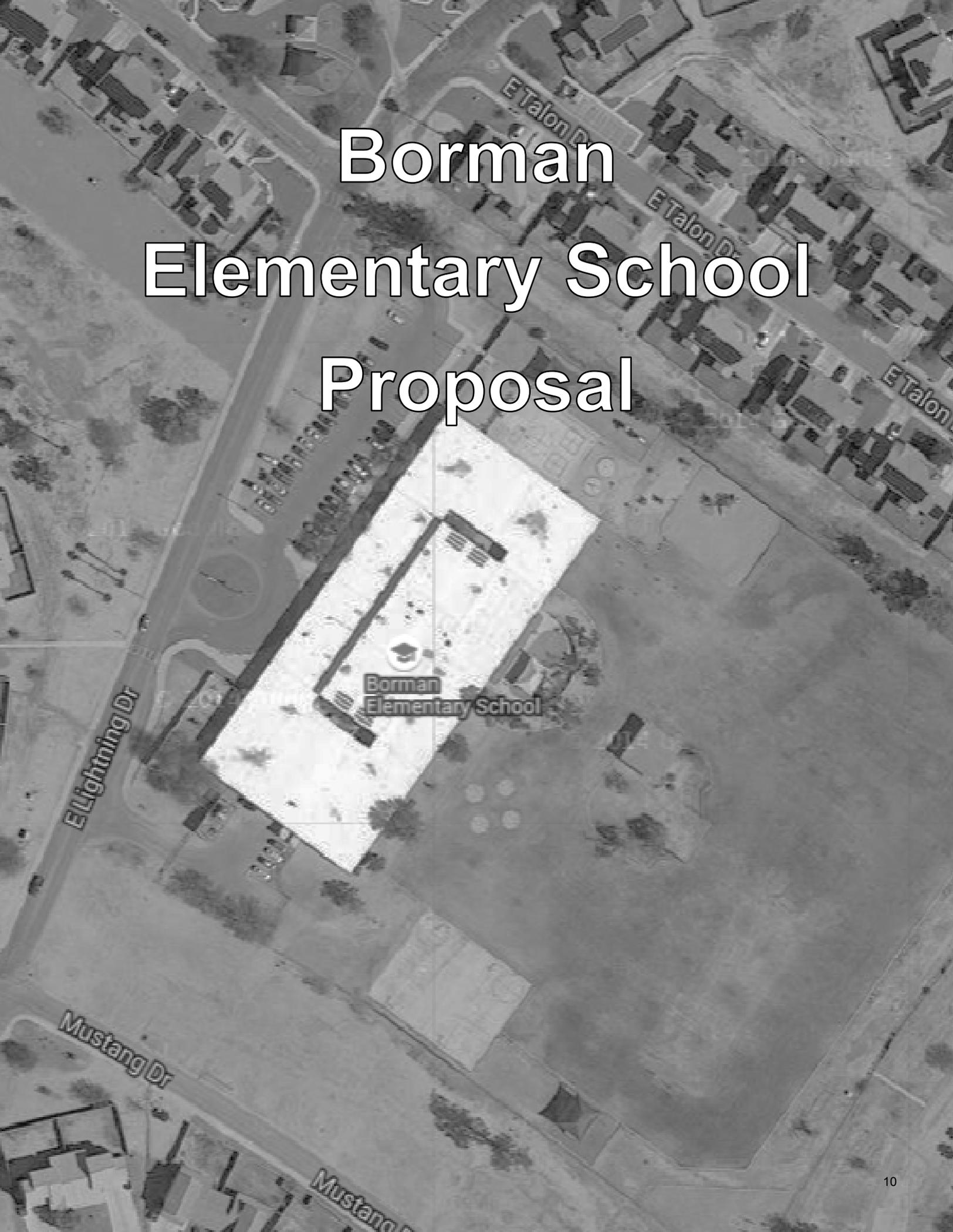
The Court found that USP section II.D.2 requires “TUSD to review to determine whether to redraw its attendance boundaries, if it makes student assignment changes.” ECF 1799 at 5. The District reviewed each proposal to determine whether boundary changes were necessary, or whether boundary changes would improve integration. None of the proposals required a boundary change, nor would a boundary change have significantly improved integration in any of the proposals. The results of these analyses are outlined in the executive summaries for each proposal.

¹The District’s engagement over a period of 5-6 months in 2014 (during the boundary review process) informed many aspects of the integration analysis conducted in 2015. The 2014 Boundary Committee, after meeting for almost half a year, reviewing hundreds of pages of data, pouring over maps, and analyzing various creative proposals to increase integration, proposed very few options for improving integration (and even fewer that promised significant impacts to improve integration). In that context, the District never intended to engage in another 5-6 month process to consider each and every possible scenario to improve integration districtwide (as it had just completed less than one year prior). Neither the USP nor relevant Court orders require such an effort every time the District proposes a student assignment change. Instead, the District considered a small number of potential grade reconfiguration proposals with the Special Master and Plaintiffs that might improve integration, retain students, and/or improve educational quality. The District has further analyzed these proposals (and the potential for additional proposals) within the context of applicable USP criteria, through the lens of the USP’s four integration strategies, and through communications and engagement with the Special Master, the Plaintiffs, external consultants, and the SAC.

4. The District Should Explain How a Student Assignment Change Fits Into Other USP Plans and Strategies and If Not, Why Not.

The Court found that “[p]lans and strategies are now in place, pursuant to the USP, for addressing student assignments but this NARA fails to reflect how the Fruchthendler-Sabino Honors Pipeline plan fits into these plans and strategies, and if not, why.” ECF 1799 at 5. The current proposal reflects how each proposed grade reconfiguration might potentially impact student assignment, transportation, educational programming, family engagement, and the District’s ALE efforts. In addition, the revised scope of each DIA considers impacts of each proposal on the District’s efforts to implement the USP.

Borman Elementary School Proposal



BORMAN ELEMENTARY SCHOOL

Proposal Description:

- Change K-5 to a K-8
- Immediate Needs: Light renovation of 2 classrooms to remove partitions; accommodate science instruction (1 mobile lab table)
- Long Term Plan: PE changing room addition

Integration Strategies:

Pairing and Clustering: Borman is on base and it is not feasible to pair or cluster it with an off-base school due to Davis-Monthan Air Force Base (DMAFB) access restrictions

Boundaries: No boundary changes required; boundary changes would not increase integration

Magnets: Borman is not a magnet school, and the proposal would not significantly impact any surrounding magnet schools.

Open Enrollment: Open Enrollment is not a factor in this school due to DMAFB access restrictions

Proposal-specific strategies to promote integration and/or other USP activities: AVID at Roberts-Naylor (an integrated school with a student population that is 22% African American and 58% Latino, and capacity for approximately 200 additional students) could operate to provide more students with an opportunity to attend an integrated school, and to prepare African American and Latino students for success in core classes and Advanced Learning Experiences (ALEs) such as GATE and pre-AP classes.

Pros and Cons:

Pros:

- Increases enrollment at a school which is not racially concentrated
- Increase choice for parents and students in TUSD. By right, the students in these schools may still attend the middle school that currently serves them.
- Retains 6-8th grade students in TUSD. The Vail school district currently buses approximately 100 students from DMAFB to schools in their district; a charter school located on the base enrolls approximately 90% of 6th-8th grade students currently living on DMAFB.
- Community retention of families into TUSD high schools
- Maintain the military “culture” within the families through 8th grade
- Supports DMAFB families by providing a middle-school option to the charter school on the base.
- The facility is currently underutilized but would likely become fully utilized once enrollment reaches two classes per middle school grade
- Low short-term cost

Cons:

- If enrollment reaches two classes per middle school grade there will be no room for future growth.
- With long-term growth, the facility could be missing some typical middle school spaces such as a science lab, PE changing areas. [Note: This could be funded through a future bond.]

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Costs:

Construction:

- Immediate Needs: \$60,000 for light renovations to two classrooms
- Long Term Plan: \$700,000-\$750,000 to add two classrooms and a locker room if enrollment exceeds expectations

Transportation: No cost

Marketing: Not applicable

Borman Evaluation:

Pos(+)	Neut.	Neg(-)	Criteria
	X		Demographics (i.e., race, ethnicity, exceptional ed., current and projected enrollment, current and projected development patterns, socio economic status, GATE and other)
	X		Targeted operating capacities
X			Current and planned instructional programs
	X		Effects on integration
	X		Student transportation
	X		Feeder patterns
	X		Fiscal impacts

TUCSON UNIFIED SCHOOL DISTRICT DESEGREGATION IMPACT ANALYSIS

Action: Borman as a K-8 School

Summary

On June 21, 1977 Frank Borman Elementary School K-5 opened on Davis-Monthan Air Force Base to relieve overcrowding at the former Smith Elementary School, which closed in 2008. This is an analysis of the racial-ethnic composition of Borman as a K-5 school, the impact of adding 6th-8th grades to that school, and estimated impacts of the proposed change to the District’s obligations under the USP.

A. Analysis of the impact of the requested action on the District’s obligation to desegregate.

Current K-5 grade enrollment

As shown in Table 1, there are approximately 420 students at Borman—70 students per grade. Borman has a racial-ethnic composition which is 54% Anglo and 35% African American and Latino.

Impact on Borman as a K-8 School

The change component at Borman was estimated based on 65% of the current 5th graders transitioning into the 6th grade and then all of those transitioning into the 7th and 8th grades. The 65% is based on typical cohort progression ratios for 5th to 6th grade for K-8 schools. As the same students that are in the school now will form the 6th through 8th grades, there is no change to the racial-ethnic composition at Borman.

Table 1

Change Component (6th through 8th grades)

Grades	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
New 6th through 8th grades	83	18	35	0	5	13	154
	54%	12%	23%	0%	3%	8%	

Borman Impacts

Grades	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Current K-5	255	57	108	1	14	40	475
	54%	12%	23%	0%	3%	8%	
Projected K-8	338	75	143	1	19	53	629
	54%	12%	23%	0%	3%	8%	

Borman has capacity to serve 629 students with resource rooms and a computer lab unaffected by adding students. Additionally, there are two rooms with walls that were added in the past; these walls could be removed to increase the capacity if needed.

Impact on Middle Schools

Adding the 6th-8th grades at Borman would have virtually no impact on middle schools. There are only five 6th-8th grade Borman Area students attending Roberts/Naylor (the school designated to receive Borman Area students) and less than 10 students from the Borman Area attending any other middle school.

The change has a strong potential to retain middle-school-age students in TUSD as 70% of the Borman Area students may not attend TUSD schools (see Section C below).

Renovation Costs

- Immediate Needs: \$60,000 for light renovations to 2 classrooms
- Long Term Plan: \$700,000-\$750,000 for a 2 classroom and locker room addition if enrollment exceeds expectations

Transportation Costs

- No cost

B. Analysis of how the proposed change will impact the District's obligations under the USP

The District, Plaintiffs, and Special Master have identified 65 USP implementation activities, organized by the ten USP sections I-X. Below, the District analyzes the potential impact of the proposed grade configuration change on the District's obligations under each of the ten USP sections:

- 1. Compliance** No potential impact.
- 2. Student Assignment** The proposal itself will result in minimal potential impact to Borman itself, as shown in Section A above. However, an extremely low number of middle-school-aged students on DMAFB attend District schools for 6th through 8th grade. Retaining more of these students at Borman (students who now attend non-District schools) will offer additional opportunities to increase integration districtwide by broadening the pool of available students to which the District can more directly engage in marketing, outreach, and recruitment activities. As an ancillary measure, the District is proposing to develop AVID at nearby Roberts-Naylor K8 school (an Integrated School) to increase its attractiveness, thereby providing more opportunities for students to attend an Integrated school.
- 3. Transportation** No potential impact.
- 4. Admin/Cert Staff** No potential impact.
- 5. Quality of Education** Positive impact by the addition of AVID at Roberts-Naylor to prepare African American and Latino students for success in core classes and Advanced Learning Experiences (ALEs) such as GATE and pre-AP classes.

- 6. Discipline** No potential impact.
- 7. Family and Community Engagement** Currently, many students and families living on DMAFB disengage from the District after 5th grade, frustrating efforts at family engagement, including: marketing, outreach, and recruitment; ALE, UHS, and dual-language recruitment ; and sharing information about college, career, and other opportunities available through the District. Creating a K-8 school will likely improve family engagement and participation at Borman, translating to increased student retention, improvements in educational outcomes, reductions in disciplinary issues, and improved culture and climate. Additionally, Borman families who either stay (or return) to the District, would have easy access to the benefits and events available through the Family Center at Palo Verde, less than two miles away.
- 8. Extracurricular Activities** As the enrollment of Borman increases, so to do the opportunities to offer a wider variety of extracurricular activities which afford students opportunities to engage in interracial contact in positive settings of shared interest.
- 9. Facilities and Technology** No potential impact.
- 10. Accountability and Transparency** No potential impact.

C. Notes on the Above Demographic Analysis

- All of the projections are estimates based on current patterns of choice. The 5th to 6th transition rates at K-8 schools (50% to 80%) which supports the 65% used herein.
- The above estimates are based on current TUSD students on the 40th-day SY2014-15.
- There is a potential to attract students who do not currently attend TUSD schools. For example, as shown in the table below, almost 80% of the Borman 5th graders in SY2014-15 did not attend TUSD schools in 6th grade the following year. This is a loss of over 100 middle-school-age students.

Transition of Collier 5 th Graders into 6 th Grade	
School	Enrollment
Not in TUSD	36
In TUSD	10
Doolen	1
Fickett Magnet	3
Gridley	1
Naylor	1
Secrist	1
Vail	3

BORMAN K-8 PARENT SURVEY SUMMARY

Parent surveys were administered in February, 2015, in regards to community-wide interest for a grade reconfiguration of Borman into a K-8 school. The motivation for community-wide interest was centered on the unique culture of the military family, and the dynamics affecting parental access to their students during sporadic times of base lock-downs and alerts.

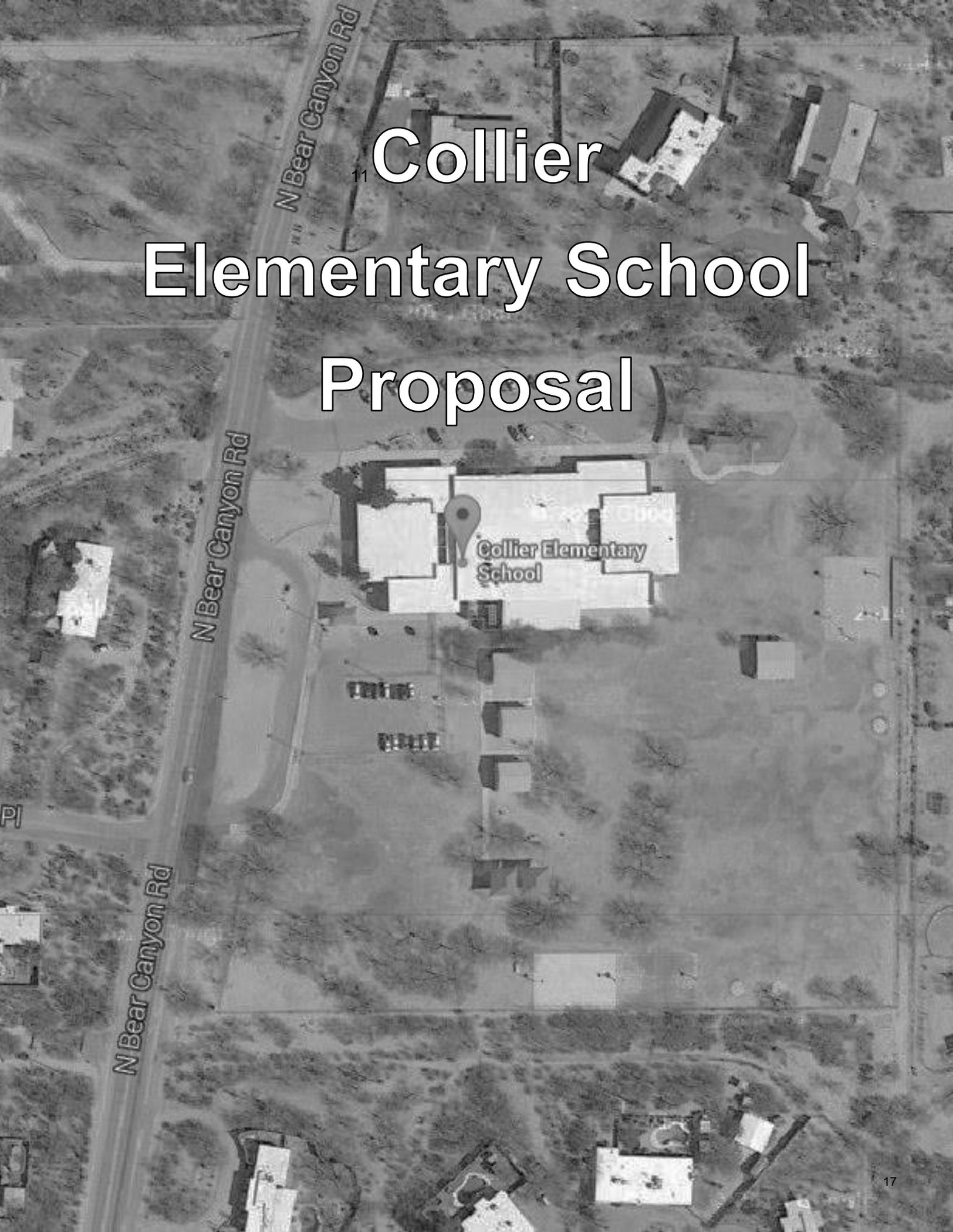
The results of the survey were as follows:

- 195 surveys were returned
- 84% of respondents were in favor of Borman transitioning into a K-6 or K-8 model
- 16% of respondents preferred Borman to remain a K-5 school

Some of the parent comments from the survey were as follows:

- "I think adding middle school grades is a great idea. It helps all of the military families find a middle school for their children on base! Wonderful idea!"
- "I think that the addition of middle school grades would be beneficial to the learning of not only my children, but also others. It would be helpful in transitional aspects families here at DM experience, such as when families transfer in (PCS) and keeping siblings closer, and transferring out (PCS), preventing a 3x change in environment for a potential 6th, 7th, and 8th grader. Children are extremely influenced in these specific years and would help to focus on studies. Thank you."
- "I think it is a fantastic idea to make Borman a K-8 school. I would definitely have my child attend Borman over Sonoran Science Academy."
- "If my son is allowed to continue his education at Borman Elementary by the school becoming 6th-8th grade, I feel this will enhance his ability to learn and excel in an atmosphere he has already shown excellence."
- "I think it would be a wonderful option for families who can't send their children off base or would prefer them to be closer to home."
- "I am going to be here for a while and to know that if I am here for that long and my child can attend the same school and doesn't have to bounce around is awesome."
- "The children are used to going to school where they live, and Borman having a K-8 would enhance the small community and educational experience of remaining with friends longer. We love Borman and I would like them to remain as long as possible."
- "We came from Maxwell Air Force Base, which had a K-8 school and loved it! Please add 6th-8th grades."
- "Great opportunity for continuity!"
- "Having a K-8 school as an option would be great! Having several kids, it gets complicated to schedule between two different schools. Also keeping kids in a familiar building with familiar staff would add to the comfort and success of our constantly moving military children/students. This would also allow for a larger student, therefore parent group at Borman. We have an awesome school. Why not open it up to more students?"
- "It would be a great opportunity to allow military students to continue at Borman past 5th grade while being stationed at Davis Monthan. I would absolutely love to have both of my children continue at the same school."
- "I would move my 7th grader from Sonoran Science if Borman would have an 8th grade. I am very displeased with Sonoran, but I've been very pleased with Borman."
- "The safety that comes with having my child enrolled in a school on a military installation means a lot. Adding these grades would keep him on the installation for more years."

Collier Elementary School Proposal



COLLIER ELEMENTARY SCHOOL

Proposal Description:

- Change K-5 to a K-6
- Immediate Needs: No renovations needed
- Long Term Plan: No renovations needed

Integration Strategies:

Pairing and Clustering: Collier is geographically far from any other elementary school. Pairing or clustering Collier with another school to share a boundary is not feasible.

Boundaries: No boundary changes required; boundary changes would not increase integration

Magnets: Collier is not a magnet school, and the proposal would not significantly impact any surrounding magnet schools (the nearest magnet schools are more than five miles away).

Open Enrollment (supported by incentive transportation): Students living within the boundary of a Racially Concentrated school could attend Collier through open enrollment. For students whose enrollment would increase integration at Collier, the District would provide free transportation in the form of an express bus from a central location to Collier (perhaps combine 6th graders open enrolled to Collier with 7th and 8th graders open enrolled to Sabino, if Sabino is approved). An increase in non-Anglo students at Collier would move it towards the definition of an Integrated School

Proposal-specific strategies to promote integration and/or other USP activities: In 2014-15, Magee's student population was 46% Anglo, 13% African American, and 34% Latino). A reduction in Anglo student percentage and/or an increase in Latino student percentage would move Magee towards the definition of an Integrated School. Developing and offering enhanced ALE programs at Magee (AVID and/or partnerships with Sahuaro High School for pre-AP or Dual-Credit courses) could operate to attract more Latino students to Magee, and to prepare African American and Latino students for success in core classes and Advanced Learning Experiences (ALEs).

Pros and Cons:

Pros:

- Increases enrollment at a school which is not racially concentrated
- Increase choice for parents and students in TUSD. By right, the students in these schools may still attend the middle school that currently serves them.
- Capture Collier 6th graders that now leave TUSD (35)
- Create STEM after school programs that feed into Magee's Odyssey of the Mind to attract diverse students to both schools
- Continue Collier's strong Exceptional Ed program into 6th grade
- Include multi-cultural and athletic after school programs to attract diverse students and to provide child-care for those taking an express bus
- Minimal cost

Cons:

- Prepare for 7th grade transition, versus 6th grade, into middle school
- No science lab for 6th graders, as they might have in middle school (use a science cart)

Costs:

Construction: Immediate Needs \$20,000; Long Term Plan: \$0

Transportation:

- \$64,000 for an express bus (ride time 35 minutes) (costs shared with Fruchthendler)
- \$0 to add a Roskrige stop to an existing Collier route (ride time 1 hour)

Marketing: Included in overall School Choice marketing plan

Collier Evaluation:

Pos(+)	Neut.	Neg(-)	Criteria
	X		Demographics (i.e., race, ethnicity, exceptional ed., current and projected enrollment, current and projected development patterns, socio economic status, GATE and other)
X			Targeted operating capacities
X			Current and planned instructional programs
	X		Effects on integration
	X		Student transportation
X			Feeder patterns
	X		Fiscal impacts

TUCSON UNIFIED SCHOOL DISTRICT DESEGREGATION IMPACT ANALYSIS

Action: Collier as a K-6 School

Summary

Collier Elementary School is a K-5 school that serves the northwest area of TUSD just east of Sabino Creek and south to the Tanque Verde Wash. This is an analysis of the racial-ethnic composition of Collier as a K-5 school, the impact of adding a 6th grade to that school, and estimated impacts of the proposed change to the District's obligations under the USP.

A. Analysis of the impact of the requested action on the District's obligation to desegregate.

Current K-5 Enrollment at Collier

As shown in the Table 1 there are approximately 200 students at Collier—30 to 40 students per grade. The racial-ethnic composition is 62% Anglo and 31% African American and Latino.

Based on 2010 census data, for the Collier Area, there are over 20 students per grade in the K-5 level who do not attend TUSD schools and over 40 who do not attend TUSD schools in the 6th grade (see the map below).

Impact on Collier as a K-6 School

Based on typical transition rates from 5th grade to 6th grade for K-8 and K-6 schools, the change would add approximately 20 to 30 students to Collier, resulting in 1 class. However, with the strong potential to attract students who attend non-TUSD schools, the projections are based on adding 35 students from the 135 total middle-school-age students in the Collier area in the 6th grade. Those impacts are shown in Table 1.

The school has capacity for the additional students. Not counting the portables, the school has a capacity of 400 as currently used and the capacity could be increased to 425 by scheduling resource programs to share rooms and or portables. Now, with 200 students, Collier is at 50% utilization; with the additional students it would increase to 58% utilization rate.

The change is expected to have very little impact on the racial ethnic composition of Collier because the population that would attend the 6th grade has essentially the same composition as the current K-5 population.

Table 1

Change Component

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Continue at Collier (6 th)	23	2	8	1	0	1	35
	% 64%	6%	24%	2%	1%	3%	

Collier Impacts

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Collier (current K-5)	122	6	49	4	2	14	197
	% 62%	3%	25%	2%	1%	7%	
Collier (projected K-6)	145	8	57	5	2	15	232
	% 63%	3%	25%	2%	1%	6%	

Impact of an Express Bus on Collier as a K-6 School

A survey of 5th graders in racially concentrated middle school areas indicated that 82 parents (25% of respondents) may be interested in having their children attend the Collier if a 6th grade were added and if transportation were provided. If this were applied to all 7 grades that might be able to attend Collier (K-6), there would be over 500 parents interested. For the purposes of this analysis, we have assumed there would be one bus with 30 students (approximately 5% of the potential indicated by the survey).

The results shown below indicate that the additional students from racially concentrated schools areas would move the school 7% to 8% closer to being integrated in two racial-ethnic categories.

Table 2

Change (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Express Bus (K-6)	0	1	26	2	0	1	30
	% 0%	3%	87%	7%	0%	3%	

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Collier (projected K-6)	145	8	57	5	2	15	232
	% 63%	3%	25%	2%	1%	6%	
Collier (projected K-6 w/ express bus))	145	9	83	7	2	16	262
	% 55%	3%	32%	3%	1%	6%	

Impacts on Magee Middle School, Sabino High School and Other Schools

The impacts on Magee and other schools are reported separately in the Sabino DIA.

Renovation Costs

- Immediate Needs: \$20,000
- Long Term Plan: \$0

Transportation Costs

- \$64,000 for an express bus (ride time 35 minutes) (costs shared with Fruchthendler)
- \$0 to add a Roskruge stop to an existing Collier route (ride time 1 hour)

B. Analysis of how the proposed change will impact the District's obligations under the USP

The District, Plaintiffs, and Special Master have identified 65 USP implementation activities, organized by the ten USP sections I-X. Below, the District analyzes the potential impact of the proposed grade configuration change on the District's obligations under each of the ten USP sections:

- 1. Compliance** No potential impact.
- 2. Student Assignment** The proposal itself will result in minimal potential impact to Collier itself, as shown in Section A above. However, an extremely low number of middle-school-aged students from the Collier area attend District schools for 6th through 8th grade. Retaining more of these students at Collier (students who now attend non-District schools) will offer additional opportunities to increase integration districtwide by broadening the pool of available students to which the District can more directly engage in marketing, outreach, and recruitment activities. As an ancillary measure, the District is proposing to develop ALE programs (AVID and/or partnerships with Sahuaro High School for pre-AP or Dual-Credit courses) at nearby Magee Middle School to increase its attractiveness to Latino students and families to increase integration at Magee.
- 3. Transportation** Positive impact if the express bus is added; students living within the boundary of a racially concentrated school, whose enrollment at Collier would improve integration, would receive free transportation to Collier via an express bus.
- 4. Admin/Cert Staff** No potential impact.
- 5. Quality of Education** Positive impact by the addition of AVID and AP programs at Magee to prepare African American and Latino students for success in core classes and Advanced Learning Experiences (ALEs) such as GATE and pre-AP classes..
- 6. Discipline** No potential impact.
- 7. Family and Community Engagement** . Currently, many students and families living in the Collier area disengage from the District after 5th grade, frustrating efforts at family engagement, including: marketing, outreach, and recruitment; ALE, UHS, and dual-language recruitment ; and sharing information about college, career, and other opportunities available through the District. Creating a K-6 school will likely improve

family engagement and participation at Collier, translating to increased student retention, improvements in educational outcomes, reductions in disciplinary issues, and improved culture and climate.

- 8. **Extracurricular Activities** As the enrollment of Collier increases, so to do the opportunities to offer a wider variety of extracurricular activities which afford students opportunities to engage in interracial contact in positive settings of shared interest.
- 9. **Facilities and Technology** No potential impact.
- 10. **Accountability and Transparency** No potential impact.

C. Notes on the Above Demographic Analysis

- All of the projections are estimates based on current patterns of choice. There is little data on preferences for 6th grades in an elementary school. The exception is Drachman K-6 which has a 5th to 6th grade transition of 60% to 80%. The 5th to 6th transition rates at K-8 schools (50% to 80%) are similar.
- The above estimates are based on current TUSD students. Because K-8 capture rates (TUSD students/total school age population) are less than 60% in the subject areas, there is a potential to attract students who do not currently attend TUSD schools. This is especially true for middle-school-age students. As shown in the table below, one-quarter of the Collier 5th graders in SY2013-14 did not attend TUSD schools in 6th grade the following year.

Transition of Collier 5 th Graders into 6 th Grade	
School	Enrollment
Not in TUSD	8
Gridley	1
Pistor	1
Magee	23

Correction: The transition data above is different than the data shown in the previous version of the Collier DIA because that data (below) showed the transition for all of the 5th graders in the Collier Attendance Area even if they didn't attend Collier. That data illustrated even more the loss of middle-school-age students—one-half of the Collier Attendance Area 5th graders in SY2013-14 did not attend TUSD schools in 6th grade the following year.

Transition of Collier Area 5 th Graders into 6 th Grade	
School	Enrollment
Not in TUSD	35
Dodge Magnet	1
Fickett Magnet	1
Gridley	1
Magee	28

COLLIER K-6 PARENT SURVEY SUMMARY

Parent-Link Phone Survey

Questions for parents of 5th graders who live in the attendance areas of Racially Concentrated middle schools, and who would be eligible for incentive transportation to Magee:

Magee Middle School is an eastside school with strong academics and an outstanding Odyssey of the Mind competition group. Would you be interested in free transportation to Magee Middle School?

Yes 140 No 240

Collier is a tight-knit community of learners on the northeast side of Tucson. Would you be interested in free transportation to Collier if sixth grade were added?

Yes 82 No 244

Drachman K-6 Montessori Magnet School Proposal



DRACHMAN MONTESSORI MAGNET SCHOOL

Proposal Description:

- Change K-6 to a K-8
- Immediate Needs: No renovations needed, accommodate science instruction (1 mobile lab table)
- Long Term Plan: Renovate for PE changing rooms; add walls to project areas for extra classrooms

Integration Strategies:

Pairing and Clustering: Drachman is a magnet-theme specific school, surrounded by other magnet-theme specific schools. Pairing or clustering Drachman with another school to share a boundary is not feasible.

Boundaries: No boundary changes required; boundary changes would not increase integration

Magnets: Lower grades are more integrated and parent surveys indicate that a K-8 would retain more students through 8th grade and allow for an integrated school to be developed over time

Open Enrollment: N/A

Proposal-specific strategies to promote integration and/or other USP activities: marketing the K-8 Montessori program to targeted demographics would improve integration, particularly if supported by an express bus from the eastside of the District to the downtown area (which could serve to bring interested target students from the eastside to Drachman, and to other nearby sites like Roskruge to participate in dual-language programs)

Pros and Cons:

Pros:

- Retaining students could make the school a more integrated K-8
- Increase choice for parents and students in TUSD. By right, the students in these schools may still attend the middle school that currently serves them.
- TUSD students will have an option for 7th-8th grade Montessori method of teaching. K-8 is a more common model of Montessori teaching than K-5 or K-6 and families would support this option.
- Retain students who currently leave for Montessori charter programs

Cons:

- In the long-term, renovations should provide typical middle school spaces—cost to provide \$250k to \$400k. [Note: This could be funded through a future bond.]

Costs:

Construction:

- Immediate Needs: \$20,000
- Long Term Plan: \$250,000-\$400,000 for PE changing room renovation and 2-4 classroom renovation

Transportation:

- Middle School grade bussing (3-4 busses): \$135,000-\$180,000 per year
- \$64,000 to add an eastside express bus (ride time 25 minutes)

Marketing:

- Included in overall School Choice marketing plan
- Part of Magnet recruitment strategies; include targeted marketing to potential Montessori populations

Drachman Evaluation:

Pos(+)	Neut.	Neg(-)	Criteria
X			Demographics (i.e., race, ethnicity, exceptional ed., current and projected enrollment, current and projected development patterns, socio economic status, GATE and other)
X			Targeted operating capacities
X			Current and planned instructional programs
X			Effects on integration
	X		Student transportation
X			Feeder patterns
		X	Fiscal impacts

TUCSON UNIFIED SCHOOL DISTRICT DESEGREGATION IMPACT ANALYSIS

Action: Drachman Montessori Magnet as a K-8 School

Summary

On May 26, 1981, a Federal Court order approved combining Carrillo and Drachman boundaries—K-3 students were to attend Drachman and 4-6 students were to attend Carrillo. In 2006, Drachman Primary Magnet School was approved by the Federal Court to become a K-6 school. Later, it became a Montessori school. This is an analysis of the racial-ethnic composition of Drachman as a K-6 school and an estimate of the impact of adding 7th and 8th grades to that school.

A. Analysis of the impact of the requested action on the District’s obligation to desegregate.

Current K-6 grade enrollment

As shown in Table 1, there are approximately 300 students at Drachman—50 students per grade. Most (220) of the students are magnet students from outside the Drachman attendance area. Drachman is racially concentrated with a racial-ethnic composition that is 75% Hispanic and 19% Anglo and African American.

Impact on Drachman as a K-8 School

To analyze the impacts of adding the 7th and 8th grades to Drachman, the current 6th grade enrollment was doubled and added to the current K-6 enrollment. Based on the analysis shown in Table 1, there is virtually no change in the racial-ethnic composition.

Drachman has an operating capacity of 420, which would accommodate the additional 60 students at the school.

Table 1Change Component (7th and 8th grades)

Grades	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
New 7th and 8th grades	4	7	47	2	0	1	61
	8%	11%	75%	4%	0%	2%	

Drachman Impacts

Grades	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Current K-6	23	35	228	12	1	7	306
	8%	11%	75%	4%	0%	2%	
Projected K-8	27	42	275	14	1	8	367
	7%	11%	75%	4%	0%	2%	

Impacts on Potential Sending Schools

This analysis is based on the current 6th-grade students attending Drachman, from any middle-school area, who would transition from the 6th grade to 7th and 8th grades. Based on the residential locations of current enrollees at Drachman, Safford and Valencia are the only schools that would be impacted by more than 10 students. As shown in Table 2, adding the 7th-8th grades to Drachman would have virtually no impact on the Safford or Valencia racial-ethnic composition.

Table 2Safford Change Component (7th and 8th grades)

Grades	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Safford Area 7 th & 8 th at Drachman	0	4	22	4	0	0	30
	0%	13%	73%	13%	0%	0%	

Safford Impacts

Grades	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Current K-6	43	42	423	47	3	12	570
	8%	7%	74%	8%	1%	2%	
Projected K-8	43	38	401	43	3	12	540
	8%	7%	74%	8%	1%	2%	

Valencia Change Component (7th and 8th grades)

Grades	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Valencia Area 7 th & 8 th at Drachman	0	2	12	0	0	0	14
	0%	14%	86%	0%	0%	0%	

Valencia Impacts

Grades	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Current K-6	90	29	796	54	5	19	993
	9%	3%	80%	5%	1%	2%	
Projected K-8	90	27	784	54	5	19	979
	9%	3%	80%	6%	1%	2%	

Renovation Costs

- Immediate Needs: \$20,000
- Long Term Plan: \$250,000-\$400,000 for PE changing room renovation and 2-4 classroom renovation

Transportation Costs

- \$135,000-\$180,000 to add 3-4 afternoon routes to accommodate a different bell schedule for the upper grades.
- \$64,000 to add an eastside express bus (ride time 25 minutes)

B. Analysis of how the proposed change will impact the District’s obligations under the USP

The District, Plaintiffs, and Special Master have identified 65 USP implementation activities, organized by the ten USP sections I-X. Below, the District analyzes the potential impact of the proposed grade configuration change on the District’s obligations under each of the ten USP sections:

- 1. Compliance** No potential impact.
- 2. Student Assignment** This proposal would help to retain students in a magnet program which is becoming more integrated – helping Drachman reach its USP-mandated goal of becoming an integrated school. Currently the school is 76% Hispanic but the newer grades each year have greater percentages of non-Hispanic students —this year the kindergarten is only 68% Hispanic (below the 70% threshold for a racially concentrated school). If Drachman maintains incoming classes that are below the 70% threshold, it will continue to move towards the definition of an Integrated school. The existence of a K-8 continuum at Drachman will enhance the marketing, outreach, and recruitment of target students and increase Drachman’s attractiveness. Students will have a consistent Montessori education through 8th grade, will

benefit from one less transition from elementary school to middle school, and may take advantage of express busing.

3. **Transportation** Positive impact if the express bus is added. Students living centrally and east will benefit from an express bus that will bring students to Drachman on a shorter, express route to alleviate concerns about long bus rides and increase the likelihood of recruiting target students to attend Drachman. Magnet transportation is provided free pursuant to the USP. Express busing has the added benefit of transporting students not only to Drachman but, potentially, transporting target students from central and eastside locations to Roskruge dual-language magnet school to improve integration at that site as well.
4. **Admin/Cert Staff** No potential impact.
5. **Quality of Education** Students enrolled at Drachman will benefit from one less educational transition (from elementary school to middle school). Also, Drachman students will engage in Montessori curriculum through 8th grade.
6. **Discipline** No potential impact.
7. **Family and Community Engagement** No potential impact.
8. **Extracurricular Activities** No potential impact.
9. **Facilities and Technology** No potential impact.
10. **Accountability and Transparency** No potential impact.

C. Notes on the Above Demographic Analysis

- All of the projections are estimates based on current patterns of choice. The analysis assumes that all 6th graders at Drachman would transition to the 7th and 8th grades. Typically, 95% to 100% of the students make this transition.
- The above data is from the SY2014-15 40th-day enrollment data.

DRACHMAN K-8 PARENT SURVEY SUMMARY

A comprehensive survey of parents/guardians indicated an overwhelming interest in the proposed reconfiguration of Drachman to transition into a K-8 school. There were 204 responses received from the survey. 60% of the of parents/guardian respondents indicated that a Drachman K-8 model could have potential implications for their interest and support regarding the enrollment or future enrollment of their child(ren). The 60% respondents felt a K-8 model would be a consideration for future enrollment decisions for school choice.

A total of 87% of survey respondents indicated they would be seek a continuance in enrollment through 8th grade for their current Drachman students, if Drachman were to transition into K-8 school model. Results indicated a strong preference among parent/guardian survey respondents to provide a continuum of the Montessori instructional model through 8th grade for their students.

Fruchthendler Elementary School Proposal



FRUCHTHENDLER ELEMENTARY SCHOOL

Proposal Description:

- Change K-5 to a K-6
- Immediate Needs: No renovations needed
- Long Term Plan: Additional classroom space may be desired for Music, if the multi-purpose room cannot accommodate it. Additional classrooms may be needed depending on the success of the program to attract TUSD Area students who do not attend TUSD schools

Integration Strategies:

Pairing and Clustering: Fruchthendler is geographically far from any other elementary school; Pairing or clustering it with another school to share a boundary is not feasible.

Boundaries: No boundary changes required; boundary changes would not increase integration

Magnet: Fruchthendler is not a magnet school, and the proposal would not significantly impact any surrounding magnet schools (the nearest magnet schools are more than five miles away).

Open Enrollment (supported by incentive transportation): Students living within the boundary of a Racially Concentrated school could attend Fruchthendler through open enrollment. For students whose enrollment would increase integration at Fruchthendler, the District would provide free transportation in the form of an express bus from a central location to Collier (perhaps combine 6th graders open enrolled to Fruchthendler with 7th and 8th graders open enrolled to Sabino, if Sabino is approved). An increase in non-Anglo students at Fruchthendler would move it towards the definition of an Integrated School

Proposal-specific strategies to promote integration and/or other USP activities: In 2014-15, Magee's student population was 46% Anglo, 13% African American, and 34% Latino). A reduction in Anglo student percentage and/or an increase in Latino student percentage would move Magee towards the definition of an Integrated School. Developing and offering enhanced ALE programs at Magee (AVID and/or partnerships with Sahuaro High School for AP or Dual-Credit courses) could operate to attract more Latino students to Magee, and to prepare African American and Latino students for success in core classes and Advanced Learning Experiences (ALEs).

Pros and Cons:

Pros:

- Increases enrollment at a school which is not racially concentrated
- Increase choice for parents and students in TUSD. By right, the students in these schools may still attend the middle school that currently serves them.
- May retain a large number of 5th grade students within TUSD who currently leave for surrounding districts or charters (over 80 students in the area do not attend TUSD 6th grades)
- May attract the large number of students in the TUSD boundary, 60% of whom do not currently attend TUSD schools
- Include multi-cultural and athletic after school programs to attract diverse students and to provide child-care for those taking an express bus
- Low cost
- Impacts on Magee are small (less than 10 students)

Cons:

- Prepare for 7th grade transition, versus 6th grade, into middle school
- Capacity may be limited for future growth (though enrollments are declining)
- No science lab for 6th graders, as they might have in middle school (use science cart)

Costs:

Construction: Immediate Needs \$30,000; Long Term Plan: \$0, depending on the program success in attracting new TUSD boundary students

Transportation: \$64,000 for an express bus (costs shared with Collier) (ride time 35 minutes)

Marketing: Included in overall School Choice marketing plan

Fruchthendler Evaluation:

Pos(+)	Neut.	Neg(-)	Criteria
	X		Demographics (i.e., race, ethnicity, exceptional ed., current and projected enrollment, current and projected development patterns, socio economic status, GATE and other)
	X		Targeted operating capacities
X			Current and planned instructional programs
	X		Effects on integration
	X		Student transportation
	X		Feeder patterns
X			Fiscal impacts

TUCSON UNIFIED SCHOOL DISTRICT DESEGREGATION IMPACT ANALYSIS

Action: Fruchthendler as a K-6 School

Summary

Fruchthendler Elementary School is a K-5 school that serves the northwest area of TUSD just west of Sabino Creek and south toward Tanque Verde Road. This is an analysis of the racial-ethnic composition of Fruchthendler as a K-5 school, the impact of adding a 6th grade to that school, and estimated impacts of the proposed change to the District's obligations under the USP.

A. Analysis of the impact of the requested action on the District's obligation to desegregate.

Current K-5 Enrollment at Fruchthendler

As shown in the Table 1 there are approximately 350 students at Fruchthendler—50 to 60 students per grade. The racial-ethnic composition is 65% Anglo and 30% African American and Latino.

Based on 2010 census data, for the Fruchthendler Area, there are over 40 students per grade in the K-5 level who do not attend TUSD schools and over 80 who do not attend TUSD schools in the 6th grade (see the map below).

According to the current principal, the vast majority of Fruchthendler families choose to go outside of TUSD for middle school because: 1) there are two competitive middle school options within a mile of Fruchthendler (Esperero to the north and Basis to the west) and 2) the TUSD middle school (Magee) that Fruchthendler feeds into is four miles away and the opposite direction most parents travel to get to work. Then, when parents choose a non-TUSD school, they also tend to take their younger children from Fruchthendler to the adjoining elementary school in an effort to have all family members on the same district calendar.

Impact on Fruchthendler as a K-6 School

Based on typical transition rates from 5th grade to 6th grade for K-8 and K-6 schools, the change would add approximately 40 to 50 students to Fruchthendler, resulting in 2 small classes or 1 class and a combo class. However, with the strong potential to attract students who attend non-TUSD schools, the projections are based on adding 54 students in the 6th grade. Those impacts are shown in Table 1.

The school has two resource rooms (Speech, GATE, Special Ed and ELD), 1 classroom, two portables and a computer room. Not counting the portables, the school has a capacity of 440 as currently used and the capacity could be increased to 470 by scheduling resource programs to share rooms and the portables. Now, with 350 students, Fruchthendler is at 80% utilization; with the additional students and revised scheduling, it would increase to 85% utilization, an ideal utilization rate.

The change is expected to have very little impact on the racial ethnic composition of Fruchthendler because the population that would attend the 6th grade has essentially the same composition as the current K-5 population.

Table 1

Change Component

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Continue at Fruchthendler (6 th)	36	1	14	0	1	2	54
	% 66%	2%	26%	0%	2%	4%	

Fruchthendler Impacts

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Fruchthendler (current K-5)	228	20	83	1	5	12	349
	% 65%	6%	24%	0%	1%	3%	
Fruchthendler (projected K-6)	264	21	97	1	6	14	403
	% 66%	5%	24%	0%	1%	3%	

Impact of an Express Bus on Fruchthendler as a K-6 School

A survey of 5th graders in racially concentrated middle school areas indicated that 99 parents (29% of respondents) would be interested in having their children attend Fruchthendler if a 6th grade were added and if transportation were provided. If this were applied to all 7 grades that might be able to attend Fruchthendler (K-6), there would be close to 700 parents interested. For the purposes of this analysis, we have assumed there would be one bus with 30 students (approximately 4% of the potential indicated by the survey).

The results shown below indicate that the additional students from racially concentrated schools areas would move the school 4% to 5% closer to being integrated in two racial-ethnic categories.

Table 2

Change (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Express Bus (K-6)	0	1	26	2	0	1	30
	% 0%	3%	87%	7%	0%	3%	

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Fruchthendler (projected K-6)	264	21	97	1	6	14	403
	% 66%	5%	24%	0%	1%	3%	
Fruchthendler (projected K-6 w/ express bus)	264	22	123	3	6	15	433
	% 61%	5%	28%	1%	1%	3%	

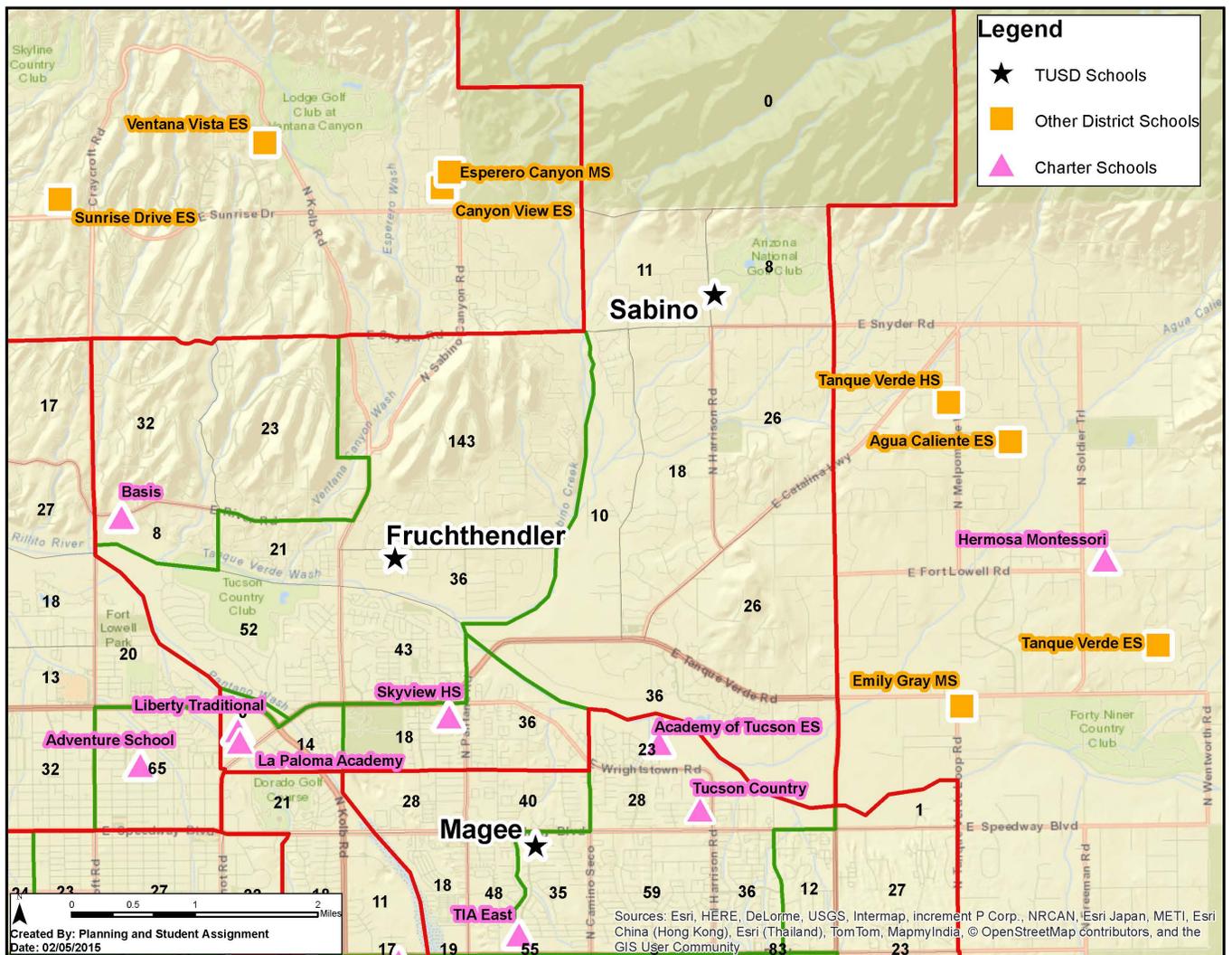
Impacts on Magee Middle School, Sabino High School and Other Schools

The impacts on Magee and other schools are reported separately in the Sabino DIA.

Map of the Area

The following shows the Sabino Area, outlined in red, and within it, the Fruchthendler Area, in green. The Fruchthendler K-5 Area is wholly within the Sabino HS Area. The Sabino HS Area also includes the Collier K-5 Area and portions of Bloom, Hudlow, and Whitmore. At the middle school level, it includes a large portion of Magee and, to a much lesser extent, Booth-Fickett.

The numbers within each area show the total number of middle-school-age students in 2010 who did not attend TUSD schools. The largest such number is in the area directly north of Fruchthendler.



Renovation Costs

- Immediate Needs: \$30,000
- Long Term Plan: \$0

Transportation Costs

- \$64,000 for an express bus (costs could be shared with Collier) (ride time 35 minutes)
- \$0 to add a Roskruge stop to an existing Fruchthendler route (ride time 1 hour)

B. Analysis of how the proposed change will impact the District's obligations under the USP

The District, Plaintiffs, and Special Master have identified 65 USP implementation activities, organized by the ten USP sections I-X. Below, the District analyzes the potential impact of the proposed grade configuration change on the District's obligations under each of the ten USP sections:

- 1. Compliance** No potential impact.
- 2. Student Assignment** The proposal itself will result in minimal potential impact to Fruchthendler itself, as shown in Section A above. However, an extremely low number of middle-school-aged students from the Fruchthendler area attend District schools for 6th through 8th grade. Retaining more of these students at Fruchthendler (students who now attend non-District schools) will offer additional opportunities to increase integration districtwide by broadening the pool of available students to which the District can more directly engage in marketing, outreach, and recruitment activities. As an ancillary measure, the District is proposing to develop ALE programs (AVID and/or partnerships with Sahuaro High School for pre-AP or Dual-Credit courses) at nearby Magee Middle School to increase its attractiveness to Latino students and families to increase integration at Magee.
- 3. Transportation** Positive impact if the express bus is added; students living within the boundary of a racially concentrated school, whose enrollment at Fruchthendler would improve integration, would receive free transportation to Fruchthendler via an express bus..
- 4. Admin/Cert Staff** No potential impact.
- 5. Quality of Education** Positive impact by the addition of AVID and AP programs at Magee to prepare African American and Latino students for success in core classes and Advanced Learning Experiences (ALEs) such as GATE and pre-AP classes...
- 6. Discipline** No potential impact.
- 7. Family and Community Engagement** Currently, many students and families living in the Fruchthendler area disengage from the District after 5th grade, frustrating efforts at family engagement, including: marketing, outreach, and recruitment; ALE, UHS, and

dual-language recruitment ; and sharing information about college, career, and other opportunities available through the District. Creating a K-6 school will likely improve family engagement and participation at Fruchthendler, translating to increased student retention, improvements in educational outcomes, reductions in disciplinary issues, and improved culture and climate.

8. Extracurricular Activities As the enrollment of Collier increases, so to do the opportunities to offer a wider variety of extracurricular activities which afford students opportunities to engage in interracial contact in positive settings of shared interest.

9. Facilities and Technology No potential impact.

10. Accountability and Transparency No potential impact.

C. Notes on the Above Demographic Analysis

- All of the projections are estimates based on current patterns of choice. There is little data on preferences for 6th grades in an elementary school. The exception is Drachman K-6 which has a 5th to 6th grade transition of 60% to 80%. The 5th to 6th transition rates at K-8 schools (50% to 80%) are similar.
- The above estimates are based on current TUSD students. Because K-8 capture rates (TUSD students/total school age population) are less than 60% in the subject areas, there is a potential to attract students who do not currently attend TUSD schools. For example, as shown in the table below, 75% of the Fruchthendler 5th graders in SY2013-14 did not attend TUSD schools in 6th grade the following year.

Transition of Fruchthendler 5 th Graders into 6 th Grade	
School	Enrollment
Not in TUSD	47
Dodge Magnet	4
Doolen	1
Fickett Magnet	1
Gridley	1
Magee	9

FRUCHTHENDLER K-6 PARENT SURVEY SUMMARY

Fruchthendler was historically a K-6 school. It is located in a very unique geographic location in the northeastern boundary of TUSD. Our families face distinct challenges for 6th grade based on the proximity of options available to the Fruchthendler neighborhood. With the advent of open enrollment, parents have more choices than ever before. One dilemma is the Catalina Foothills School District's middle school located ½ mile closer to Fruchthendler than the closest TUSD middle school (Magee Middle School). Traffic conditions amplify the ½ mile distance to Magee, resulting in a significantly longer travel time. Another dilemma is BASIS Charter School, which is a nationally ranked top-ten charter school. BASIS recently opened a middle school less than a mile from Fruchthendler. The dilemma is compounded further when Fruchthendler parents are challenged by having sibling students attending schools on different school calendars. The net effect is an additional loss of TUSD students to the Catalina Foothills School District, in the form of younger siblings.

A compilation of data revealed that over 90% of our current 57 fifth grade students expressed a desire or intent to remain at Fruchthendler if 6th grade was offered. 6th grade at Fruchthendler would be a viable alternative for families who are currently leaving the school district for other school choice options. Fruchthendler had over 20 parents and staff present at a recent school board meeting where the topic was once again discussed, continuing to reinforce our desire to grow our school. We polled our existing staff and discovered 100% of Fruchthendler's existing educational professionals support the 6th grade proposal. The faculty and staff were enthused at the prospect of extending the educational continuity that a 6th grade program would offer at Fruchthendler.

Parent-Link Phone Survey

Questions for parents of 5th graders who live in the attendance areas of Racially Concentrated middle schools, and who would be eligible for incentive transportation to Magee:

Magee Middle School is an eastside school with strong academics and an outstanding Odyssey of the Mind competition group. Would you be interested in free transportation to Magee Middle School?

Yes 140 No 240

Fruchthendler is a highly performing school on the eastside of Tucson. Would you be interested in free transportation to Fruchthendler Elementary School if sixth grade were added?

Yes 99 No 246

Collier is a tight-knit community of learners on the northeast side of Tucson. Would you be interested in free transportation to Collier if sixth grade were added?

Yes 82 No 244

Sabino High School Proposal



SABINO JUNIOR HIGH / SENIOR HIGH SCHOOL

Proposal Description:

- Change 9-12 to a 7-12
- Immediate Needs: No further renovations needed
- Long Term Plan: No further renovations needed

Integration Strategies:

Pairing and Clustering: N/A

Boundaries: No boundary changes required; boundary changes would not increase integration

Magnet: Sabino is not a magnet school, and the proposal would not significantly impact any surrounding magnet schools as described in the current and previous DIAs.

Open Enrollment (supported by incentive transportation): Students living within the boundary of a Racially Concentrated school could attend Sabino through open enrollment. For students whose enrollment would increase integration at Sabino, the District would provide free transportation in the form of an express bus from a central location to Sabino (perhaps combine 6th graders open enrolled to Collier/Fruchthendler with 7th and 8th graders open enrolled to Sabino). An increase in non-Anglo students at Sabino would move it towards the definition of an Integrated School

Proposal-specific strategies to promote integration and/or other USP activities

- Activity buses can help students with after-school activities if they live out of the immediate area
- To mitigate potential impacts on Magee Middle School, the District could develop and offer enhanced ALE programs at Magee (such as partnerships with Sahuaro High School for AP or Dual-Credit courses) to attract more Latino students to Magee and to prepare African American and Latino students for success in core classes and Advanced Learning Experiences (ALEs).

Pros and Cons:

Pros:

- Increases enrollment at a school which is not racially concentrated.
- Increase choice for parents and students in TUSD. By right, the students in Sabino may still attend Magee middle school.
- Should retain students within TUSD who currently leave for surrounding districts or charters (over 400 students in the Sabino Area do not attend TUSD 7th and 8th grades)
- May attract students from outside TUSD (Emily Grey students in the Tanque Verde School District transition after the 6th grade and 30 already enter Sabino each year as 9th graders)
- This option meets the goal of improving education by offering a very highly rated academic program to more students.
- An increased population at Sabino provides capacity for a broader range of courses and programs; these may attract more diverse open enrollment students
- The non-Anglo enrollment at Sabino is currently 42% and is increasing by 1% per year so this change will not create a racially concentrated Anglo school.
- Targeted marketing, the express bus and selective placements through Open Enrollment will move the school toward integration.
- Reduces transitions between school levels, which may retain students within TUSD
- 7th and 8th graders, who so choose, have access to HS curricula and a broader range of courses
- No facility improvements required

Cons:

- Safety perceptions due to the mix of different ages (the students will be in a separate wing with a dedicated monitor and would be transported on separate buses)
- Cost to provide separate buses for 7th and 8th grades

Costs:

Construction: Immediate Needs: \$0; Long Term Plan: \$0

Transportation:

- \$194,000-\$259,000 for 3 to 4 buses if 7th and 8th graders do not ride with the upper grades.
- \$64,000 for an express bus (ride time 45 minutes versus 1.5 hours for current bus)

Marketing:

- Included in overall School Choice marketing plan
- Additional costs range from \$0 for social media platforms to \$5,000 per month for TV commercials

Sabino Evaluation:

Pos(+)	Neut.	Neg(-)	Criteria
	X		Demographics (i.e., race, ethnicity, exceptional ed., current and projected enrollment, current and projected development patterns, socio economic status, GATE and other)
X			Targeted operating capacities
X			Current and planned instructional programs
	X		Effects on integration
	X		Student transportation
	X		Feeder patterns
	X ¹		Fiscal impacts

Note: 1. Benefits will balance costs if additional students are attracted to TUSD

TUCSON UNIFIED SCHOOL DISTRICT DESEGREGATION IMPACT ANALYSIS

Action: Sabino High School as a 7-12 School

Summary

Sabino High School serves grades 9 through 12 from the northeast area of the District west to Craycroft Road and south to Pima Street. This is an analysis of the racial-ethnic composition of Sabino as a 9-12 school, the impact of adding 7th and 8th grades to that school, and estimated impacts of the proposed change to the District’s obligations under the USP.

A. Analysis of the impact of the requested action on the District’s obligation to desegregate.

Current 9-12 grade enrollment

As shown in the Table 2 there are approximately 1000 students at Sabino. The racial-ethnic composition is 58% Anglo and 36% African American and Latino.

The feeder patterns for Sabino are shown in the following table, where “P” means a portion. There is also a very small portion of the Hudlow-to-Booth/Fickett Area that feeds less than 30 students to Sabino.

<p>BLOOM (P) COLLIER FRUCHTHENDLER (P) WHITMORE (P)</p>	<p>MAGEE (P)</p>	<p>SABINO</p>
---	-------------------------	----------------------

Based on 2010 census data, for the Sabino Area, there are nearly 400 7th and 8th graders who do not attend TUSD schools (Map 1 below). This is reinforced by an analysis of transitions into the 9th grade at Sabino. That analysis shows that 82 students entering the Sabino 9th grade this year did not attend TUSD schools last year.

Sabino HS Impacts

While there is little data to project all of the Sabino impacts, Typical 6th to 7th grade transition data support the projection that almost all of the Collier and Fruchthendler 6th graders would transition to Sabino. The enrollment at Sabino would be 150 to 170 with just the Collier and Fruchthendler transitions. This is enough to create a workable program—3 classes per grade level.

The other enrollment components of the Sabino Junior High are less easily estimated. The goal would be to have 320 students (the capacity of the junior high school building) by:

1. Recruiting 100 students who don’t now attend TUSD schools. This appears to be achievable because, as noted above, there are 190 middle-school-age students per grade (nearly 400 7th and 8th graders total) in the Sabino Area who are not attending TUSD schools. Also, there are 30 students in the Tanque Verde District who already opt

to attend Sabino each year in the 9th grade. These students could be recruited to attend Sabino as they graduate from the 6th grade at the Emily Gray K-6 school.

2. Providing express buses from racially concentrated school areas. In survey of parents of sixth and seventh grade students in racially concentrated schools areas, 874 respondents indicated that they would be interested in enrolling their child at Sabino if express buses were provided. The analysis below assumes that only 50 students would actually exercise this option (about 6% of the positive respondents).

The various sources of students and the total impact are shown in Table 1.

Table 1

Change Component (Students Who May Elect the Sabino 7th and 8th Option Based on a 320-Student Enrollment Goal)

Change Component (inc. express bus)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Collier to Sabino ¹	45	4	16	2	1	2	70
	64%	6%	24%	2%	1%	3%	
Fruchthendler to Sabino ²	66	2	26	0	2	4	100
	66%	2%	26%	0%	2%	4%	
New from Sabino Area ³	32	4	21	0	0	3	60
	54%	6%	35%	0%	0%	5%	
New from Other Districts ⁴	25	0	14	0	1	0	40
	63%	0%	35%	0%	2%	0%	
Express Bus from Racially Concentrated Areas ⁵	0	4	40	4	1	1	50
	63%	0%	35%	0%	2%	0%	
Total Sabino 7th and 8th	168	14	117	6	5	10	320
	53%	4%	37%	2%	2%	3%	

Notes:

1. These are the Collier 6th graders who are projected to transition to Sabino; added to Sabino. This is a projection based on typical 6th to 7th grade transition rates.
2. These are the Fruchthendler 6th graders who are projected to transition to Sabino; added to Sabino. This is a projection based on typical 6th to 7th grade transition rates.
3. These are students from a non-TUSD school 6th grade who transition to 7th and 8th grades at Sabino; added to Sabino. This is not a projection based on known data; it is a target based on the nearly 400 7th and 8th grade students who live in the Sabino Area but do not attend TUSD schools.
4. These are students from outside the district--primarily the Emily Gray 7-8 school in TVSD; added to Sabino. This is an estimate based on the 30 students per year who enter the Sabino 9th grade from the Tanque Verde School District.
5. This is from a survey of parents of 6th and 7th graders from racially concentrated school areas who indicated they would be interested in enrolling their child at Sabino if express buses were provided. The analysis assumes only about 6% of the positive respondents would actually exercise the option.

With these changes, Sabino would increase from approximately 1000 students to over 1300 students. It has a capacity of 1950 so its utilization would increase from 52% to close to 70%. And there would be a very slight positive impact on the racial-ethnic composition of the overall school.

The addition of an express bus to transport students from racially concentrated school areas is expected to add, in the long run approximately 25 non-Anglo students per grade to Sabino. This is based on a survey of 6th and 7th graders in racially concentrated school areas, which indicated that 874 parents (39% of respondents) may be interested in having their children attend Sabino if an express bus were provided. If this were applied to all 6 grades that might be able to attend Sabino, there would be over 2600 parents interested. For the purposes of this analysis, we have assumed there would be three buses with 50 students each (approximately 6% of the potential indicated by the survey). These buses would provide express service from Pueblo, Cholla and Tucson High areas.

The results shown below indicate that the additional students from racially concentrated schools areas would move the school 4% to 5% closer to being integrated in two racial-ethnic categories.

Table 2

Sabino Impacts

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Sabino (9-12)	586	57	300	5	14	47	1009
%	58%	6%	30%	0%	1%	5%	
Sabino (projected 7-12 from Table 1) ¹	754	71	417	11	19	57	1329
%	57%	5%	31%	1%	1%	4%	
Additional 9-12 Express Bus Riders	0	8	82	7	1	2	100
%	0%	8%	82%	7%	1%	2%	
Sabino (projected 7-12) w/ Bus	754	79	499	18	20	59	1429
%	53%	6%	35%	1%	1%	4%	

Notes:

1. This includes the express bus 7th and 8th grade component.

Magee MS Impacts

As shown in Table 3, based on students currently attending Magee and assuming the worst-case scenario, the change would reduce the enrollment of Magee by 95 students; 70 from the Collier Area and 25 from the Fruchthendler Area.

Of the 55-60 students in the Fruchthendler 5th grade, approximately 10 transition into the Magee 6th grade (see the Notes section below); most of the rest (approximately 50) attend non-TUSD schools. It is expected that some of the Fruchthendler students (about 10 each year) will continue to matriculate to Magee and some 7th graders from Magee will select the Sabino option.

Of the 30 students in the Collier 5th grade, most transition into the Magee 6th grade. Thus, although the number of students in Collier is smaller than Fruchthendler, the impact of a 6th grade at Collier is greater on Magee.

The change is expected to have a minimal impact on the racial ethnic composition of Magee. The table below shows an analysis of the racial-ethnic impacts on Magee.

Table 3

Change Component (Students Who May Elect the Sabino 7th and 8th Option)

Change Component	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
No Longer at Magee ¹	58	9	24	1	1	2	95
	62%	9%	25%	1%	1%	2%	

Note:

1. This includes the Fruchthendler Area and Collier Area students who attend Magee; subtracted from Magee (70 from Collier, 25 from Fruchthendler). It is a worst-case scenario as fewer students from those areas may choose Sabino over Magee.

Magee Impacts

Grades	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Magee (current 6-8)	274	75	203	9	12	17	590
%	46%	13%	34%	2%	2%	3%	
Magee (projected 6-8)	216	66	179	8	11	15	494
%	44%	13%	36%	2%	2%	3%	

Impact of an Express Bus on Magee Middle School

A survey of 5th graders in racially concentrated middle school areas indicated that 140 parents (29% of respondents) may be interested in having their children attend Magee if an express bus would be provided. If this were applied to all 3 grades which they may attend at Magee, there would be over 400 parents interested. For the purposes of this analysis, we have assumed there would be one bus with 40 students (approximately 10% of the potential indicated by the survey).

The results shown below indicate that the additional students from racially concentrated schools areas, plus the transition of students to Sabino, would move the school 6% closer to being integrated in two racial-ethnic categories.

Table 4

Change (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Express Bus (6-8)	0	2	34	3	0	1	40
%	0%	5%	85%	8%	0%	3%	

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Magee (projected 6-8)	216	66	179	8	11	15	495
%	44%	13%	36%	2%	2%	3%	
Magee (projected 6-8 w/ express bus)	216	68	213	11	11	16	535
%	40%	13%	40%	2%	2%	3%	

Impacts on Other Middle Schools

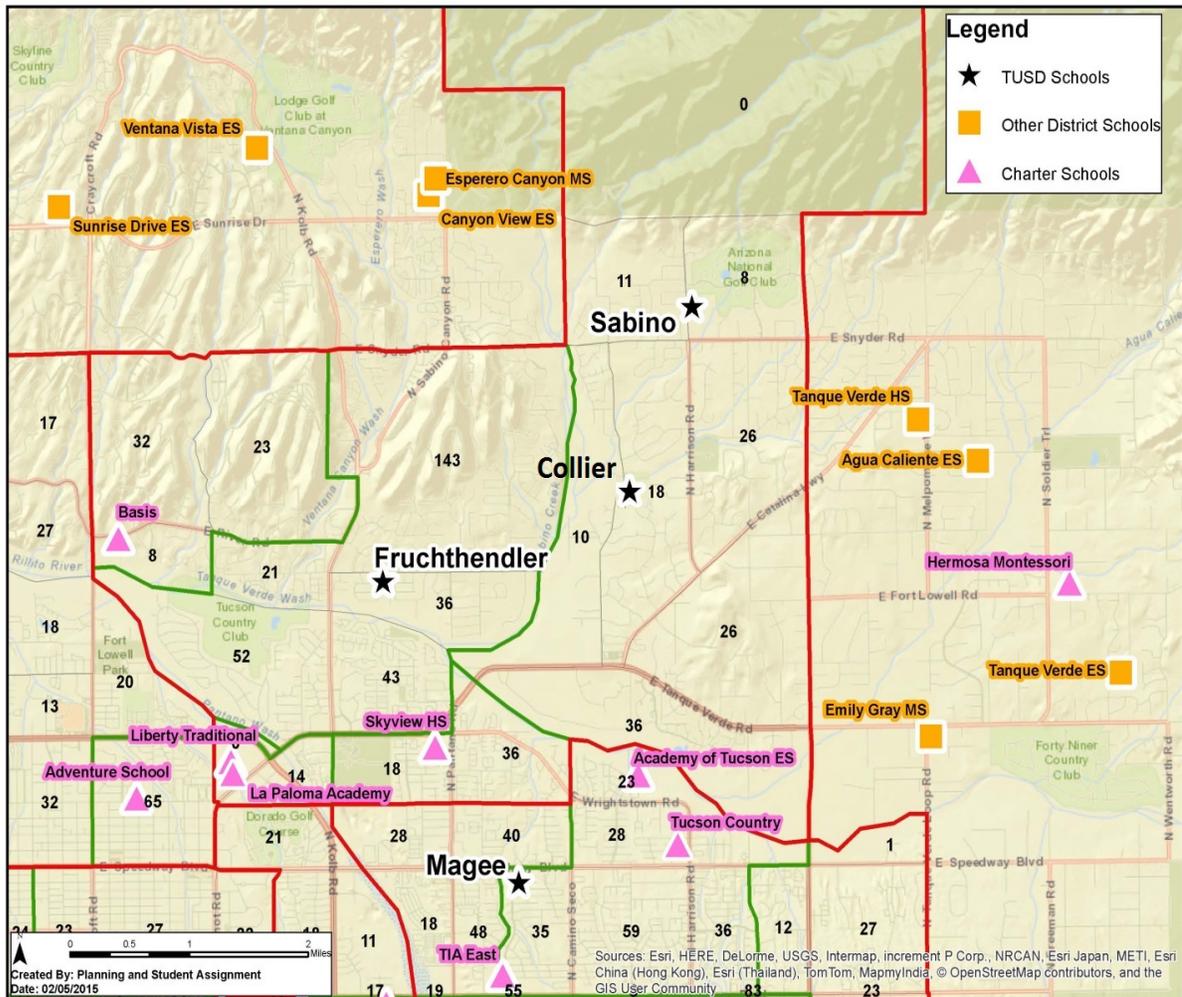
Recruitment efforts will be aimed at attracting students who do not attend TUSD schools rather than transferring students between TUSD schools, except in cases where the District can successfully recruit middle and high school students who might otherwise attend a racially concentrated middle or high school to open enroll into Sabino to improve integration (supported by incentive transportation and express busing). For all other middle schools, the impacts are expected to be minimal (less than a few students, as substantiated by attendance data provided in Section C below).

Map of the Area

The following shows the Sabino Area, outlined in red, and within it the Fruchthendler Area and Collier Area in green. Both are wholly within the Sabino HS Area. The Sabino HS Area also includes portions of Bloom, Hudlow, and Whitmore. At the middle school level, it includes a large portion of Magee and, to a much lesser extent, Booth-Fickett.

The numbers show the total number of middle-school-age students in 2010 who did not attend TUSD schools. The largest such number is in the area directly north of Fruchthendler.

Map 1



Renovation Costs

- Immediate Needs: \$0
- Long Term Plan: \$0

Transportation Costs

- \$194,000-\$259,000 for 3 to 4 buses if 7th and 8th graders do not ride with the upper grades.
- \$190,000 for three express buses; one each from the Cholla, Pueblo and Tucson High areas (ride time 45 minutes versus 1.5 hours for the current open-enrollment bus)

B. Analysis of how the proposed change will impact the District's obligations under the USP

The District, Plaintiffs, and Special Master have identified 65 USP implementation activities, organized by the ten USP sections I-X. Below, the District analyzes the potential impact of the proposed grade configuration change on the District's obligations under each of the ten USP sections:

- 1. Compliance** No potential impact.
- 2. Student Assignment** The proposal itself will result in minimal potential impacts to Sabino and to the neighboring middle school, Magee, as shown in Section A above (see Table 1 and Table 2). However, an extremely low number of middle-school-aged students from the Sabino area attend District schools for 7th through 8th grade. Retaining more of these students at Sabino (students who now attend non-District schools) will offer additional opportunities to increase integration districtwide by broadening the pool of available students to which the District can more directly engage in marketing, outreach, and recruitment activities. As an ancillary measure, the District is proposing to develop ALE programs (AVID and/or partnerships with Sahuaro High School for pre-AP or Dual-Credit courses) at nearby Magee Middle School to increase its attractiveness to Latino students and families to increase integration at Magee.
- 3. Transportation** Positive impact if the express bus is added. 7th and 8th grade students living within the boundary of a racially concentrated middle school, or 9th – 12th grade students living within the boundary of a racially concentrated high school, whose enrollment at Sabino would improve integration, would receive free transportation to Sabino via an express bus.
- 4. Admin/Cert Staff** No potential impact.
- 5. Quality of Education** Positive impact by the addition of AVID and AP programs at Magee to prepare African American and Latino students for success in core classes and Advanced Learning Experiences (ALEs) such as GATE and pre-AP classes.
- 6. Discipline** No potential impact.

7. **Family and Community Engagement** Currently, many students and families living in the Sabino area disengage from the District after 5th grade, frustrating efforts at family engagement, including: marketing, outreach, and recruitment; ALE, UHS, and dual-language recruitment ; and sharing information about college, career, and other opportunities available through the District. Adding 7th and 8th grades to Sabino will likely improve family engagement and participation at Sabino, translating to increased student retention, improvements in educational outcomes, reductions in disciplinary issues, and improved culture and climate.
8. **Extracurricular Activities** No potential impact.
9. **Facilities and Technology** No potential impact.
10. **Accountability and Transparency** No potential impact.

C. Notes on the Above Demographic Analysis

- All of the projections are estimates based on current patterns of choice. The projections are based on a 70% transition of 5th to 6th graders at Collier and Fruchthendler and a 100% transition of these students into the 7th grade at Sabino. There is no current data on 7th and 8th grade preference for a high school and little data on preferences for 6th grades in an elementary school. The exception is Drachman K-6 which has a 5th to 6th grade transition of 60% to 80%—in line with the 70% used in this analysis. The 5th to 6th transition rates at K-8 schools (50% to 80%) also support the estimate.
- The above estimates are based on current TUSD students. Because k-8 capture rates (TUSD students/total school age population) are less than 60% in the subject areas, there is a potential to attract students who do not currently attend TUSD schools and there is potential to attract students from outside TUSD. For example, as shown in the table below, 75% of the Fruchthendler 5th graders in SY2013-14 did not attend TUSD schools in 6th grade the following year.

School	Enrollment
Not in TUSD	47
Dodge Magnet	4
Doolen	1
Fickett Magnet	1
Gridley	1
Magee	9

- The transition of students from Collier and Fruchthendler to Sabino would, conservatively, add 150-170 students to Sabino. To reach the goal of 320 students set by the school without impacting other TUSD schools, Sabino will need to recruit students who live in the Sabino Area but do not attend TUSD schools and, to a lesser extent, recruit students from outside TUSD. The potential of this approach is indicated in the table below, which shows that 82 students entering the Sabino 9th grade this year did not

attend TUSD schools last year. This is supported by 2010 Census data that shows 580 middle-school-age students in the Sabino Area (190 per grade) do not attend TUSD middle schools.

Transition of 8th Graders into the 9 th Grade at Sabino	
School	Enroll
TUSD Area students not in TUSD middle schools	82
TUSD Area students in TUSD middle schools	138
Amphitheater SD	1
Catalina Foothills SD	3
Sunnyside SD	5
Tanque Verde SD	33

SABINO PARENT SURVEY SUMMARY

Parents and guardians of current students were surveyed to determine their level of interest and support of Sabino to pursue the implementation of a Junior High School component. 80% of the parents/guardians responded favorably towards a Sabino Junior High School model that would transition 7-12 grades into the Sabino school community. Respondent parents/guardians indicated their support of an enrollment preference for parents who have younger students who may apply for the program through the school choice process.

Current faculty were also surveyed to determine their level of support. The current faculty was also surveyed to identify potential faculty members who would be highly qualified and interested in teaching at the 7th and 8th grade levels. 51% of current faculty responded favorably towards a possible junior high school program on-site, and indicated a willingness and interest to teach junior high-aged students who might enroll at a Sabino Junior High School model.

Parent-Link Phone Survey

Questions for parents of 6th and 7th graders who live in the attendance areas of Racially Concentrated middle schools, and who would be eligible for incentive transportation to Sabino High School:

Sabino High School is a National Blue Ribbon School with an A-rating on the northeast side of town.

Would you be interested in enrolling your child at Sabino if TUSD offered a free one-hour bus ride to Sabino from the vicinity of Pueblo Magnet High School?

Yes 349 No 460

Would you be interested in enrolling your child at Sabino if TUSD offered a free one-hour bus ride to Sabino from the vicinity of Cholla Magnet High School?

Yes 266 No 475

Would you be interested in enrolling your child at Sabino if TUSD offered a free 45-minute bus ride to Sabino from the vicinity of Tucson High Magnet School?

Yes 259 No 244



Appendix A-
Analysis of Additional Grade Configuration
Change Options

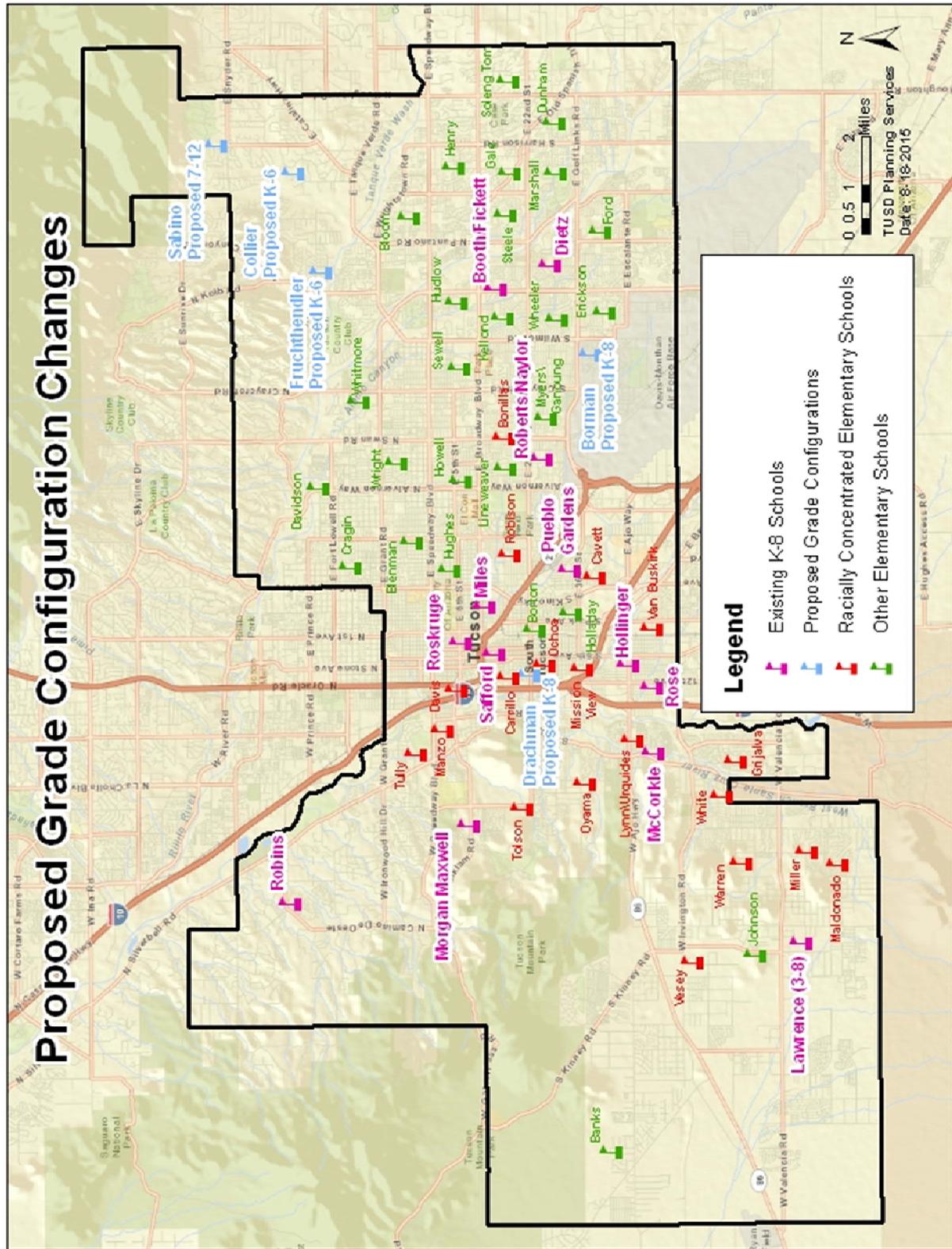
Appendix A

Analysis of Additional Grade Configuration Change Options

Early in this project TUSD staff evaluated other options for grade changes. The first analysis shown in the map on the following page indicated that there were already sufficient K-8 schools in other areas of the District (specifically central and west). The analysis also highlighted the fact that virtually all of the central and west schools are racially concentrated so adding more students to them would not have an integrative effect.

After the August 26 teleconference, at the request of the Mendoza counsel, TUSD staff evaluated the integrative impacts of grade configuration change options more comprehensively and in more detail. As shown in the pages following the map, only one grade configuration change would have an integrative effect. That would be the change of Cavett ES from K-5 to K-6 and, coincidentally, adding a junior high to Catalina HS. The positive integrative effect could come from the movement of Cavett Area 7th and 8th graders from Utterback MS to Catalina HS, assuming they would choose that option.

Proposed Grade Configuration Changes



Analysis of Additional Grade Change Options

This is an analysis of the integrative effects: 1) of converting any remaining K-5 schools that could become K-8; 2) adding junior high grades to high schools with capacity; and 3) adding 6th grades to schools with capacity and where there is also capacity at the high school they feed into.

Potential K-8 Schools

These are K-5 schools that have capacity for additional 6th, 7th and 8th grades where those grades are at least 50 students each based on typical 5th to 6th grade cohort progression ratios of 70% and 7th and 8th grade cohort progression ratios of 100%. These are independent of the capacity of the high schools.

Elementary School	Enroll w/ PreK	Capacity	USP Criteria	Integrative Effect
Erickson	497	680		None
Lynn/Urquides	539	780	RC	None

Potential Additional 7-12 High Schools

These are high schools with a minimum of 162 empty seats (6 classes of 27 to allow a full complement of teachers and courses for all periods). The only instance of a positive integrative effect is the addition of Cavett Area 7th and 8th graders who might move from Utterback MS (racially concentrated) to Catalina HS (integrated), assuming they would choose that option. The overall, ethnic composition of the high schools themselves would change little due to the addition of a junior high.

High School	Enroll	Capacity	USP Criteria	Integrative Effect
Catalina	785	1500	I	Positive
Palo Verde	1252	2070	I	None
Pueblo	1650	1900	RC	None
Sahuaro	1759	1950		None
Santa Rita	541	2070		None

I = integrated

RC = racially concentrated



Appendix B-
Special Master and Plaintiffs Comments

Brown, Samuel

From: Thompson, Lois D. <lthompson@proskauer.com>
Sent: Wednesday, July 22, 2015 12:41 PM
To: Taylor, Martha; Anurima Bhargava; James Eichner; Juan Rodriguez; Rubin Salter; Willis D. Hawley; Zoe Savitsky
Cc: Desegregation; Tolleson, Julie; RLL; Nodine, Bryant
Subject: RE: Student Assignment - Grade Reconfiguration
Categories: BoardSuptSMPartiesIC

Dear Martha,

I write to provide you the Mendoza Plaintiffs' feedback on the approach and schedule you reference below.

So that there can be no confusion later, we are constrained to begin with a comment on approach, specifically concerning your statement of the purpose of this effort: "The purpose of these efforts will be to determine whether grade configurations can serve to attract and retain students, and improve educational quality, at select sites." We believe that statement of purpose is inadequate. The USP expressly states that the District is to propose scenarios "in an effort to increase the integration of its schools." (USP, Section II, D, 2.) Mendoza Plaintiffs therefore will object to any process and outcome that does not include within it the goal of increasing the integration of the District's schools.

With respect to the schedule you propose, we would like to clarify the following:

- (1) Whenever "reports" or "recommendations" are provided to the plaintiffs and the Special Master as, for example, on July 23 and August 6, we should also receive (or be given immediate e-access to) all the data that has been used by DLR and/or provided to the SAC in advance of the issuance of such reports and recommendations.
- (2) There has to be built into the schedule a clear process and prompt response time for requests for additional information and data from the plaintiffs and the Special Master.
- (3) We want to confirm that the August 26 meeting on the DLR calendar is an opportunity for the plaintiffs and the Special Master to be informed and to ask questions, that is, that we are not expected to have fully developed a response to the report that we may not have received until less than one week before the scheduled call. (As a side note: Juan and I have put this call on our calendars but for those of us who are not subject to the TUSD calendar, the end of August often is vacation time. We therefore suggest that everyone confirm availability on that date.)
- (4) No time frame is set for the receipt of initial comments and recommendations from the plaintiffs and Special Master before the Sept. 8 meeting of the Governing Board to study the plan. Yet, it seems that it might be useful for the District and the Governing Board to get some preliminary feedback before that meeting. Does it make sense to say that we may (but are not required) to provide feedback by Wednesday, September 2? (Whether this really seems necessary and what such comment might be will very much depend on what is being proposed by the District at this time.)
- (5) No date is set for receipt by the District of Special Master and plaintiffs' comment and recommendations after submission of the DIA and NARA. Or is that what is meant by the entry for October 9? If so, the timeframe seems fine but the entry likely should be clarified.
- (6) Consistent with the Court Order of June 12, 2015 (Doc. No. 1809), we want to confirm that the comments of the plaintiffs and the Special Master will be transmitted directly to the Governing Board when it considers the final plan, that is, that they are not to be provided with a document created by District staff that undertakes to summarize those comments.

- (7) We want to confirm that nothing in this schedule is intended to change in any way the process and time frames in place per the USP and Court Orders that govern what may be filed with the Court and when with respect to the NARA process.

Lois D. Thompson

Partner

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greenspaces

Please consider the environment before printing this email.

From: Taylor, Martha [mailto:Martha.Taylor@tusd1.org]

Sent: Monday, July 20, 2015 4:55 PM

To: Anurima Bhargava; James Eichner; Juan Rodriguez; Thompson, Lois D.; Rubin Salter; Willis D. Hawley; Zoe Savitsky

Cc: Desegregation; Tolleson, Julie; RLL; Nodine, Bryant

Subject: Student Assignment - Grade Reconfiguration

Dr. Hawley and counsel: We are reaching out to ask for your feedback on our proposed timeline for engaging in an analysis of grade reconfiguration proposals similar to, and including, the recent Fruchthendler/Sabino proposals. Our Student Assignment Plan Calendar is attached. The purpose of these efforts will be to determine whether grade configurations can serve to attract and retain students, and improve educational quality, at select sites. Our goal is to initiate these efforts this month, work with a Student Assignment Committee and the SMP collaboratively over the next few months, and finalize the analysis so that one or more of the proposals can be approved by the Board this fall in time for the school choice enrollment period. Our hope is that through productive collaboration from the beginning, we will address any concerns or issues before finalizing the proposals. The ultimate objective is to produce a set of proposals to the Governing Board that is supported by the Committee and by the SMP.

Over the past couple of weeks we have communicated some of our ideas to the Special Master, and have made tweaks to the timeline based on his feedback. At this time, the Special Master has raised no objection to our proposed timeline and approach. Our next step is to get your feedback on the timeline and approach so that we can implement the process, ensuring that we comply with the USP and relevant court orders. Please review the attached documents and provide feedback no later than the close of business on Wednesday, July 23.

Thank you.

Martha.

This message and its attachments are sent from a law firm and may contain information that is confidential and protected by privilege from disclosure.

Brown, Samuel

From: Willis D. Hawley <wdh@umd.edu>
Sent: Friday, July 31, 2015 6:26 AM
To: Rubin Salter Jr.; Juan Rodriguez; Lois Thompson; Anurima Bhargava; Zoe Savitsky;
James Eichner; Desegregation; TUSD
Subject: GRADE CONFIGURATION

In rereading the proposed process for considering grade reconfiguration, it seems important that no steps be taken to implement changes until the parties agree on a proposed plan or the Court acts to approve, whichever comes first. This is important lest the value of reconfiguration be trumped by arguments about the process of arriving at a decision.

Bill Hawley

Brown, Samuel

From: Thompson, Lois D. <lthompson@proskauer.com>
Sent: Wednesday, August 5, 2015 12:03 PM
To: Taylor, Martha; Nodine, Bryant; Brown, Samuel; TUSD (TUSD@rllaz.com); Desegregation; wdh@umd.edu; Anurima Bhargava (Anurima.Bhargava@usdoj.gov); Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov); Eichner, James (CRT) (James.Eichner@usdoj.gov); rsjr3@aol.com; wbrammer@rllaz.com; Juan Rodriguez (jrodriguez@MALDEF.org); Tolleson, Julie
Subject: Student Assignment Committee
Categories: BoardSuptSMPartiesIC

Martha, Counsel, and Special Master Hawley,

The Mendoza Plaintiffs appreciate that the District has provided access to the FTP site with the Student Assignment Committee (SAC) meeting materials. Mendoza Plaintiffs have reviewed the materials in the "2015-07-23 Meeting Report" folder. Unfortunately, those materials and the District's email below raise a number of concerns. Prime among them is the following:

Mendoza Plaintiffs noted the District's statement in the below email that it is "address[ing] the requests of various schools to revisit grade configurations" and its assertion that as a consequence, this "project is not undertaken as a USP-mandated boundary review." The District is wrong. USP Section II, D, 2 clearly states that the "District shall review and/or redraw its attendance boundaries when it... repurposes or consolidates a school [or]... alters the capacity of a school." Further, that USP section states that "[w]hen the District draws attendance boundaries, it **shall** consider" criteria that include "effects on school integration." (Id.; emphasis added.) Therefore, this "project" does entail a USP-mandated boundary review. And, with respect to such review, the USP expressly requires that, "the District **shall propose and evaluate various scenarios**... in an effort to increase the integration of its schools." (USP Section II, D, 2; emphasis added.)

Not surprisingly given the statements in the below email, Mendoza Plaintiffs have seen nothing in the SAC meeting materials for July 23, 2015 to suggest that the proposed scenarios were developed in accordance with the USP mandate to propose and evaluate scenarios to increase the integration of TUSD schools. The "2015-07-22 SAC Meeting Presentation" document recites instead as one of the project's goals that "grade configuration changes ... do not hinder desegregation." However, proposals that do not "hinder desegregation" may do nothing to further the effort to "increase the integration" of TUSD schools as is required by the USP. Nor do they suggest that integration-increasing scenarios have been considered. The District's process and proposals to date therefore do not comply with USP Section II, D, 2.

Mendoza Plaintiffs raised this issue in an email dated July 22, 2015, just two days after having been informed of how the District intended to approach this project. At that time we stated: "Mendoza Plaintiffs ...will object to any process and outcome that does not include within it the goal of increasing the integration of the District's schools." We will request that the Special Master prepare a report and recommendation to the Court on the District's failure to comply with USP Section II,D,2 absent an immediate revision of the student assignment process to comply with the requirements of the USP.

Mendoza Plaintiffs request that the District provide the plaintiffs and Special Master with the "brief district-wide study" it conducted on the basis of which it "concluded that these 5 schools helped distribute K-8s and alternative grade configurations across the district" (described in item 8.c. of the "2015-07-22 SAC Meeting Minutes" document). In addition, Mendoza Plaintiffs request the production of any material related to that district-wide study that evidences

that the District evaluated scenarios for the purpose of determining whether they would increase the integration of its schools.

Additionally, Mendoza Plaintiffs understood from the July 24, 2015 teleconference that the parties and Special Master were in general agreement that the plaintiffs' written comments would not be filtered or summarized by the District before being presented to the Governing Board for consideration, but would instead be subject to guidelines to be developed. (Clear recommendations and page limits were discussed as potential guidelines.) The Mendoza Plaintiffs were therefore a bit confused by the District's statement below that "nothing shall prohibit the District from summarizing the feedback in an attempt to effectively and efficiently communicate with the Board." Mendoza Plaintiffs request confirmation that that statement contemplates that the District may elect to summarize plaintiffs' arguments when addressing the Board but that such summaries are not meant to take the place of plaintiffs' written comments that the parties agreed would be provided directly to the Board under the Court's June 12, 2015 order (Doc. 1809).

Lois D. Thompson

From: Taylor, Martha [<mailto:Martha.Taylor@tusd1.org>]

Sent: Monday, August 03, 2015 2:25 PM

To: Anurima Bhargava; James Eichner; Juan Rodriguez; Lois Thompson; Rubin Salter; Willis D. Hawley; Zoe Savitsky

Cc: Desegregation; Tolleson, Julie; RLL; Nodine, Bryant; Patterson, Charlotte

Subject: Student Assignment Committee

Dr. Hawley and counsel – Below is the report information from Bryant Nodine regarding the first meeting of the Student Assignment Committee.

Dr. Hawley and counsel: Contained herein is report information on the Student Assignment Committee's first meeting on July 22. I apologize for not getting this information to all of you on the due date of July 23. In the future all due dates on the attached calendar will be met.

The materials and notes from that meeting are in an FTP site so everyone has immediate access at any point in the process to all relevant information. The sites will be updated after each meeting, with meeting information in a folder labelled by date within 48 hours of the meeting. All information provided there will comprise our reports to SMP.

Specifics of the site are:

<https://ftp.dlrprojects.com>

Username: TUSD-SAC

Password: SACcommittee

In the meeting of July 22, the committee reviewed and agreed to use the relevant criteria from existing Regulation JC-R, to evaluate the grade configuration proposals. This project is not undertaken as a USP-mandated boundary review, but rather to address the requests of various schools to revisit grade configurations, often emphasizing the recruitment and retention of students to the District generally. Nevertheless, the review criteria include impacts on race, ethnicity and school desegregation. Preliminary desegregation impact analyses were provided to the committee.

A new schedule was developed (attached), at the request of the committee, to move the August 5 meeting, which is right before the start of school, to Monday, August 10. The schedule for reports to the SMP was also changed to provide 48 hours to fully update the ftp site.

Although we have had to delay one committee meeting, we will be able to keep the rest of the schedule intact and we still plan to meet with the SMP by phone conference or in person, in Tucson, on August 26. That meeting will be an opportunity for the SMP to be informed, to ask questions, and to provide preliminary feedback. We ask that the SMP provide feedback to the committee recommendations by Wednesday, September 2.

Brown, Samuel

From: Eichner, James (CRT) <James.Eichner@usdoj.gov>
Sent: Friday, August 7, 2015 5:56 AM
To: Thompson, Lois D.; Taylor, Martha; Nodine, Bryant; Brown, Samuel; TUSD (TUSD@rllaz.com); wdh@umd.edu; Savitsky, Zoe (CRT); rsjr3@aol.com; wbrammer@rllaz.com; Juan Rodriguez (jrodriguez@MALDEF.org); Tolleson, Julie
Cc: Eichner, James (CRT)
Subject: RE: Student Assignment Committee

Martha and Julie -

We share the concern raised by the Mendoza plaintiffs that the Student Assignment Committee has stated its goal as providing “grade configuration changes that do not hinder desegregation” rather than to “increase integration of the schools” as required by Section (II)(D)(2) of the USP. We therefore request that the District change its stated goals, and act in conformity with that goal going forward, or explain its failure to do so and engage with a dialogue with the Special Master and the plaintiffs about this issue.

Jim and Zoe.

From: Thompson, Lois D. [mailto:lthompson@proskauer.com]
Sent: Wednesday, August 05, 2015 3:03 PM
To: martha.taylor@tusd1.org; Bryant.Nodine@tusd1.org; Brown, Samuel; TUSD (TUSD@rllaz.com); Desegregation (deseg@tusd1.org); wdh@umd.edu; Bhargava, Anurima (CRT); Savitsky, Zoe (CRT); Eichner, James (CRT); rsjr3@aol.com; wbrammer@rllaz.com; Juan Rodriguez (jrodriguez@MALDEF.org); julie.tolleson@tusd1.org
Subject: Student Assignment Committee

Martha, Counsel, and Special Master Hawley,

The Mendoza Plaintiffs appreciate that the District has provided access to the FTP site with the Student Assignment Committee (SAC) meeting materials. Mendoza Plaintiffs have reviewed the materials in the “2015-07-23 Meeting Report” folder. Unfortunately, those materials and the District’s email below raise a number of concerns. Prime among them is the following:

Mendoza Plaintiffs noted the District’s statement in the below email that it is “address[ing] the requests of various schools to revisit grade configurations” and its assertion that as a consequence, this “project is not undertaken as a USP-mandated boundary review.” The District is wrong. USP Section II, D, 2 clearly states that the “District shall review and/or redraw its attendance boundaries when it... repurposes or consolidates a school [or]... alters the capacity of a school.” Further, that USP section states that “[w]hen the District draws attendance boundaries, it **shall** consider” criteria that include “effects on school integration.” (Id.; emphasis added.) Therefore, this “project” does entail a USP-mandated boundary review. And, with respect to such review, the USP expressly requires that, “the District **shall propose and evaluate various scenarios**... in an effort to increase the integration of its schools.” (USP Section II, D, 2; emphasis added.)

Not surprisingly given the statements in the below email, Mendoza Plaintiffs have seen nothing in the SAC meeting materials for July 23, 2015 to suggest that the proposed scenarios were developed in accordance with the USP mandate to propose and evaluate scenarios to increase the integration of TUSD schools. The “2015-07-22 SAC Meeting Presentation” document recites instead as one of the project’s goals that “grade configuration changes ... do not hinder desegregation.” However, proposals that do not “hinder desegregation” may do nothing to further the effort

From: Rubin Salter, Jr. [mailto:rsjr3@aol.com]
Sent: Monday, August 10, 2015 5:57 PM
To: James.Eichner@usdoj.gov; lthompson@proskauer.com; Taylor, Martha; Nodine, Bryant; Brown, Samuel; TUSD@rllaz.com; wdh@umd.edu; Zoe.Savitsky@usdoj.gov; wbrammer@rllaz.com; jrodriguez@MALDEF.org; Tolleson, Julie
Subject: Re: Student Assignment Committee

Dear Martha:

Please find attached the Fisher Plaintiffs' 08/10/15 preliminary objection to the TUSD Student Assignment Committee.

Thank you,

Rubin

Rubin Salter, Jr.
Attorney
The Law Office of Rubin Salter, Jr.
177 N. Church Avenue
Suite 903
Tucson, AZ 85701
(520) 623-5706
(520) 623-1716 fax
rsjr3@aol.com

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Monday August 10, 2015

Attention: Martha Taylor

Dear Martha:

The Fisher Plaintiffs have completed a preliminary review of the material uploaded to the District's Student Assignment Committee (SAC) folder. Based on that review, the Fisher Plaintiffs, by copy of this email, join the Mendoza Plaintiffs and the Department of Justice (DOJ) in their objection to the current goals and guidelines set for the SAC (see Thompson 08/05/15 and Eichner 08/07/15 emails).

The SAC clearly fails to assign due priority to the District's desegregation obligations under the Unitary Status Plan (USP) and clearly fails to involve the type and degree of input from the plaintiffs and the Special Master (SM) contemplated under the USP and the Court's 05/12/15 order interpreting the applicable provisions of the USP. Additionally, the composition of the SAC is clearly unrepresentative of the full spectrum of stakeholders impacted by the proposed changes.

The overwhelming majority of SAC members appear to be Tucson Unified School District (TUSD) employees and/or the parents of students attending the schools proposing the grade reconfigurations. While employees and parents initiating or endorsing the proposals certainly deserve a seat at the table, their participation should be balanced by a full range of stakeholder participation. The Committee's membership bias raises the concern that the Committee may reach foregone conclusions behind the trappings of stakeholder participation afforded by the professional management of the DLR Group.

The District's desegregation impact analyses (DIAs) claim that the proposed changes will "have virtually no impact on" the racial and ethnic profile of the impacted schools (see inter alia the Borman K-8 DIA uploaded to the DLR site). The District explains that the enrollment projections made in its DIAs "are estimates based on current patterns of choice" (idem). As the Fisher Plaintiffs noted in their 04/23/15 objection to the proposed grade reconfigurations at Fruchthendler and Sabino, the projected continuation of current school choice patterns (chiefly patterns of White Flight) is unwarranted.

Patterns of White Flight do not exist in a policy vacuum. The District has the means to implement policies that can influence future school choice patterns in ways that can make integration a reality. And the District has the legal duty, under the USP and controlling Ninth Circuit authority, to do just that, a duty that the District unfortunately seems unwilling to uphold.

The District is legally empowered and obliged to consider and take affirmative steps to counteract - not cater to - the phenomenon of White Flight, both without and within the District. The “grassroots” initiatives of identifiably White schools, like Fruchthendler and Borman, to recapture predominantly White enrollment (under the cover of ostensibly neutral grade reconfigurations) violate both the letter and the spirit of the student assignment provisions of the USP and the equal protections safeguarded by the Supreme Court’s landmark Civil Rights decisions in *Brown* and its progeny.

The District’s proposed reconfiguration of Borman K-5 as a K-8 school suffers from the same shortcomings as the District's past efforts to reopen Lowell Smith ES as a MS. Like Borman ES, the Lowell Smith campus is located on the Davis-Monthan (DM) Air Force Base. The District first petitioned the Court to reopen the (then) recently closed Lowell Smith ES as a MS on 03/07/07 (see document number 1189 filed 03/07/07). On 03/15/07 and 04/09/07, the Fisher and the Mendoza Plaintiffs filed their respective responses in opposition to the proposed reopening as violative of the District's desegregation obligations (see document numbers 1190 filed 03/15/07 and 1195 filed 04/09/07). On 05/10/07, the Court agreed with the Plaintiffs' arguments and denied the District's petition, explaining that:

The Court finds that reopening Smith Elementary School as a middle school has an adverse affect on ongoing desegregation obligations because it is inconsistent with on-going efforts to reduce segregation in TUSD's schools [...]. Reopening Smith School as a middle school removes a segment of the existing community assigned to Naylor Middle School, thereby, decreasing its base of concerned parents. Attendance by DM students at other TUSD schools and charter schools has had precisely this result. To the extent that TUSD is attempting to bring charter students back into its fold, this may benefit the Naylor Middle School. Conversely, it is not in the best interest of the community for TUSD to authorize non-minority DM students to attend other TUSD schools instead of Naylor Middle School [...]. In light of the evidence that Naylor Middle School, with a predominately minority student body, is seriously failing to educate its student body, it is highly

suspect for TUSD to carve out a separate non-minority educational system for a group of these students that are predominately non-minority. Fisher Mendoza [is] a desegregation case, which at its core is based on the principle that separate schools will not provide equal education (at pages 4-5 of document number 1209 filed 05/10/07 emphasis added).

Undeterred, the District returned the following year to notify the Court that it was still "exploring ways to re-open Smith" (at page 3 of document number 1264 filed 04/10/08). The District explained that it hoped to reopen Smith to recapture an estimated 500 students lost under State open-enrollment laws facilitating the flight of (predominantly White) Davis-Monthan-area students to neighboring districts and charter schools (idem at 4). On 04/16/08, the Mendoza Plaintiffs filed a response opposing the second attempt to reopen Smith as still very much in violation of the District's desegregation obligations (see document number 1267 filed 04/16/08).

Yet again, the District seeks to win back DM-area enrollment lost to neighboring districts and charter schools, this time by reconfiguring Borman K-5 into what would very likely become an identifiably White K-8 school. The plaintiffs and the Court have already considered, and rejected, the District's constitutionally unsound approach to recapturing enrollment lost to White Flight. On 04/14/15, the District filed a notice and request for the Court's approval (NARA) of the reconfiguration of grade levels at Fruchthendler ES and Sabino HS (see document number 1789 filed 04/14/15). In that NARA, the District explained that:

A high percentage of middle school aged students living in the area surrounding Fruchthendler Elementary School ("Fruchthendler") and Sabino High School ("Sabino") do not attend TUSD schools for grades 6 through 8. Some area students attend the nearest TUSD middle school, Magee, but many students who leave TUSD after fifth grade for middle school outside the district do not return at all. As a result, TUSD loses funding, and the decline of its Anglo student population is exacerbated (thereby frustrating efforts to recruit Anglo students to other TUSD schools for integration purposes) (idem at 2).

On 04/23/15, the Fisher and Mendoza Plaintiffs filed memoranda opposing the proposed reconfiguration (see documents number 1791 and 1794 filed 04/23/15). On 05/12/15, the Court issued an order denying the District's request, explaining that:

The record reflects that the student assignments proposed by TUSD were not considered in the context of the four integration strategies required by the USP: attendance boundaries, pairing and clustering of schools; magnet schools and programs; and open enrollment. (USP § II.1.) Because the proposed student assignments involve the creation of an honors program, the USP, section V, requires the District to also consider Plaintiffs' concerns regarding equal access. There is nothing about a NARA proposal to change student assignments to exempt it from the USP requirement that the District, the parties, and the Special Master comprehensively consider the proposal, pursuant to applicable USP criteria, in an effort to increase the integration of TUSD schools. USP § II.D.2. Plans and strategies are now in place, pursuant to the USP, for addressing student assignments, but this NARA fails to reflect how the Fruchthendler-Sabino Honors Pipeline plan fits into these plans and strategies, and if not, why (at page 5 of document number 1799 filed 05/12/15 emphasis added).

The Fisher Plaintiffs remain extremely concerned by the District's continued efforts to reconfigure grade levels at Fruchthendler ES and Sabino HS. Their concerns are motivated in equal parts by the District's decision to insulate the work of the SAC from the input of the plaintiffs and the SM and the District's erroneous assumption that it has no obligation to recognize and counteract the harmful effects of White flight in its student assignment plans. The Supreme Court has long held that "a student assignment plan is not acceptable merely because it appears to be neutral, for such a plan may fail to counteract the continuing effects of past school segregation" (Swann v Board of Education, 402 U.S. 1 1971). In Swann, the Court found that "racially neutral assignment plans proposed by school authorities to a district court may be inadequate; such plans may fail to counteract the continuing effects of past school segregation resulting from discriminatory location of school sites" (idem).

Under federal law, a school district operating under a federal desegregation order carries an affirmative obligation to account for the legacy of discriminatory practices when fashioning its student assignment policies and plans. The seeming “neutrality” of the District’s proposed student assignment “honors pipeline” from Fruchthendler to Sabino is absurd when the pipeline is designed to provide privileged programming to the historically privileged class of predominantly high SES White students residing in the Sabino attendance area. It is extremely unsettling that the District again proposes to alleviate White flight from the District by endorsing White flight within the District. The Fisher Plaintiffs are extremely disappointed that the District, rather than exploring ways to increase the diversity at schools like Magee and Roberts/Naylor, again propose intradistrict White flight as way to recapture enrollment currently lost to interdistrict White flight.

Sincerely,

Rubin Salter, Jr.

Brown, Samuel

From: Thompson, Lois D. <lthompson@proskauer.com>
Sent: Monday, August 17, 2015 2:12 PM
To: Taylor, Martha; Tolleson, Julie; Brown, Samuel; wbrammer@rllaz.com
Cc: Juan Rodriguez (jrodriguez@MALDEF.org); Anurima Bhargava (Anurima.Bhargava@usdoj.gov); Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov); Eichner, James (CRT) (James.Eichner@usdoj.gov); rsjr3@aol.com; wdh@umd.edu
Subject: Re: SAC Response
Attachments: 20150813 Responses to SMP SAC Concerns.pdf

Dear Martha, Julie, Sam, and Bill Brammer,

I write to specifically address the paragraph from the “TUSD Responses to Special Master and Plaintiffs Concerns re Student Assignment Committee (SAC) on Proposed Grade Reconfigurations” set forth below:

The District thanks the Plaintiffs and Special Master for their feedback and provides responses below. We hope that future feedback, during collaborative engagements such as this one, can take a more positive and productive tenor – phrases like “the SAC fails” “the District is wrong” and “the District unfortunately seems unwilling to uphold [its duty to desegregate]” are not productive. This is an iterative process, we are all participants – suggestions should take the form of recommendations, not indictments on District staff. Such adversarial communications do not foster good relations, present unnecessary obstacles to developing mutual understanding, and do not honor the work of the staff and volunteers who spend countless hours engaged in this work. Our goal is for the SMP feedback and our responses to be meaningful, impactful, and relevant and to foster a positive and productive exchange of ideas. We suggest that SMP feedback be given in the form of recommendations as the District can then adopt, modify, or respond to those recommendations.

We believe that the Mendoza Plaintiffs have demonstrated a willingness and ability to engage with the District to provide constructive comment on District plans and proposals developed pursuant to the USP and Court order. We intend to continue to do so. But we also have a duty to inform the District when we believe an action it is contemplating violates the terms of the USP or an applicable Court order. That is what we did with respect to the student assignment revision process that the District has initiated and, if warranted in the future, will continue to do with respect to District initiatives. We cannot simply “recommend” that the District alter a course of action that we believe is contrary to the mandates of the USP, the Constitution, or a Court order. In such a circumstance, it is incumbent on us to tell the District that we think it is wrong and to then object if it persists in a course of action that we believe fails to comply with the mandates of the USP, the Constitution, or other applicable Court order.

Lois Thompson

From: Taylor, Martha [<mailto:Martha.Taylor@tusd1.org>]
Sent: Thursday, August 13, 2015 5:17 PM

To: Anurima Bhargava; James Eichner; Juan Rodriguez; Thompson, Lois D.; Rubin Salter; Willis D. Hawley; Zoe Savitsky
Cc: Desegregation; Tolleson, Julie; RLL; Nodine, Bryant; Patterson, Charlotte
Subject: SAC Response

Dr. Hawley and counsel: Now that the District has received everyone's feedback on the Student Assignment Committee on Grade Reconfiguration, we are submitting our responses to this feedback as part of our collaborative effort. We hope that everyone will provide feedback to our responses by Tuesday, August 18, so we can share this information with the SAC on Wednesday, August 19 at that scheduled meeting. As a reminder, we are also scheduled to have a teleconference meeting on Wednesday, August 26. We are suggesting from 1 – 2 p.m. Please let us know if this time will work for you. Finally, please do let us know if you will have any representatives coming to next Wednesday's meeting.

Thank you.

Martha

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Brown, Samuel

From: Thompson, Lois D. <lthompson@proskauer.com>
Sent: Monday, August 17, 2015 11:26 AM
To: Taylor, Martha; Anurima Bhargava (Anurima.Bhargava@usdoj.gov); Eichner, James (CRT) (James.Eichner@usdoj.gov); Juan Rodriguez (jrodriguez@MALDEF.org); rsjr3@aol.com; wdh@umd.edu; Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov); Desegregation; TUSD (TUSD@rllaz.com); Tolleson, Julie; Nodine, Bryant; Patterson, Charlotte
Subject: Re: SAC Meeting

Dear Martha,

Mendoza Plaintiffs' representative Sylvia Campoy will attend the meeting of the SAC committee on August 19.

Neither she nor we believe that she should make a "presentation" at the beginning of the meeting. As you know, beyond providing comments on the proposed "Student Assignment Plan Calendar" and addressing other aspects of the proposed process (topics we will address in a separate email), Mendoza Plaintiffs have been focused on what they believe to be a District failure to comply with the provisions of the USP as they relate to the student assignment revision process in which the District now is engaged. The "TUSD Responses to Special Master and Plaintiff Concerns" that you provided on August 12 sets forth the District's disagreement with the position asserted by all the Plaintiffs on that issue. That is a matter that may well have to be resolved but not through a presentation to and discussion with a lay committee.

The District also has revised the stated goals of the process in what it says is an attempt to respond to Plaintiff concerns.

In the approach proposed below, the Plaintiffs' "presentations" would precede the "presentation of the committee's new goals...and highlights of the DIAs." We respectfully suggest that the new goals and highlights of the DIAs should first be presented by the District and its consultant and then, to the extent they deem appropriate, each of the Plaintiffs' representatives can comment on those "new goals" and the DIAs.

Lois Thompson

From: Taylor, Martha [<mailto:Martha.Taylor@tUSD1.org>]
Sent: Wednesday, August 12, 2015 5:51 PM
To: Anurima Bhargava; James Eichner; Juan Rodriguez; Thompson, Lois D.; Rubin Salter; Willis D. Hawley; Zoe Savitsky
Cc: Desegregation; RLL; Tolleson, Julie; Nodine, Bryant; Patterson, Charlotte
Subject: SAC Meeting

Dr. Hawley and counsel: On Monday of this week we received the Fisher feedback on the SAC committee and its goals and have now heard from all parties; our response will be forthcoming soon. Also, in order to ensure that the plaintiffs' views are considered by the committee in its work, we would like to invite each Plaintiff class to send up to two representatives to the SAC meeting to be held next Wednesday, August 19 from 3:00-5:00 p.m. at the Duffy library. At that meeting we will be discussing proposals specifically through the lens of the revised goals, which take into account Plaintiffs' feedback re integration. Plaintiff representatives will be invited to make their presentations at the beginning of the meeting, which will be followed by a dialogue with the committee, so the committee can better understand their point of view. The remainder of the meeting will be devoted to a presentation of the committee's new goals, facility improvements, transportation and highlights of the DIAs. Plaintiff representatives are welcome to stay for the remainder of the meeting or to leave after their presentations. We look forward to hearing from you.

Brown, Samuel

From: Rubin Salter, Jr. <rsjr3@aol.com>
Sent: Monday, August 17, 2015 1:07 PM
To: lthompson@proskauer.com; Taylor, Martha; Anurima.Bhargava@usdoj.gov; James.Eichner@usdoj.gov; jrodriguez@MALDEF.org; wdh@umd.edu; Zoe.Savitsky@usdoj.gov; Desegregation; TUSD@rlaz.com; Tolleson, Julie; Nodine, Bryant; Patterson, Charlotte
Subject: Re: SAC Meeting

Dear Martha:

The Fisher Plaintiffs have asked Dr. James T. Schelble to attend Wednesday's Student Assignment Committee (SAC) meeting on their behalf. Depending on their availability, Ms. Gloria Copeland and Dr. Lorraine Richardson may also be in attendance. While I agree that it is appropriate for plaintiff representatives to attend the meeting and hopefully listen and participate in productive discussions with the Committee members, I agree with Lois and believe it would be premature and potentially counterproductive to ask the plaintiff representatives to provide formal presentations on the student assignment goals of the Committee before the District and the plaintiffs have had the opportunity to resolve their current differences of opinion (which I hope we will be able to do without burdening the Court with additional briefing).

Sincerely,

Rubin Salter, Jr.

Rubin Salter, Jr.
Attorney
The Law Office of Ruben Salter, Jr.
177 N. Church Avenue
Suite 903
Tucson, AZ 85701
(520) 623-5706
(520) 623-1716 fax
rsjr3@aol.com

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-----Original Message-----

From: Thompson, Lois D. <lthompson@proskauer.com>
To: martha.taylor <martha.taylor@tusd1.org>; Anurima Bhargava (Anurima.Bhargava@usdoj.gov) <Anurima.Bhargava@usdoj.gov>; Eichner, James (CRT) (James.Eichner@usdoj.gov) (CRT) (James.Eichner@usdoj.gov) <James.Eichner@usdoj.gov>; Juan Rodriguez (jrodriguez@MALDEF.org) <jrodriguez@MALDEF.org>; rsjr3 <rsjr3@aol.com>; wdh <wdh@umd.edu>; Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov) (CRT) (Zoe.Savitsky@usdoj.gov) <Zoe.Savitsky@usdoj.gov>; Desegregation (deseg@tusd1.org) <deseg@tusd1.org>; TUSD (TUSD@rlaz.com) <TUSD@rlaz.com>; julie.tolleson <julie.tolleson@tusd1.org>; Bryant.Nodine <Bryant.Nodine@tusd1.org>; 'charlotte.patterson@tusd1.org' <charlotte.patterson@tusd1.org>

Brown, Samuel

From: Thompson, Lois D. <lthompson@proskauer.com>
Sent: Tuesday, August 18, 2015 4:38 PM
To: Taylor, Martha; Anurima Bhargava; James Eichner; Juan Rodriguez; Rubin Salter; Willis D. Hawley; Zoe Savitsky
Cc: Desegregation; Tolleson, Julie; RLL; Nodine, Bryant; Patterson, Charlotte
Subject: RE: SAC Response
Attachments: MENDOZA PLAINTIFFS.DOCX

Categories: BoardSuptSMPartiesIC

Please see Mendoza Plaintiffs' feedback to the District's responses to the Special Master's and Plaintiffs' Concerns re: Student Assignment Committee as requested below.

Lois D. Thompson
Partner

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greenspaces
Please consider the environment before printing this email.

From: Taylor, Martha [<mailto:Martha.Taylor@tusd1.org>]
Sent: Thursday, August 13, 2015 5:17 PM
To: Anurima Bhargava; James Eichner; Juan Rodriguez; Thompson, Lois D.; Rubin Salter; Willis D. Hawley; Zoe Savitsky
Cc: Desegregation; Tolleson, Julie; RLL; Nodine, Bryant; Patterson, Charlotte
Subject: SAC Response

Dr. Hawley and counsel: Now that the District has received everyone's feedback on the Student Assignment Committee on Grade Reconfiguration, we are submitting our responses to this feedback as part of our collaborative effort. We hope that everyone will provide feedback to our responses by Tuesday, August 18, so we can share this information with the SAC on Wednesday, August 19 at that scheduled meeting. As a reminder, we are also scheduled to have a teleconference meeting on Wednesday, August 26. We are suggesting from 1 – 2 p.m. Please let us know if this time will work for you. Finally, please do let us know if you will have any representatives coming to next Wednesday's meeting.

Thank you.

Martha

MENDOZA PLAINTIFFS' REPLY TO THE TUSD RESPONSES TO SPECIAL MASTER AND PLAINTIFFS
CONCERNS re STUDENT ASSIGNMENT COMMITTEE (SAC) ON PROPOSED GRADE RECONFIGURATION
("TUSD SAC RESPONSE")

August 18, 2015

Mendoza Plaintiffs will not here address the differences between the Plaintiffs and the District concerning the applicability of USP Section II,D,2 to the student assignment/grade reconfiguration process since that is a legal issue better discussed among the lawyers and the Special Master (and, if need be, resolved by the Court).

Goals

Mendoza Plaintiffs appreciate that the District has revised the goals of the SAC Committee but continue to have issues with them.

In the TUSD SAC Response, the District says that one of the revised goals is to "consider[] comprehensively each proposal in an effort to increase integration." ¹ (TUSD SAC Response at 2; goal "f".) This goal appears to restrict the focus to the proposals now before the Committee. (And, as we discuss further below, the SAC Committee, apparently made up primarily of parents and District employees at the five schools now before the Committee is ill-equipped to identify and focus on other schools at which integration might be increased as the result of a grade reconfiguration.) Mendoza Plaintiffs recommend that the charge of the Committee (and its membership) be broadened to address the issue of whether there are additional schools in the District at which integration may be increased through the reconfiguration of their grade structures.

Mendoza Plaintiffs further note that Goal "g" is to "improve student retention." There is no comparable goal to increase integration. Mendoza Plaintiffs recommend the addition of such a goal and that it be made clear that this is to occur throughout the District.

Similarly, Goal "h" refers to attracting "non-District students ... to encourage voluntary movement to further integrate District schools." Mendoza Plaintiffs recommend that this goal be revised to make it explicit that the marketing, outreach, and recruitment efforts referred to in this goal are also directed to IN-District students whose attendance at the schools that have their grades reconfigured would increase the integration of those schools.

¹ One of the schools currently before the SAC Committee is Drachman Magnet Elementary School. Under the provisions of the USP it is subject to the requirement that its "goal...shall be to achieve the definition of an integrated school" as set forth in the USP. USP, Section II, E. 2. Therefore any change in its grade configuration must further its ability to meet this express goal. Mendoza Plaintiffs therefore recommend that the goal as stated in the USP for Drachman be clearly and explicitly stated in the SAC Committee's goals and that any planned change in the grade configuration at Drachman be evaluated in the context of that goal.

Goal “d” states that the goal is to “[p]rovide grade change configurations that will be supported by the community. “ “Community” is not defined but the other goals as currently written and the composition of the SAC committee indicate that the “community” is viewed as the population currently attending one of the five schools currently before the Committee. Mendoza Plaintiffs believe this is too narrow a definition of community and recommend that it be restated to include the entire TUSD community (and that the composition of the SAC committee be changed accordingly. We also discuss below our recommendation to include stakeholders from schools in the community that will be affected by changes in grade configuration of nearby schools.)

Goal “b” refers to “provid[ing] grade configuration changes that enhance education.” As you know, one of the programmatic changes that appeared to have been integral to the prior exploration of changes in grade configurations relating to Fruchthendler and Sabino was the proposal to create an “honors program”. Mendoza Plaintiffs therefore ask if the creation of an “honors program” or any other programmatic changes are again being considered in connection with the contemplated grade reconfigurations and, if so, what they are, who is considering them, and what efforts are being made to make comparable educational experiences available to all students throughout the District? Is the “honors pathway” between Fruchthendler and Sabino that was planned when the grade reconfiguration of these two schools previously was considered still a planned programmatic offering in the current grade reconfiguration plan for the two schools? If so, how will the District provide for equal access for in-District students throughout the District to that program and what actions will it take to ensure that the District’s white students are not disproportionately the beneficiaries of that program? Has the District investigated placing such an “honors pathway” at other schools located elsewhere in the District?

Goal “l” states that “if we are successful in attracting students to stay in the district, Fruchthendler may grow and may need additional space.” Mendoza Plaintiffs have a concern and a question about this goal.

Their concern is that the focus of this and other stated goals appears to be in reaching out to families who have decided to leave the District without similarly focusing on attracting students currently attending racially concentrated schools in the District and encouraging them to be part of Fruchthendler’s anticipated growth. Mendoza Plaintiffs recommend that an effort be made to attract those current TUSD students whose presence in the school with reconfigured grades will increase the integration of that school.

Their question relates to the suggestion that Fruchthendler “may need additional space.” Both with respect to this goal and the recent NARA relating to the addition of portables at Dietz, the District has acknowledged that while hardly ideal and with the need to be very deliberate in determining for what functions and what students portables will be used, it is open to adding space through portables to its schools. Mendoza Plaintiffs therefore ask what, if any, effort was made to determine whether there are existing schools in the District WEST of Drachman that might be reconfigured from K-5 to K-6 as is being proposed for Fruchthendler and Collier (both schools in the north east quadrant of the District) to accomplish the educational benefits cited by the District when it first proposed reconfiguring

Fruchthendler so that more students attending school in the south west quadrant of the District would have the same opportunity to attend sixth grade in the school they had been attending since kindergarten as the District now is proposing be made available to the students now attending Collier and Fruchthendler?

“Brief Districtwide Study on K-8 School Distribution

Did the District do anything more than examine data and maps “ to properly identify the distribution of K-6 and K-8 schools in the District” and review its Reply to Objections re Dietz NARA as stated at page 2 of the TUSD SAC Response? If so, what? Did it look at K-5 schools in the District to determine whether there were others besides Fruchthendler and Collier, including in particular those in the south west quadrant of the District, at which the addition of a 6th grade could accomplish the educational benefits the District says will inure to the benefit of those students who are able to attend sixth grade at Fruchthendler or Collier rather than having to move to a middle school? If no such study was conducted, Mendoza Plaintiffs recommend that such a study go forward and that additional K-5 schools besides Fruchthendler and Collier be considered for grade reconfiguration.

SAC Composition

As noted above, the Mendoza Plaintiffs share the concerns expressed by the Fisher Plaintiffs concerning the composition of the SAC Committee. (While we do not believe we have received a full list of the Committee membership we have had access to copies of the sign in sheets for the two SAC Committee meetings held to date. They indicate that the Committee currently is comprised almost exclusively of parents of students attending and District employees working in the five schools currently under consideration for grade reconfiguration and that it is not representative of the larger TUSD community.) Mendoza Plaintiffs join the Fisher Plaintiffs in recommending that the composition of the Committee be expanded so that there is a full range of stakeholder participation. In particular, Mendoza Plaintiffs recommend that the Committee also include school administration and staff, as well as parents, from those schools that are most likely to be impacted by the grade configuration of nearby schools so that their perspective can be considered by the Committee and the District. They do not believe that the goal of “provid[ing] grade change configurations that will be supported by the community” (Goal “d”) can otherwise be met.

Timelines and Implementation

Mendoza Plaintiffs believe that the District has misunderstood the import of the Special Master’s comments. He was seeking assurance that no actions are being taken or will be taken by the District to implement the proposed grade reconfigurations until such proposed reconfigurations have received the necessary approvals. The Mendoza Plaintiffs therefore recommend that the District provide such assurances.

Mendoza Plaintiffs do not agree to the change in NARA procedure or the expedited process proposed by the District. The NARA process as restated by the Court in its Order dated August 22, 2012 (Doc. No. 1385 at 2) plainly provides for the following filings in the following order: (1) filing of NARA;

(2) filing of party objections, if any; (3) District response to objection(s), if any; and (4) filing by the Special Master of his R&R. It then states "There shall be no further briefing; the Court shall consider the matter fully briefed and ready for disposition by the Court." Mendoza Plaintiffs recommend that the Districts adhere to the Court ordered process.

Mendoza Plaintiffs will not agree to limit their potential objections "to any contested proposals." They may have additional objections to the NARA, the DIAs, and/or the process followed by the District to develop the NARA and cannot therefore agree to such a limitation.

Mendoza Plaintiffs note that both the original and the revised DLR Group schedule they were provided and asked to comment on provides for the possibility of Governing Board action relating to the proposed grade reconfiguration on November 10, 2015. They therefore ask if the District is now proposing that all of its actions (including those of the Governing Board) will be concluded by October 20, 2015.

Once the current process is further developed and we are closer to the time of the actual filing of a NARA, Mendoza Plaintiffs may be willing to agree to an expedited NARA objection process but it is too early in the process for them to be able to do so now.

With respect to timing and process, Mendoza Plaintiffs note that in the TUSD SAC Response, the District failed to address many of the comments and questions relating to timing and process that Mendoza Plaintiffs provided in direct response to the request by the District that we review the proposed schedule and provide comments. On the numbered set of comments included as Appendix A to the TUSD SAC Response, Mendoza Plaintiffs particularly seek responses to comments 2 and 5.

Brown, Samuel

From: Thompson, Lois D. <lthompson@proskauer.com>
Sent: Tuesday, August 25, 2015 9:04 PM
To: Taylor, Martha
Cc: Brown, Samuel; Tolleson, Julie; wdh@umd.edu; rsjr3@aol.com; Bhargava, Anurima (CRT); Savitsky, Zoe (CRT); Eichner, James (CRT) (James.Eichner@usdoj.gov); Juan Rodriguez (jrodriguez@MALDEF.org); wbrammer@rllaz.com; Nodine, Bryant; Patterson, Charlotte
Subject: Re: SAC Agenda
Attachments: 20150825 Agenda for SMP Teleconference re SAC.docx; MENDOZA PLAINTIFFS.DOCX

Dear Martha,

Mendoza Plaintiffs were extremely disappointed in the agenda you have proposed for tomorrow.

Given the wording of the agenda, we are constrained to state that while we have endeavored to offer input and recommendations in response to the material you have been providing, this is not a “collaborative” effort. The District informed the Plaintiffs that it was embarking on a plan to change the grade figurations at five specific schools. Pursuant to USP Section I,D,1 the Plaintiffs have been providing input and comments. Further, they have urged the District to comply with the requirements of USP Section II, D, 1, and the pertinent portions of the Court’s Order of May 12, 2015 including that it “**comprehensively** consider the proposal, pursuant to applicable USP criteria, in an effort to increase the integration of TUSD schools.” (Doc. 1799 at 5; emphasis added.) That they have exercised their rights under the USP and have responded to your requests for comment does not make them “collaborators” in a joint enterprise. In fact, both the Mendoza Plaintiffs and the Fisher Plaintiffs have repeatedly stated that they have grave concerns about the process in which the District now is engaged because it does not adequately address the District’s obligation to increase the integration of its schools and the requirements of USP Section II,D,2.

Therefore, with respect to the agenda:

As should be clear from a reading of the comments Mendoza Plaintiffs sent the District on August 18, 2015 (a copy of which is attached for your convenience) we continue to believe that the “goals” even as most recently amended (those attached to the agenda) do not sufficiently align with the District’s obligations under the USP and therefore recommend that the goals be among the first matters discussed.

We agree that the committee composition should be discussed in light of the concerns the Fisher and Mendoza Plaintiffs have expressed about the current committee composition and its capacity to address what we believe the USP requires be a broader mandate and set of goals.

In their comments of August 18 (which appear to have been omitted from the list of communications under “History” on your agenda), Mendoza Plaintiffs asked a number of questions and made a number of recommendations about the possible addition of other schools for reconfiguration consideration to enhance integration. Mendoza Plaintiffs believe those questions and recommendations, as well as answers to their questions about the “brief districtwide study” the District says it undertook before it made the proposals the SAC Committee now is considering should be addressed before there is any discussion of the pending five proposals. While the Mendoza Plaintiffs are prepared to offer comments and input on those proposals, because they are constrained to object to them in the context of the overall process and because their questions about programmatic changes remain unanswered, they are not and cannot be “collaborators” on those proposals, as your agenda suggests.

We were surprised to see that the agenda includes the very timeline and process for the NARA that we told you on August 18 was not acceptable to the Mendoza Plaintiffs. We therefore respectfully refer you to pages 3 and 4 of our comments of August 18 so that we do not have to take the valuable time of all participants on the call tomorrow to repeat the reasons why we declined to agree to the proposal.

Lois D. Thompson

Partner

[Proskauer](#)

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Please consider the environment before printing this email.

From: Taylor, Martha [<mailto:Martha.Taylor@tusd1.org>]
Sent: Tuesday, August 25, 2015 4:47 PM
To: Anurima Bhargava; James Eichner; Juan Rodriguez; Thompson, Lois D.; Rubin Salter; Willis D. Hawley; Zoe Savitsky
Cc: Desegregation; Tolleson, Julie; Nodine, Bryant; Patterson, Charlotte; RLL
Subject: SAC Agenda

Dr. Hawley and counsel: Please find attached the agenda for tomorrow's teleconference meeting regarding the Student Assignment Committee.

I am again including the call-in information that I sent yesterday. We look forward to talking with everyone at 1 p.m.

Topic: TUSD- SAC meeting with SM+P
Time: Aug 26, 2015 1:00 PM (GMT-7:00) Arizona
Join by phone:
+1 408 638 0968 (US Toll) or +1 646 558 8656 (US Toll)
+1 855 880 1246 (US Toll Free)
+1 877 369 0926 (US Toll Free)
Meeting ID: 935 205 5802

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Brown, Samuel

From: Thompson, Lois D. <lthompson@proskauer.com>
Sent: Thursday, August 27, 2015 11:20 AM
To: Brown, Samuel
Cc: wdh@umd.edu; rsjr3@aol.com; Savitsky, Zoe (CRT); Eichner, James (CRT) (James.Eichner@usdoj.gov); Tolleson, Julie; Taylor, Martha; Nodine, Bryant; Patterson, Charlotte; wbrammer@rllaz.com; Juan Rodriguez (jrodriguez@MALDEF.org)
Subject: Re: SAC Teleconference Follow-Up
Categories: BoardSuptSMPartiesIC

Dear Sam,

The following is not intended to take the place of the extensive discussion we all had on the phone yesterday but is offered in response to your request that we provide language for the District to review as it considers the comments and recommendations made yesterday concerning the goals of the SAC process and related issues.

Just as there are clear stand alone goals to “(b) Provide grade configuration changes that enhance education” and “(g) Improve student retention,” we believe there should be a stand alone goal to “(x) Increase the integration of District schools.”

Given that Drachman is a magnet school its goal, we believe. must be to attain the definition of integration in the USP.

With respect to goal (d) we believe that it should be made clear that the “affected schools” are not just the schools that are being considered for grade reconfigurations but also those schools that are likely to be affected by those grade reconfigurations through the loss of students.

The other issue which we addressed in our conversation yesterday is that if efforts to further integrate the schools now being considered for grade reconfiguration are to be successful, the larger TUSD community needs to be considered (not by having representatives from each school in the District on a committee but by having some persons on the committee who can address that larger perspective). This seems to make particular sense given the extent to which families already take advantage of open enrollment in the District and given what we now understand to be the commitment through goal (h) to reach out to in District students “to encourage voluntary movement to help further integrate District schools”. (As stated in goal (h).)

As I indicated yesterday, Mendoza Plaintiffs believe that there are obligations of the District under the USP that are separate from (although related to) the goals we were discussing.

These derive from USP Section II, D, 2. We believe that this section places two separate obligations on the District. Under II, D, 2, (vi), it must consider the effects on integration of any proposed changes. But, in addition, as stated in the last sentence of that section, “the District shall propose and evaluate various scenarios...in an effort to increase the integration of its schools.”

We listened to and appreciated the description that Bryant provided yesterday concerning his review of other schools in addition to those now before the committee that might be candidates for grade reconfiguration. We ask that he and Charlotte again undertake such a review with the particular goal of assessing whether there are any schools or combinations of schools that, were their grades reconfigured, could increase the integration of the schools. (We know you asked the plaintiffs to make such proposals and we will endeavor to do so but do note both that the USP expressly

directs the District to do this and that the District has more information available to it to make such an assessment than do we.)

Finally, as I believe we stated yesterday, to assist all concerned in evaluating the grade reconfiguration proposals, it would be helpful for the District to articulate the enhancements in education the District is seeking to attain through these reconfigurations as per goal (b).

Lois D. Thompson

Partner

[Proskauer](#)

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Please consider the environment before printing this email.

From: Brown, Samuel [<mailto:Samuel.Brown@tusd1.org>]
Sent: Wednesday, August 26, 2015 5:48 PM
To: Thompson, Lois D.; 'Juan Rodriguez'; 'Zoe Savitsky'; 'Rubin Salter Jr.'; 'Willis D. Hawley'
Cc: Tolleson, Julie; Brammer@rllaz.com; Taylor, Martha; Nodine, Bryant; Patterson, Charlotte
Subject: SAC Teleconference Follow-Up

Dr. Hawley/Counsel: Thanks to everyone for participating in the teleconference today. Please provide any additional proposals within the next five days, per our agreed-upon timeline. We look forward to receiving any additional feedback or ideas pursuant to today's conversation that will help us move forward in a productive manner. Sam

From: Brown, Samuel
Sent: Wednesday, August 26, 2015 1:56 PM
To: Lois Thompson; Juan Rodriguez; Zoe Savitsky; Rubin Salter Jr.; Willis D. Hawley
Subject: K8 Map

Samuel Emiliano Brown
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samuel.brown@tusd1.org

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Brown, Samuel

From: Willis D. Hawley <wdh@umd.edu>
Sent: Thursday, August 27, 2015 5:58 PM
To: Rubin Salter, Jr.; Juan Rodriguez; Thompson, Lois D.; Bhargava, Anurima (CRT); Zoe Savitsky; James Eichner; Desegregation; TUSD
Subject: Grade Reconfiguration

All,
Here are some post meeting thoughts.

I did some consulting and reading yesterday evening that changes some of the views I shared in the meeting on the phone . I think there is a case for sixth grade additions to K-5 schools (even if there is no research), especially for poorer kids. But, as with all educational strategies, it is how it is done that counts. For example, will elementary teachers have the math skills to teach sixth grade math? Nationally, many elementary teachers don't like math and are not as effective as they need to be. And there is a case for keeping kids in the District longer. I do worry about all of the churn in the district. When teachers move around that is not usually a good thing.

The establishment of a middle school at Sabino is likely to increase the number of white and middle class students in TUSD and it will also lead to a loss of white and middle class students from Magee. This seems indisputable. This will not only result in the Magee sliding toward racial concentration but it will undermine the education of the students left behind. (In its response to my observation earlier this year related to the likely change in the socioeconomic status of the students at Magee, the District cited district-wide data on the proportion of students in the district on free and reduced lunch by race. That, of course, is irrelevant. The proportion of students at Fruchthendler (F) and Sabino—the primary areas from which middle school Sabino students would be drawn—on free and reduced meals is quite low, much lower than the proportions of such students at Magee.

I think that adding a sixth grade at Fruchtlender is a relatively easy decision, whether the Sabino MS proposal goes or not. This may result in the loss of a few students from the sixth grade at Magee but few parents not in F will want to send their students to F for a year and then transfer them to Magee. And it will not divert resources because the costs will be covered by additional state aid (but we should see these numbers).

It is desirable to increase the numbers of white students and of middle class students of all races in TUSD. How might the downsides of the Sabino middle school option be minimized and countered?

1. By substantially enriching the programs at Magee.

2. By conditioning the Sabino option on a minimum enrollment of Latino and African American students by using preferences for nonwhite students.
3. By creating a really attractive enriched option at Mansfield that tracked to an honor pathway at Tucson High..
4. ?

I don't necessarily support the Sabino MS proposal but I make these observations to open a discussion. Each of these options has serious problems.

Strengthening Magee. Even if Magee were lifted to a B school, why would parents not choose Sabino which is an A high school. It is hard to believe, despite the principal's assertions, that locating alternative to in-school suspension students at Magee does not affect its attraction.

Ensuring a Set Percentage of Nonwhite Enrollment at Sabino MS. This would require considerable recruitment and would probably need outreach from parents in the Sabino area plus special transportation.

The Mansfield/THS Option. One might imagine an aggressive effort to provide an ALE at Mansfield in collaboration with UofA that is more accessible to Latino and AA families than Sabino. Have efforts been made to develop programs jointly with university faculty and staff?

It seems to me that whatever path is taken, even if Sabino MS never happens, the slide at Magee toward racial concentration and the relatively low achievement levels of students there need to be addressed by improving educational opportunities there.

Willis D. Hawley
Professor of Education and Public Policy
University of Maryland
Senior Advisor
Southern Poverty Law Center

Brown, Samuel

From: Savitsky, Zoe (CRT) <Zoe.Savitsky@usdoj.gov>
Sent: Wednesday, September 2, 2015 11:05 AM
To: Brown, Samuel; 'Lois Thompson'; 'Juan Rodriguez'; 'Rubin Salter Jr.'; 'Willis D. Hawley'
Cc: Tolleson, Julie; Brammer@rllaz.com; Taylor, Martha; Nodine, Bryant; Patterson, Charlotte
Subject: RE: SAC Teleconference Follow-Up

DOJ does not have any specific proposals for grade configurations at this point in the process. However, we want to reiterate our position that this process should include a serious and good-faith attempt to promote desegregation. In response to the discussion to date, we want to make our view clear that the District must not merely include promoting desegregation as a goal, but must actually think creatively and comprehensively of ways to achieve this goal. Should the process ultimately not lead to tangible integrative results, we will be looking closely to make sure that the District identified and carefully considered potential options and made reasonable efforts to achieve this goal.

Thanks so much,

Zoe & Jim

Zoe M. Savitsky
Trial Attorney
U.S. Department of Justice
Civil Rights Division
Educational Opportunities Section
PHB 4300 950 Pennsylvania Ave.
NW Washington, DC 20530

Ph: (202) 305-3223 | Fx: (202) 514-8337

From: Brown, Samuel [<mailto:Samuel.Brown@tusd1.org>]
Sent: Wednesday, August 26, 2015 8:48 PM
To: 'Lois Thompson'; 'Juan Rodriguez'; Savitsky, Zoe (CRT); 'Rubin Salter Jr.'; 'Willis D. Hawley'
Cc: Tolleson, Julie; Brammer@rllaz.com; Taylor, Martha; Nodine, Bryant; Patterson, Charlotte
Subject: SAC Teleconference Follow-Up

Dr. Hawley/Counsel: Thanks to everyone for participating in the teleconference today. Please provide any additional proposals within the next five days, per our agreed-upon timeline. We look forward to receiving any additional feedback or ideas pursuant to today's conversation that will help us move forward in a productive manner. Sam

From: Brown, Samuel
Sent: Wednesday, August 26, 2015 1:56 PM
To: Lois Thompson; Juan Rodriguez; Zoe Savitsky; Rubin Salter Jr.; Willis D. Hawley
Subject: K8 Map

Brown, Samuel

From: Rubin Salter, Jr. <rsjr3@aol.com>
Sent: Friday, September 18, 2015 3:28 PM
To: Taylor, Martha
Cc: shahidah.rasul@va.gov; james.eichner@usdoj.gov; jrodriguez@maldef.org; lthompson@proskauer.com; wdh@umd.edu; zoe.savitsky@usdoj.gov; Desegregation; tusd@rllaz.com; Tolleson, Julie; Nodine, Bryant; Patterson, Charlotte; rsjr3@aol.com
Subject: Re: Grade Reconfiguration Proposal

Dear Ms. Taylor, Special Master Hawley, and Counsel:

The Fisher Plaintiffs write with the following concerns:

The Fisher Plaintiffs were unaware of a meeting held on Saturday, August 29, 2015. I did not attend any conference call held on that Saturday (the 29th), if one did indeed take place. Was Ms. Taylor referring instead to Wednesday, August 26, 2015?

The Fisher Plaintiffs believe it is not possible for the District to formulate a grade reconfiguration proposal without having all the essential information prior to developing such a proposal.

I believe that the USP and Court Orders set time limits and the length of time that Plaintiffs shall have to respond or comment on the proposed documents.

It is unrealistic to expect responses from the Fisher Plaintiffs when the District does not have the requisite information relating to the proposal for grade reconfiguration. Fisher Plaintiffs find it difficult to understand how the District can make proposals without having the requisite information upon which to base these proposals.

Fisher Plaintiffs surely cannot be expected to submit their responses by Monday, October 5, 2015 when the Fisher Plaintiffs are unsure of the accuracy or authenticity of the District's proposal.

Fisher Plaintiffs reserve our right to submit comments on the proposal for reconfiguration until the Fisher Plaintiffs have in their possession a DIA/NARA that was developed after the USP conference of October 5, 2015.

Rubin

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-----Original Message-----

From: Taylor, Martha <Martha.Taylor@tusd1.org>

To: Anurima Bhargava <anurima.bhargava@usdoj.gov>; James Eichner <james.eichner@usdoj.gov>; Juan Rodriguez <jrodriguez@maldef.org>; Lois Thompson <lthompson@proskauer.com>; Rubin Salter <rsjr3@aol.com>; Willis D. Hawley <wdh@umd.edu>; Zoe Savitsky <zoe.savitsky@usdoj.gov>

Cc: Desegregation <deseg@tusd1.org>; RLL <tusd@rllaz.com>; Tolleson, Julie <Julie.Tolleson@tusd1.org>; Nodine, Bryant <Bryant.Nodine@tusd1.org>; Patterson, Charlotte <Charlotte.Patterson@tusd1.org>

Sent: Fri, Sep 18, 2015 10:52 am

Subject: Grade Reconfiguration Proposal

Dr. Hawley and counsel: Based on the meeting held on August 29 to discuss the grade reconfiguration proposal, we have been developing a modified proposal in lieu of a formal DIA/NARA. Based on your feedback and input, we are continuing to finalize the proposal and will send to you next Friday, September 25. Per our agreement at the teleconference, please submit your responses to the proposal no later than Monday, October 5. We will request that this topic be placed on the agenda for the USP Conference on that day. A formal DIA/NARA will be developed after the USP conference based on our collaboration and submitted in mid-October.

Thank you.

Martha

Brown, Samuel

From: Eichner, James (CRT) <James.Eichner@usdoj.gov>
Sent: Friday, October 2, 2015 7:38 AM
To: Brown, Samuel; Juan Rodriguez; Lois Thompson; Rubin Salter Jr.; Simons, Shaheena (CRT)
Cc: Taylor, Martha; Tolleson, Julie; Brammer@rllaz.com; TUSD; Desegregation; Nodine, Bryant; Patterson, Charlotte; Eichner, James (CRT)
Subject: RE: Grade Configuration Proposals and Draft DIAs

Sam –

Thank you for sharing the District's proposals for grade reconfigurations. DOJ has a question on the proposals.

Appendix A discusses the possibility of changing Cavett ES from K-5 to K-6 and adding a junior high to Catalina HS. The analysis states that this change would have a positive integrative effect.

Is the District currently proposing to make this change? If so, what is the status of that proposal? If not, why not?

We wanted to flag this issue now to give the District time to respond before we meet next week but since we know everyone at the District is probably very busy preparing for next week's meetings we are happy to wait until the grade configuration discussion on Tuesday to hear the District's answers to these questions.

Thanks.

Jim

From: Brown, Samuel [<mailto:Samuel.Brown@tusd1.org>]
Sent: Friday, September 25, 2015 6:59 PM
To: Eichner, James (CRT); Juan Rodriguez; Lois Thompson; Rubin Salter Jr.; Simons, Shaheena (CRT)
Cc: Taylor, Martha; Tolleson, Julie; Brammer@rllaz.com; TUSD; Desegregation; Nodine, Bryant; Patterson, Charlotte
Subject: Grade Configuration Proposals and Draft DIAs

Dr. Hawley/Counsel: As stated last week, please find attached the District's proposals for grade reconfigurations, including draft DIAs. As discussed during our teleconference, and as mentioned in Martha's email last week, we ask that you submit your responses no later than ten days from today – by Monday October 5, 2015. We will discuss your responses during the in-person conference in October. Based on your feedback, we hope to submit a final set of DIAs and a request for approval on or around October 9, 2015 as indicated in the initial timeline. We will, of course, copy all parties on this submission. Thanks, have a great weekend - Sam

Brown, Samuel

From: Juan Rodriguez <jrodriguez@MALDEF.org>
Sent: Friday, October 2, 2015 6:56 PM
To: Brown, Samuel; 'Eichner, James (CRT)'; Lois Thompson; Rubin Salter Jr.; Simons, Shaheena (CRT)
Cc: Taylor, Martha; Tolleson, Julie; Brammer@rllaz.com; TUSD; Desegregation; Nodine, Bryant; Patterson, Charlotte; Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov); Willis D. Hawley
Subject: RE: Grade Configuration Proposals and Draft DIAs
Attachments: Mendoza Plaintiffs Comments to TUSD_s September 25 Grade Reconfiguration Proposals 10-2-15.pdf
Categories: ACTION

Please find attached Mendoza Plaintiffs' comments. I have looped in Dr. Hawley and Zoe.

Juan Rodriguez | Staff Attorney

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MENDOZA PLAINTIFFS' PRE-MEETING PRELIMINARY RESPONSE TO TUSD'S SEPTEMBER 25, 2015 GRADE RECONFIGURATION PROPOSALS

October 2, 2015

Mendoza Plaintiffs do not here present complete responses to the District's grade reconfiguration proposals, but intend to do so at a later time after the parties are able to discuss these proposals and have their questions answered at the meetings among the parties and Special Master on October 5 and 6 in Tucson. Mendoza Plaintiffs do however remind the District of existing concerns here, and additional concerns raised by TUSD's September 25 grade reconfiguration proposals in the hope that this will permit the District to better prepare for the up-coming meetings.

As an initial matter Mendoza Plaintiffs reiterate, as they referenced in their August 18 Response, among other communications, that they disagree with the District's reading of USP Section II,D,2 application to its grade reconfiguration process and with its statement that "[n]one of the proposals require[] a boundary change." Similarly, while they appreciate that the District has revised its Student Assignment Committee ("SAC") goals, Mendoza Plaintiffs do not understand those goal revisions to address their concerns regarding USP integration requirements.

In particular, although the revised goals include that of increasing integration of District schools, they also clearly state that a proposal need not be rejected if it fails to meet that goal. Here, as we reference below and will be prepared to discuss more fully at our meetings, as we understand it, not a single one of the proposed grade reconfigurations (with the possible exception of that for Drachman as kindergarten cohorts progress through the school) –nor the proposals taken together – are expected to increase the integration of District schools. At best, they are "neutral". And they are "neutral" only so long as one ignores the likely destabilizing effect on Magee (which is referenced below and which we also will be prepared to discuss further at our meetings) given the expectation that the addition of grade 6 at both Fruchthendler and Collier will lead to the loss of more than 20% of Magee's white student population.

Mendoza Plaintiffs, like the Department of Justice ("DOJ"), would like to understand whether the District is proposing a grade configuration change at Cavett Elementary School to change it from a K-5 to a K-6 school, and at Catalina High School to add middle school grades 7 and 8. They therefore join in the questions posed earlier today by Jim Eichner and ask that the District provide for Cavett and Catalina as well as for the other affected schools referenced in the brief discussion of this scenario in Appendix A the information and analysis that would comprise a DIA for this scenario.

Many of Mendoza Plaintiffs' concerns and objections detailed in their objection to the Fruchthendler and Sabino NARAs earlier this year (Doc. 1794) still exist with regard to the current grade reconfiguration proposals. Significant among them is the affect the proposed change would have of drawing Magee Middle School's white student population away from that school and into

Fruchthendler, which would take Fruchthendler even further away from achieving integration.¹ The white population at Fruchthendler currently exceeds the percentage of white students at the elementary school grade level by 42%. (See Annual Report, Appendix II-41.) Now, with the addition of the proposal to reconfigure Collier Elementary School into a K-6 school, the District indicates that the Fruchthendler and Collier proposals together could reduce the current white population at Magee Middle School by over 21%. (See Sabino DIA attached to TUSD's September 25 Grade Configuration Proposals.) Thus, under the current proposal, Collier too would move further away from achieving integration as its current white population exceeds the percentage of white students at the elementary school grade level by 39%. (See Annual Report, Appendix 11-41.)

Mendoza Plaintiffs expect that the parties will fully discuss the potentially destabilizing effects the grade configuration proposals will have on Magee Middle School when they meet with the parties and Special Master on October 5 and 6.

Mendoza Plaintiffs also note that in the Executive Summaries constituting Appendix B to the September 25 Grade Configuration Proposals, the District says that it will "mitigate" impacts on Magee by offering "enhanced ALE programs at Magee (AVID and/or partnerships with Sahuaro High School for AP or Dual-Credit courses) to attract Latino students to Magee, and to prepare African American and Latino students for success in core classes and Advanced Learning Experiences...." (Appendix B discussion of Collier, Fruchthendler and Sabino.) Mendoza Plaintiffs have concerns about an apparent willingness of the District to add such programs to Magee (a "C" school) only as a "mitigating" measure. At our meetings next week, we will urge the District to add such programs to Magee regardless of what decisions are made concerning grade reconfigurations.

In addition, Mendoza Plaintiffs do not understand on what basis the District now asserts (in each DIA except for the Drachman DIA) that the proposals will have the impact of retaining "(students who now attend non-District schools) [which] will offer additional opportunities to increase integration districtwide by broadening the pool of available students to which the District can more directly engage in marketing, outreach, and recruitment activities." (See DIAs for Borman, Collier, Fruchthendler, and Sabino attached to TUSD's September 25 Grade Reconfiguration Proposals.) Mendoza Plaintiffs have not seen anything from the District to suggest that it has analyzed whether it realistically will be able to successfully recruit these students into schools in such a way as to increase the total number of students attending integrated schools. Indeed, notwithstanding these new "opportunities" to recruit students to increase integration, Mendoza Plaintiffs have not seen any change whatsoever in the numbers reported in any DIA from the last iteration of those DIAs to suggest that the District, once it attracts non-TUSD students into the schools for which it is proposing reconfiguration changes, would be able to successfully recruit them to enroll in OTHER District schools to increase integration.

Notably, the 2014-15 student populations in schools at which the District is proposing reconfiguration changes to attract primarily white non-TUSD students already include a white student

¹ Under the USP, an integrated school is one in which no racial or ethnic group varies from the District average for that grade level by more than +/- 15 percentage points and in which no single racial or ethnic group exceeds 70% of the school's enrollment. (USP Section II, B, 2.)

population that exceeds the percentage of white students in the District. Notwithstanding that Drachman is a racially concentrated Latino school, the sum of students at all the schools for which the District is proposing changes is approximately: 52% white (1194 students), 33% Latino (759 students), and 8% African American (178 students). (See Annual Report, Appendix 11-41.) Thus, Mendoza Plaintiffs understand that the general thrust of the grade reconfiguration proposals is to perpetuate the non-integration at these schools, which is inconsistent with USP requirements to increase the number of integrated schools and number of students attending integrated schools. Mendoza Plaintiffs therefore believe that, taken together, the proposed grade reconfigurations fail to meet Judge Bury's admonition that the proposal be "comprehensively consider[ed], pursuant to applicable USP criteria, in an effort to increase the integration of TUSD schools. USP §II.D.2" (Order dated 5/12/15, Doc. 1799, at 5:18-21.)

As to particular schools:

The DIA for Collier says there are 30 to 40 students per grade and then has a chart entitled "Transition of Collier 5th Graders into 6th Grade which reports 35 not in TUSD and 31 in TUSD schools for a total of 66. The numbers do not seem to mesh. Is there something we have misread or misunderstood in the Collier discussion?

The DIA for Sabino says that "[r]ecruitment efforts will be aimed at attracting students who do not attend TUSD schools rather than transferring students between TUSD schools, except in cases where the District can successfully recruit middle and high school students who might otherwise attend a racially concentrated middle or high school to open enroll into Sabino to improve integration (supported by incentive transportation and express busing)."

How does the District propose to recruit only those students who might otherwise attend a racially concentrated school? And what will it do if students who do NOT attend a racially concentrated school seek through open enrollment to enroll in 7th or 8th grade (or subsequent grades) at the proposed Sabino middle school?

Having said that it would recruit students who might otherwise attend a racially concentrated middle or high school, why are no such students included in the DIA (which does have projected enrollment figures for students from non-TUSD schools located within the TUSD geographic area as well as projected enrollment figures for students from outside the TUSD geographic area)?

Brown, Samuel

From: Eichner, James (CRT) <James.Eichner@usdoj.gov>
Sent: Monday, October 12, 2015 7:43 AM
To: Brown, Samuel; Juan Rodriguez; Lois Thompson; Rubin Salter Jr.; Simons, Shaheena (CRT); TUSD; Savitsky, Zoe (CRT); Willis D. Hawley
Cc: Tolleson, Julie; Taylor, Martha; Brammer@rllaz.com; Desegregation; TUSD; Nodine, Bryant; Patterson, Charlotte; Eichner, James (CRT)
Subject: RE: Grade Reconfiguration Proposals
Categories: ACTION

Sam –

The Department of Justice does not object to any of the current grade configuration proposals because we have seen no evidence that they materially negatively impact the District's desegregation efforts or otherwise violate the USP.

The Department of Justice will expect, should the grade configuration proposals lead to more students attending TUSD as intended, TUSD to explore ways of using the addition of these students to increase desegregation and otherwise support implementation of the USP.

The United States will also expect the District to continue to examine the possibility of changing Cavett Elementary School from K-5 to K-6 and adding a junior high to Catalina HS and to make a decision on this possible grade configuration change giving due weight to the prospect of such a change advancing TUSD's desegregation efforts.

Please let me know if you have any questions about this.

Jim

From: Brown, Samuel [<mailto:Samuel.Brown@tusd1.org>]
Sent: Friday, October 09, 2015 8:01 PM
To: Eichner, James (CRT); Juan Rodriguez; Lois Thompson; Rubin Salter Jr.; Simons, Shaheena (CRT); TUSD; Savitsky, Zoe (CRT); Willis D. Hawley
Cc: Tolleson, Julie; Taylor, Martha; Brammer@rllaz.com; Desegregation; TUSD; Nodine, Bryant; Patterson, Charlotte
Subject: Grade Reconfiguration Proposals

Counsel/Dr Hawley: I want to thank you for taking the time out this week to discuss your positions on this matter – we appreciate your input and feedback. Pursuant to the timeline, we were scheduled to submit revised requests for approval and revised DIAs today based on feedback which was to be received by Monday October 5. Unfortunately, we were unable to get feedback from everyone until Wednesday and Thursday. As such, we will need more time to develop revised proposals/DIAs. We are still scheduled to present information to the Governing Board on Tuesday October 20 – for information only, no vote. Please submit any remaining comments, concerns, or objections no later than the close of business next Friday October 16. Pursuant to our process discussions, we will provide the Governing Board with copies of your submissions, and we will consider your written submissions in finalizing the presentation of information to the Board. To be clear, these proposals are not going to the Board for vote on the 20th, they will be presented for information only – along with any written submissions from the Special Master and Plaintiffs that are received by 5pm next Friday

Have a great weekend – thanks, Sam

Brown, Samuel

From: Juan Rodriguez <jrodriguez@MALDEF.org>
Sent: Friday, October 16, 2015 4:36 PM
To: Brown, Samuel; James Eichner; Lois Thompson; Rubin Salter Jr.; Shaheena Simons (shaheena.simons@usdoj.gov); TUSD; Zoe Savitsky; Willis D. Hawley
Cc: Tolleson, Julie; Taylor, Martha; Brammer@rllaz.com; Desegregation; TUSD; Nodine, Bryant; Patterson, Charlotte
Subject: RE: Grade Reconfiguration Proposals
Attachments: Mendoza Plaintiffs' Comments re Grade Reconfig Proposals 10.16.15.pdf
Categories: ACTION

Please see attached.

Juan Rodriguez | Staff Attorney

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From: Brown, Samuel [<mailto:Samuel.Brown@tusd1.org>]
Sent: Friday, October 09, 2015 5:01 PM
To: James Eichner; Juan Rodriguez; Lois Thompson; Rubin Salter Jr.; Shaheena Simons (shaheena.simons@usdoj.gov); TUSD; Zoe Savitsky; Willis D. Hawley
Cc: Tolleson, Julie; Taylor, Martha; Brammer@rllaz.com; Desegregation; TUSD; Nodine, Bryant; Patterson, Charlotte
Subject: Grade Reconfiguration Proposals

Counsel/Dr Hawley: I want to thank you for taking the time out this week to discuss your positions on this matter – we appreciate your input and feedback. Pursuant to the timeline, we were scheduled to submit revised requests for approval and revised DIAs today based on feedback which was to be received by Monday October 5. Unfortunately, we were unable to get feedback from everyone until Wednesday and Thursday. As such, we will need more time to develop revised proposals/DIAs. We are still scheduled to present information to the Governing Board on Tuesday October 20 – for information only, no vote. Please submit any remaining comments, concerns, or objections no later than the close of business next Friday October 16. Pursuant to our process discussions, we will provide the Governing Board with copies of your submissions, and we will consider your written submissions in finalizing the presentation of information to the Board. To be clear, these proposals are not going to the Board for vote on the 20th, they will be presented for information only – along with any written submissions from the Special Master and Plaintiffs that are received by 5pm next Friday.

Have a great weekend – thanks, Sam

MENDOZA PLAINTIFFS' COMMENTS AND OBJECTIONS REGARDING TUSD'S GRADE RECONFIGURATION PROPOSALS

October 16, 2015

Mendoza Plaintiffs submit these comments as a supplement to their October 2, 2015 comments, based on the District's September 25, 2015 version of its grade reconfiguration proposals and after the parties' and Special Master's meeting in Tucson, for the Governing Board's consideration as it reviews the District's Grade Reconfiguration Proposals for information purposes.

Given that USP Section II,D,2 requires the District to "propose and evaluate various scenarios, with, at minimum, the Plaintiffs and the Special Master in an effort to increase the integration of its schools," Mendoza Plaintiffs look forward to the District's development of proposals to reconfigure Cavett from a K-5 to a K-6 Elementary School, and add a junior high (that is 7th and 8th grades) to Catalina High School, which the District indicates would have a positive integrative effect, particularly as none of the current grade reconfiguration proposals (with the possible exception of Drachman), nor the proposals taken together, are expected to increase the integration of TUSD's schools. Mendoza Plaintiffs also look forward to the receiving additional information regarding express busses to serve as incentive transportation in relation to these proposals and "mitigation" measures directed at Magee middle school, which they understand the District to currently be further developing.

Borman and Drachman

Mendoza Plaintiffs currently have no objection to the proposal to reconfigure Borman Elementary School from a K-5 to a K-8 school. They similarly have no objection to the proposal to change Drachman K-6 into a K-8 school, so long as Drachman, as a magnet school, continues to work toward meeting its integration goals detailed in its magnet improvement plan.

Fruchthendler, Collier, and Sabino

Mendoza Plaintiffs continue to have significant concerns regarding the impact that the Fruchthendler, Collier, and Sabino proposals would have on Magee Middle School, and therefore object to them. The Fruchthendler and Collier proposals are expected to draw white TUSD students that would otherwise attend Magee Middle School into Fruchthendler and Collier, thereby taking those schools further away from achieving integration. (Fruchthendler's and Collier's white student population currently exceeds the percentage of white students at TUSD's Elementary School level by 42% and 39%, respectively. (See Annual Report, Appendix 11-41.)) Together, the Collier and Fruchthendler proposals could reduce the white population at Magee by over 21%, a population the District expects would entirely transition to Sabino were it to reconfigure as proposed. (See Sabino DIA, Appendix C to September 25, 2015 Grade Reconfiguration Proposals). Moreover, Mendoza Plaintiffs have not yet seen any details of the measures the District is considering that would make them think that the District realistically can target and recruit the non-TUSD white students who would join District schools under the proposals to attend schools at which their enrollment would increase integration.

Brown, Samuel

From: Rubin Salter, Jr. <rsjr3@aol.com>
Sent: Monday, October 19, 2015 4:57 PM
To: Tolleson, Julie; Taylor, Martha; Brammer@rllaz.com; Desegregation; Nodine, Bryant; Patterson, Charlotte; jrodriguez@MALDEF.org; Brown, Samuel; james.eichner@usdoj.gov; lthompson@proskauer.com; shaheena.simons@usdoj.gov; TUSD@rllaz.com; zoe.savitsky@usdoj.gov; wdh@umd.edu
Subject: Re: Grade Reconfiguration Proposals
Attachments: 15.08.10.fisher.preliminary.objection.sac.pdf

Dear Sam:

Please find attached the Fisher Plaintiffs' 08/10/15 objection to the grade reconfigurations proposed by the TUSD Student Assignment Committee (SAC) (originally addressed to Martha Taylor).

Because nothing in the District's subsequent revision of the SAC's goals or its desegregation impact analyses has alleviated the fundamental concerns raised in the Fisher Plaintiffs' 08/10/15 objection, please consider that objection renewed by copy of this email.

I understand that you had asked to receive new plaintiff feedback by the 16th, but I hope you will be able to share the attached, previously circulated five-page objection - in its entirety - with the TUSD Governing Board (GB) before it meets on the 20th to ensure that the GB members understand why the Fisher Plaintiffs find the proposed grade reconfigurations objectionable.

Sincerely,

Rubin Salter, Jr.

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Monday August 10, 2015

Attention: Martha Taylor

Dear Martha:

The Fisher Plaintiffs have completed a preliminary review of the material uploaded to the District's Student Assignment Committee (SAC) folder. Based on that review, the Fisher Plaintiffs, by copy of this email, join the Mendoza Plaintiffs and the Department of Justice (DOJ) in their objection to the current goals and guidelines set for the SAC (see Thompson 08/05/15 and Eichner 08/07/15 emails).

The SAC clearly fails to assign due priority to the District's desegregation obligations under the Unitary Status Plan (USP) and clearly fails to involve the type and degree of input from the plaintiffs and the Special Master (SM) contemplated under the USP and the Court's 05/12/15 order interpreting the applicable provisions of the USP. Additionally, the composition of the SAC is clearly unrepresentative of the full spectrum of stakeholders impacted by the proposed changes.

The overwhelming majority of SAC members appear to be Tucson Unified School District (TUSD) employees and/or the parents of students attending the schools proposing the grade reconfigurations. While employees and parents initiating or endorsing the proposals certainly deserve a seat at the table, their participation should be balanced by a full range of stakeholder participation. The Committee's membership bias raises the concern that the Committee may reach foregone conclusions behind the trappings of stakeholder participation afforded by the professional management of the DLR Group.

The District's desegregation impact analyses (DIAs) claim that the proposed changes will "have virtually no impact on" the racial and ethnic profile of the impacted schools (see inter alia the Borman K-8 DIA uploaded to the DLR site). The District explains that the enrollment projections made in its DIAs "are estimates based on current patterns of choice" (idem). As the Fisher Plaintiffs noted in their 04/23/15 objection to the proposed grade reconfigurations at Fruchthendler and Sabino, the projected continuation of current school choice patterns (chiefly patterns of White Flight) is unwarranted.

Patterns of White Flight do not exist in a policy vacuum. The District has the means to implement policies that can influence future school choice patterns in ways that can make integration a reality. And the District has the legal duty, under the USP and controlling Ninth Circuit authority, to do just that, a duty that the District unfortunately seems unwilling to uphold.

The District is legally empowered and obliged to consider and take affirmative steps to counteract - not cater to - the phenomenon of White Flight, both without and within the District. The “grassroots” initiatives of identifiably White schools, like Fruchthendler and Borman, to recapture predominantly White enrollment (under the cover of ostensibly neutral grade reconfigurations) violate both the letter and the spirit of the student assignment provisions of the USP and the equal protections safeguarded by the Supreme Court’s landmark Civil Rights decisions in *Brown* and its progeny.

The District’s proposed reconfiguration of Borman K-5 as a K-8 school suffers from the same shortcomings as the District's past efforts to reopen Lowell Smith ES as a MS. Like Borman ES, the Lowell Smith campus is located on the Davis-Monthan (DM) Air Force Base. The District first petitioned the Court to reopen the (then) recently closed Lowell Smith ES as a MS on 03/07/07 (see document number 1189 filed 03/07/07). On 03/15/07 and 04/09/07, the Fisher and the Mendoza Plaintiffs filed their respective responses in opposition to the proposed reopening as violative of the District's desegregation obligations (see document numbers 1190 filed 03/15/07 and 1195 filed 04/09/07). On 05/10/07, the Court agreed with the Plaintiffs' arguments and denied the District's petition, explaining that:

The Court finds that reopening Smith Elementary School as a middle school has an adverse affect on ongoing desegregation obligations because it is inconsistent with on-going efforts to reduce segregation in TUSD's schools [...]. Reopening Smith School as a middle school removes a segment of the existing community assigned to Naylor Middle School, thereby, decreasing its base of concerned parents. Attendance by DM students at other TUSD schools and charter schools has had precisely this result. To the extent that TUSD is attempting to bring charter students back into its fold, this may benefit the Naylor Middle School. Conversely, it is not in the best interest of the community for TUSD to authorize non-minority DM students to attend other TUSD schools instead of Naylor Middle School [...]. In light of the evidence that Naylor Middle School, with a predominately minority student body, is seriously failing to educate its student body, it is highly

suspect for TUSD to carve out a separate non-minority educational system for a group of these students that are predominately non-minority. Fisher Mendoza [is] a desegregation case, which at its core is based on the principle that separate schools will not provide equal education (at pages 4-5 of document number 1209 filed 05/10/07 emphasis added).

Undeterred, the District returned the following year to notify the Court that it was still "exploring ways to re-open Smith" (at page 3 of document number 1264 filed 04/10/08). The District explained that it hoped to reopen Smith to recapture an estimated 500 students lost under State open-enrollment laws facilitating the flight of (predominantly White) Davis-Monthan-area students to neighboring districts and charter schools (idem at 4). On 04/16/08, the Mendoza Plaintiffs filed a response opposing the second attempt to reopen Smith as still very much in violation of the District's desegregation obligations (see document number 1267 filed 04/16/08).

Yet again, the District seeks to win back DM-area enrollment lost to neighboring districts and charter schools, this time by reconfiguring Borman K-5 into what would very likely become an identifiably White K-8 school. The plaintiffs and the Court have already considered, and rejected, the District's constitutionally unsound approach to recapturing enrollment lost to White Flight. On 04/14/15, the District filed a notice and request for the Court's approval (NARA) of the reconfiguration of grade levels at Fruchthendler ES and Sabino HS (see document number 1789 filed 04/14/15). In that NARA, the District explained that:

A high percentage of middle school aged students living in the area surrounding Fruchthendler Elementary School ("Fruchthendler") and Sabino High School ("Sabino") do not attend TUSD schools for grades 6 through 8. Some area students attend the nearest TUSD middle school, Magee, but many students who leave TUSD after fifth grade for middle school outside the district do not return at all. As a result, TUSD loses funding, and the decline of its Anglo student population is exacerbated (thereby frustrating efforts to recruit Anglo students to other TUSD schools for integration purposes) (idem at 2).

On 04/23/15, the Fisher and Mendoza Plaintiffs filed memoranda opposing the proposed reconfiguration (see documents number 1791 and 1794 filed 04/23/15). On 05/12/15, the Court issued an order denying the District's request, explaining that:

The record reflects that the student assignments proposed by TUSD were not considered in the context of the four integration strategies required by the USP: attendance boundaries, pairing and clustering of schools; magnet schools and programs; and open enrollment. (USP § II.1.) Because the proposed student assignments involve the creation of an honors program, the USP, section V, requires the District to also consider Plaintiffs' concerns regarding equal access. There is nothing about a NARA proposal to change student assignments to exempt it from the USP requirement that the District, the parties, and the Special Master comprehensively consider the proposal, pursuant to applicable USP criteria, in an effort to increase the integration of TUSD schools. USP § II.D.2. Plans and strategies are now in place, pursuant to the USP, for addressing student assignments, but this NARA fails to reflect how the Fruchthendler-Sabino Honors Pipeline plan fits into these plans and strategies, and if not, why (at page 5 of document number 1799 filed 05/12/15 emphasis added).

The Fisher Plaintiffs remain extremely concerned by the District's continued efforts to reconfigure grade levels at Fruchthendler ES and Sabino HS. Their concerns are motivated in equal parts by the District's decision to insulate the work of the SAC from the input of the plaintiffs and the SM and the District's erroneous assumption that it has no obligation to recognize and counteract the harmful effects of White flight in its student assignment plans. The Supreme Court has long held that "a student assignment plan is not acceptable merely because it appears to be neutral, for such a plan may fail to counteract the continuing effects of past school segregation" (Swann v Board of Education, 402 U.S. 1 1971). In Swann, the Court found that "racially neutral assignment plans proposed by school authorities to a district court may be inadequate; such plans may fail to counteract the continuing effects of past school segregation resulting from discriminatory location of school sites" (idem).

Under federal law, a school district operating under a federal desegregation order carries an affirmative obligation to account for the legacy of discriminatory practices when fashioning its student assignment policies and plans. The seeming “neutrality” of the District’s proposed student assignment “honors pipeline” from Fruchthendler to Sabino is absurd when the pipeline is designed to provide privileged programming to the historically privileged class of predominantly high SES White students residing in the Sabino attendance area. It is extremely unsettling that the District again proposes to alleviate White flight from the District by endorsing White flight within the District. The Fisher Plaintiffs are extremely disappointed that the District, rather than exploring ways to increase the diversity at schools like Magee and Roberts/Naylor, again propose intradistrict White flight as way to recapture enrollment currently lost to interdistrict White flight.

Sincerely,

Rubin Salter, Jr.

Brown, Samuel

From: Willis D. Hawley <wdh@umd.edu>
Sent: Monday, October 19, 2015 5:41 PM
To: Rubin Salter, Jr.; jrodriguez@MALDEF.org; lthompson@proskauer.com; shaheena simons (shaheena.simons@usdoj.gov); Savitsky, Zoe (CRT); James.Eichner@usdoj.gov; Desegregation; tusd@rllaz.com
Subject: Grade reconfiguration
Attachments: USP Grade Reconfiguration 10-19 version (2).docx

I apologize for the lateness of this response. My position on Sabino middle school and Frichthendler is the same as it has been. The others follow from concerns I have expressed or the absence thereof. Please see attached.

Willis D. Hawley
Professor of Education and Public Policy
University of Maryland
Senior Advisor
Southern Poverty Law Center

October 19, 2015

To: Parties

From: Bill Hawley

Re: Proposed Grade Reconfiguration

General Comments

Financial Analysis

The District was requested to provide a financial analysis of the effects of these grade reconfigurations. Such an analysis would presumably examine costs and revenue streams required for implementation. Instead, the District tells us nothing about the revenue that would be derived from bringing new students into the District and discusses only the cost of transportation and physical facilities. To be sure, such analysis is not easy but neither is it mysterious. Teachers have to be hired support services provided, etc. Revenue varies with the context and the particular students recruited. Costs of implementation are higher when most of the students coming into the District and up in one or two schools. Both revenue and costs are higher depending on student characteristics. In short, we cannot tell from the information provided whether the result of grade reconfiguration will be positive or negative much less how much of each.

Rationale

There appear to be four major reasons for grade reconfiguration. First, there might be opportunities for increased integration. This justification has little merit except for one case. Second, we might make better use of existing facilities. But we do not know whether this will reduce overcrowding in some schools or ultimately provide the justification for closing others. Third, increasing the size of some schools could lead to greater curriculum choices for students, but no specifics are given. Fourth, moving to K-8 eliminates a significant transition time to middle schools and research on this matter is generally positive. But we know much less about whether the transition from fifth grade to middle school has any different effects than the transition from sixth-grade to middle school.

The Issue of Stability

In the absence of a compelling reason for grade reconfiguration, the possibility that changing schools within TUSD will cause families to rethink whether they should select options other than TUSD should be considered.

My Positions

Support

I support the proposal to create a K-8 school at **Cavett** because it will likely have a small integrative effect.

I support the creations of a K-8 school at **Borman**.

I support the addition of a sixth-grade to **Collier** and **Fruchthendler**. In the case of Fruchthendler, this could have a small negative effect on the enrollment of white students at Magee but the numbers will be small. And it may be, that a positive experience for one's sixth-grader will increase confidence about sending one's student to Magee, especially if the quality of Magee is enhanced.

Reservations

Drachman is an exceptional school with unique educational program. While it is racially concentrated its entry class is not (though the margin is tight). My concern is that there are very few Montessori middle schools; given the popularity of Montessori in the early grades this should be a caution. Only a few teachers at Drachman are Montessori-qualified and one wonders how middle school teachers would be certified as Montessori trained.

I find it hard to build a case that a Montessori middle school at Drachman would become integrated. On the other hand, I find it believable that the middle school grades would be racially concentrated given the schools from which they would

draw and that this in turn would affect decisions made to enroll one's children in the early grades.

"If it's not broke, don't fix it". Adding new grades developed with an undefined curriculum will surely take away from the expertise that could be applied to the current grade structure. In my discussions with the principal, he said that if they cannot be a K-8 school they do not want to be K-6. By what logic would one want to be K-8 but not K-6? Only the logic of a good soldier.

Opposition

I oppose the development of a middle school at Sabino. Actually, the District appears to be proposing a 7-12 school. In its earlier proposal this spring, the District argued that it would keep middle school students in high school students were quite separate now it argues that the former will have the advantage of taking courses available to high school students. And, it is more than a bit disquieting to contemplate the engagement of middle school students in the activities of high school students both during and after the school day.

But the major reason for opposing this proposal is its certain negative effect on Magee and the students in that school. The District makes the unusual argument that by reducing the number of white and middle-class students at Magee, Latino and African-American students who remain will benefit.* I have never heard such an argument in all of the years I worked on desegregation issues. The proposed changes in the demography at Magee will undermine the diversity and rigor of the curriculum and almost certainly cause white parents now satisfied with Magee to look elsewhere. Magee needs to be strengthened not weakened.

The District's analysis of the loss of white students from Magee is almost certainly understated. One cannot extrapolate from current data when there is an entirely new context within which parents will be making choices. And consider the differences in the apparent quality of the choices-- a middle school embedded in an A high school compared to a C school not only serves a greater number of relative low income students but serves as a site for an in school suspension program serving other schools in the district.

The District argues that by providing express buses to Sabino middle school from the central and western sections of the District, integration could be achieved. But my understanding is that this option has been tried and abandoned. And, the proposition could be tested by providing such buses to Fructhender or Collier. The more than \$300,000 involved in transportation costs alone could make a big difference is invested well in Magee middle school instead.

*When I asserted last spring that those leaving Magee would be middle-class, the District pointed out that there were many students into the white students into USD on free and reduced cost meals. That, of course, is a non sequitur. Only small numbers of students in the northeastern section of the District received free and reduced cost meals.

Potential K-6 Schools

These are K-5 schools that have capacity for an additional 6th grade where that 6th grade is at least 25 students based on typical 5th to 6th grade cohort progression ratios of 70%. Also the high school that these feed into must have capacity for a 7-12 configuration.

Elementary School	Enroll w/ PreK	Capacity	USP Criteria	Integrative Effect
Blenman	399	530	I	None
Bloom	332	480		None
Cavett	301	440	RC	Positive ¹
Cragin	388	470	I	None
Davidson	331	390	I	None
Dunham	224	280		None
Erickson	497	680		None
Ford	361	440		None
Henry	357	420		None
Holladay	270	340		None
Hudlow	280	420	I	None
Marshall	287	420		None
Soleng Tom	424	500		None
Steele	327	400		None
Van Buskirk	371	480	RC	None
Warren	304	360	RC	None
Wheeler	416	640		None
Whitmore	323	460	I	None

1. Positive because, if 7th and 8th grade students in the area were to choose Catalina HS, there would be more students in an integrated school (Catalina). However, there are not enough students in Cavett ES alone to provide a junior high population of 150 so other elementary schools such as Cragin, Davidson or Wright would need to be added.