

From: Tolleson, Julie [<mailto:Julie.Tolleson@tusd1.org>]
Sent: Friday, December 20, 2013 11:13 AM
To: Willis D. Hawley
Cc: Brown, Samuel
Subject: Stipulations and understandings from your visit

Bill:

Thank you for meeting with us this week. It is TUSD's goal to achieve unitary status and to demonstrate to the Court and to the public TUSD's removal of all vestiges of past discriminatory acts or practices. We look forward to continuing to work with you to achieve this goal.

This email confirms our conversations of December 17 & 18 during our meetings at the TUSD offices to agree upon an interim solution for UHS Admissions while TUSD's objections and Motion for Reconsideration are under review by the Court. While we await the Court's rulings regarding the TUSD UHS Admissions Plan (and we reserve the right to seek appellate review in the Ninth Circuit should Judge Bury disagree with TUSD's position), I set out below the interim agreement we reached on the admissions process for the 2014 entering class so that those students are not affected adversely as a result of the November 22, 2013 Report & Recommendation challenging TUSD's UHS Admissions Plan. To that end, we agreed the following interim admissions plan is an acceptable stop gap measure that we both believe satisfies TUSD's compliance with the USP and the Court's December 2 order (to which TUSD also has a motion for reconsideration pending) for the 2014 UHS admissions process:

Special Master 11/22/13 Recommendation No. 1: "Expedite the review of applicants for admission to UHS using criteria used in 2013-2014". (ECF No. 1519, p.9)

Stipulated Agreement: This already has been completed.

Special Master 11/22/13 Recommendation No. 2: "Develop student essay questions and non-cognitive measures (the District already has examples of these from other exam schools and can easily get more) not later than January 15, 2014." (ECF No. 1519, p.9)

Stipulated Agreement: TUSD will develop , no later than January 31, 2014, non-cognitive, short-answer essay questions, to be administered in a single instrument. Our understanding is that the content of those questions is for the crafting by the educational professionals here and that you do not wish to direct the content of the questions.

Special Master 11/22/13 Recommendation No. 3: "Identify applicants who are potentially eligible for admission to UHS by changing the initial cut score on the aggregated GPA and CogAT weights from 50 to some number that increase the pool of eligible candidates by at least 33 percent or a number agreed to by the District and the special Master. This will create a preliminary eligibility pool." (ECF No. 1519, p.9)

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Stipulated Agreement: TUSD will develop an initial pool of diverse applicants using cluster data analysis to determine both the point cut-off and the applicants in the preliminary eligibility pool.

Special Master 11/22/13 Recommendation No. 4: "As soon as possible, the students in the preliminary eligibility pool will be invited to write a qualifying essay and complete the questionnaire that identifies non-cognitive student characteristics typically used in selective school and college admissions." (ECF No. 1519, pp.9-10)

Stipulated Agreement: TUSD will develop non-cognitive, short-answer essay questions (a single instrument) to satisfy the recommended requirement to develop "student essay questions and non-cognitive measures."

Special Master 11/22/13 Recommendation No. 5: "As an alternative to [recommendation] 4, the District could ask all applicants to prepare the essay and to fill out the form identifying particular experiences and strengths of those who are applying as soon as the essay topics and questionnaire are prepared." (ECF No. 1519, p.10)

Stipulated Agreement: Recommendation No. 5 was an alternative strategy that TUSD need not pursue.

Special Master 11/22/13 Recommendation No. 6: "An additional number of points based on the essays and evidence of student characteristics related to achievement would be added to the aggregated GPA and CogAt scores. This number should be consequential and determined based upon the quality of the responses to the alternative measures." (ECF No. 1519, p.10)

Stipulated Agreement: Additional points will be assigned as part of the scoring rubric described above, points will be applied accordingly.

Special Master 11/22/13 Recommendation No. 7: "During the next year, applicants to UHS for the 2014-2015 school year (or a sample thereof) will be tested on at least two tests of motivation and the results evaluated with respect to their impact on the racial composition of the UHS student body. Alternatively, the District's research on motivational assessments may lead to a decision not to use such an assessment." (ECF No. 1519, p.10)

Stipulated Agreement: Two tests of motivation will be conducted during the 2014-15 application process for students applying to attend UHS for the 2015-16 school year. Recommendation No. 7 is not applicable to this year's admissions process for 2014-15 school year admittees.

Special Master 11/22/13 Recommendation No. 8: "The District shall, during the next several months, provide a justification for the weights it assigns to GPA and the CogAT scores in

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determining eligibility for admission to UHS. This analysis shall inform possible revisions of the admission criteria for 2015-16.” (ECF No. 1519, p.10)

Stipulated Agreement: TUSD will conduct this analysis during the 2014-15 application process for students applying to attend UHS for the 2015-16 school year. Recommendation No. 8 is not applicable to this year’s admissions process for school year 2014-15 admittees.

Additional Stipulations:

9. TUSD shall have until January 31, 2014 to implement this plan.

10. TUSD will send out notification letters to applicants who met the minimum criteria of fifty admission points for the 2014-15 school year.

11. TUSD will implement its current plans to administer the CAIMI to all eighth graders as a pilot to determine its potential effectiveness (the results will not be used for admission for the 2014-15 school year).

12. We agreed that you may have an extension for the addendum you are to provide the court and parties and that a draft may be submitted to the parties as late as 1/31/14. The form of the addendum will align with TUSD monitoring going forward, will follow TUSD implementation plans, and will contemplate and provide a mechanism to modify timelines and deadlines based on unforeseen circumstances. The parties will then have until February 28, 2014 to provide comments/objections to the addendum. We did not discuss the process/timing after that for the addendum— perhaps we should discuss.

13. We agreed that the time for TUSD to file the annual report that was due to be filed on 10/1/13 will be extended to 1/31/14. Our counsel will contact the lawyers for the other parties to see if they will consent to our agreement and, if they do, seek the court’s approval to such a stipulation. If any of them object, we will file a request with the court and let the matter take its course.

14. We agreed that future discussions between you and TUSD personnel should be recorded to ensure the commitments the parties make can be certain and understood, and their implementation easy to follow-up.

15. TUSD accepted your invitation to provide you suggestions for modification of the timelines and deadlines included within the court’s 12/2/13 order. We will be providing any suggestions we may have to you before the end of January, 2014, if not earlier.

Please send me back an email confirming that we share a common understanding on these 15 issues so that we may proceed with the UHS admissions process for the 2014-15 school year based on a common understanding of what is required. We then will prepare and circulate to

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the parties a stipulation based on these items of agreement for public filing with the Court and request the court to issue its order confirming the stipulated agreement.

If you have a different recollection of our understandings, or have questions or comments, I would appreciate it if you would please include those items in your email so we can respond and resolve them.

Thank you very much for your courtesy and cooperation in assisting TUSD to fulfill its obligations under the USP.

Sincerely,

Julie

Julie C. Tolleson, General Counsel
Tucson Unified School District
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Fax 520-225-6651

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January 3, 2013

To: Parties

From: Bill Hawley

Re: UHS Admissions Process and Criteria for 2014-15 Admissions

I met with the Superintendent, Julie Tolleson and others about the Court approved admission process on December 17 & 18. The District raised some appropriate concerns about developing rubrics for the essays and meeting the January 15, 2013 deadline. In response to those concerns, I agreed to modify the elements of the Order about which I will advise the Court. If you have objections to this, let me know as soon as possible. A summary of the changes, outlined in more detail below, are:

(1) To collapse the essay and non-cognitive measures into one assessment activity—the preparation of short essay responses to items measuring non-cognitive attributes (such as experiences that reflect contributions to families or communities). This change incorporates both the essay and non-cognitive measures identified in the Court Order but avoids the development of grading rubrics for more complex essay topics. This may equalize the playing field for students who may have difficulty with academic language but is motivated by the technical concern about rubrics. Note that the District retains the right to design the non-cognitive essay content, something they wanted and is appropriate. As you know, the District has examples of such measures used by other exam schools.

(2) The date for providing selected students the opportunity respond to the new admission criteria is changed from January 15 to January 31. Recall that the proposal was made by me on November 22 but was not acted upon until mid-December. Since students who met the original criteria have already been admitted, there is no downside to the delay.

Assuming that it agrees to the provisions below, the District does not waive its right to seek reconsideration or to appeal to the Ninth Circuit.

The understandings below apply to those aspects of the Court Order relating to admission criteria and processes for 2013-14.

1. Special Master 11/22/13 Recommendation No. 1: “Expedite the review of applicants for admission to UHS using criteria used in 2013-2014”. (ECF No. 1519, p.9)

Stipulated Agreement: This already has been completed.

2. Special Master 11/22/13 Recommendation No. 2: “Develop student essay questions and non-cognitive measures (the District already has examples of these from other exam schools and can easily get more) not later than January 15, 2014.” (ECF No. 1519, p.9)

Stipulated Agreement: TUSD will develop , no later than January 31, 2014, non-cognitive, short-answer essay questions, to be administered in a single instrument. The content of those questions is for the crafting by TUSD educational professionals.

3. Special Master 11/22/13 Recommendation No. 3: "Identify applicants who are potentially eligible for admission to UHS by changing the initial cut score on the aggregated GPA and CogAT weights form 50 to some number that increase the pool of eligible candidates by at least 33 percent or a number agreed to by the District and the Special Master. This will create a preliminary eligibility pool." (ECF No. 1519, p.9)

Stipulated Agreement: TUSD will develop an initial pool of diverse applicants using cluster data analysis to determine both the point cut-off and the applicants in the preliminary eligibility pool. The number of students involved shall be no less than the number proposed by the District in its proposal to which the Special Master's revisions were addressed.

4. Special Master 11/22/13 Recommendation No. 4: "As soon as possible, the students in the preliminary eligibility pool will be invited to write a qualifying essay and complete the questionnaire that identifies non-cognitive student characteristics typically used in selective school and college admissions." (ECF No. 1519, pp.9-10)

Stipulated Agreement: TUSD will develop non-cognitive, short-answer essay questions (a single instrument) to satisfy the recommended requirement to develop "student essay questions and non-cognitive measures."

5. Special Master 11/22/13 Recommendation No. 5: "As an alternative to [recommendation] 4, the District could ask all applicants to prepare the essay and to fill out the form identifying particular experiences and strengths of those who are applying as soon as the essay topics and questionnaire are prepared." (ECF No. 1519, p.10)

Stipulated Agreement: Recommendation No. 5 was an alternative strategy that TUSD need not pursue.

6. Special Master 11/22/13 Recommendation No. 6: "An additional number of points based on the essays and evidence of student characteristics related to achievement would be added to the aggregated GPA and CogAt scores. This number should be consequential and determined based upon the quality of the responses to the alternative measures." (ECF No. 1519, p.10)

Stipulated Agreement: An additional number of points based on the non-cognitive measure essays that provide evidence of student characteristics related to achievement would be added to the aggregated GPA and CogAt scores. This number should be consequential and determined based upon the quality of the responses to the alternative measures. Additional points will be assigned as part of the scoring rubric developed by the District will be applied accordingly.

7. TUSD shall have until January 31, 2014 to implement this plan.
8. TUSD will send out notification letters to applicants who met the minimum criteria of fifty admission points for the 2014-15 school year. (This has been done).
9. TUSD will implement its current plans to administer the CAIMI to all eighth graders as a pilot to determine its potential effectiveness (the results will not be used for admission for the 2014-15 school year).