

# APPENDIX I – 4

*TUSD's Detailed Rationale for A.R.S. §15-910(G) Funding for the Asian-Pacific Islander and Refugee Student Services Department (APIRSSD) [See ECF 1879, p. 6]*

**Background**

In the 2012-13 school year, the District allocated approximately \$480,000 of 910(G) funds to the Asian-Pacific Islander and Refugee Student Services Department (APIRSSD). Aside from minimal funding from grants and other sources, the District funded almost 100% of the department's budget from 910(G) funds. In February 2013, the Court adopted the USP. In the 2013-14 school year, the District reduced the proportion of 910(G) funding allocated to the APIRSSD from 100% to 58% and increased the proportion of Maintenance and Operation (M&O) funding from 0% to 42%. In the 2014-15 and 2015-16 school years the District adjusted the proportion to more-accurately reflect the percentage of time allocated from APIRSSD to African-American and Latino students as it modified the delivery of student services. However, this is a moving target: the 58% 910(G) portion in SY 2013-14 was likely less than the amount justifiable; the 67% allocated in SY 2014-15 was in line with the year-end data; and it remains to be seen if the 76% allocation in SY 2015-16 is less than, in line with, or more than the amount justifiable by the year-end data. However, based on the first semester data, it appears that the SY 2015-16 allocation might have been higher than the amount justified. Accordingly, for SY 2016-17, the District is proposing to drastically reduce the 910(G) portion to an amount that is lower than the amount justified in the rationale below. The table below includes the 910(G) and M&O splits for the last four years, and the proposed split in the Draft 1 budget for SY 2016-17<sup>1</sup>:

	2012-13	2013-14	2014-15	2015-16	Draft 1 2016-17
910(G)	\$480,000 (100%)	\$257,000 (58%)	\$382,000 (67%)	\$405,000 (76%)	\$271,000 (51%)
M&O	\$0	\$188,000 (42%)	\$188,000 (33%)	\$128,000 (24%)	\$264,000 (49%)
Total	\$480,000	\$445,000	\$570,000	\$533,000	\$535,000

*Notes: amounts are approximate and rounded; the total number of refugee students attending TUSD schools increased from approximately 945 in SY 2012-13 to approximately 1,070 in SY 2014-15.*

In the summer of 2015, the Fisher Plaintiffs objected to the proposed allocation for SY 2015-16 because, they asserted, the District did not “offer[] a sustainable rationale,” and because “Pan Asian students are not party to” the case and are not “targeted for remedial assistance under the USP.” See ECF 1830. In addressing the objection, the Special Master found:

*African/African American refugee students (62 percent) and Latino refugee students (2 percent) combine to constitute approximately 64 percent of the refugee students served by APIRSSD. The District says that this does not sufficiently reflect the level of services received by African refugees and their families, in particular. The District says that*

<sup>1</sup> These amounts do not include grant funding to the APIRSSD as that funding has not been collected consistently over this time period, or received each year. Thus, the portion of 910(G) funding to the APIRSSD for any given year may actually be less than is presented here.

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*although the African American Student Services Department (AASSD) and Mexican American Student Services Department (MASSD) serve primarily African American and Latino students, African and Latino refugee students have particularly unique needs (such as language and cultural barriers) that are best served by the refugee services staff who deal with these issues on a daily basis with all refugee students and families. The provision of these services under this department is based on an organizational decision made by the District in order to provide services in an efficient and effective manner.*

ECF 1833 at 14:9-21. The Special Master concluded that “a substantial proportion of the services provided by the APIRSSD go to meet the needs of students covered by the USP,” and recommended that “[i]n its proposals for the 2016-17 budget, the District should provide a detailed rationale for 910g funding for the APIRSSD.” Id. at 15:1-15. The Court adopted the recommendation in its Order approving the 2015-16 USP Budget. See ECF 1879 at 9:5-12. Part of the problem is one of labeling: the District’s budget continued to refer to the department as “Pan Asian” rather than a more accurate title, such as APIRSSD, that reflects the students they serve. In the 2016-17 USP Budget, the District will identify this department as “APIRSSD” to improve transparency to the public, staff, the parties, and the Court in a manner consistent with the detailed rationale provided below.

**Detailed Rationale for Funding APIRSSD in the 2016-17 USP Budget**

APIRSSD Student Success Specialists target Asian and Pacific Island students, but provide support services to all students. According to Grant Tracker data, during the first semester of the 2015-16 school year, APIRSSD specialists spent over sixty percent of their time providing support to African American and Latino students in the areas of academics, attendance, behavior, and credit recovery. Approximately 88% of this total time was devoted to academic interventions and supports. Specialists documented 39,127 service hours during the first semester. The table below provides a demographic breakdown of those hours:

White	African American	Hispanic	Native American	Asian Pacific Islander	Multi-race
20%	34%	29%	1%	13%	4%

In total, 63% of the specialists’ time was spent providing supports to African American and Latino students. The 2015-16 data aligns with the percentages of students that APIRSSD serves. In the 2014-15 school year, the APIRSSD provided services to 970 students with Refugee status; of those, 67% were identified as either African American (65.5%) or Hispanic (1.5%). Based on the number of hours devoted to supporting African American and Latino students (60-70%) and based on the percentages of African American and Latino students served (65-70%), the an allocation of approximately two-thirds of the APIRSSD budget from 910(G) funds is justifiable.

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A Portion of APIRSSD Services Satisfies USP Obligations Beyond Support and Intervention

The student assignment section of the USP mandates that enrollment, application, and information on offerings at school sites be provided in all major languages. While the District's Language Acquisition Department is responsible for most of those activities, members of the APIRSSD staff are particularly suited to provide language-related services for certain populations to ensure that parents, many of whom enter the country with little to no English proficiency, can make informed choices "about the educational option available in the District," so they have an equal "opportunity to attend an integrated school." See USP §§II(I)(1) and II(A)(1). In the first semester of 2015-16, 949 students (less than 2% of the District's total population) were identified as students of Asian or Pacific Island descent. Of these students, fifty-nine percent listed a primary home language other than English. During the first semester of the 2015-16 school year, APIRSSD staff assisted in enrolling 213 refugee students, of whom 84% were from African countries. These families also rely upon the APIRSSD for resources such as clothing, food, ESL classes, job training, and connecting to faith based/charity organizations. Delivering these services effectively requires much more time and staff resources to ensure family stability and to expand the social, emotional and academic success of these identified students.

Due to the unique needs of refugee and immigrant students, APIRSSD devotes 80-85% of staff time to students and parents with little to no English proficiency. APIRSSD staff members spend most of their time speaking in the native language of the students, providing cultural explanations, interpreting between school adults and the student, clarifying instruction and interpreting during standardized testing or student surveys as requested by the student. The District's Language Acquisition Department (LAD) provides services above and beyond those provided by MASSD and AASSD (mostly centered around removing language and cultural barriers) to African American and Latino ELL students – a sub-population within each Plaintiff class. Likewise, and often in conjunction with the LAD, the APIRSSD provides unique, supplemental services to refugee and non-refugee immigrant students above and beyond those provided by the MASSD and AASSD to these sub-populations of the Plaintiff classes. The Special Master has determined the "provision of these services under this department is based on an organizational decision made by the District in order to provide services in an efficient and effective manner." See ECF 1833 at 14. It would be an inefficient use of 910(G) funds to create a separate African American refugee division within AASSD and a separate Hispanic refugee division within MASSD to provide these services to plaintiff-class students.

Provision of these supplemental services help satisfy implementation of USP requirements in almost every major USP section: student assignment and transportation (outreach, enrollment, recruitment, magnets, incentive and magnet transportation), administrative

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and certificated staff (student surveys for teacher and principal evaluation), quality of education (ALE participation, dropout prevention, inclusive school environments), understanding the GSRR and addressing disciplinary issues, supporting family engagement, and increasing participation in extracurricular activities.

The USP/OCR-related interpretation and family engagement needs of refugee and immigrant families from Asian, Pacific Islander, Middle Eastern, African and Latin American countries add significantly to the service delivery obligations of APIRSSD. APIRSSD specialists speak Vietnamese, Nepali, Korean, Arabic, French, Portuguese, and Spanish. This accounts for 20% of the interpreting for registration and/or family engagement. The specialists also speak a number of African languages such as Kirundi, Swahili, Somali, Af May May, and Kinyarwanda accounting for 60% of the interpreting for registration and/or family engagement. One example of the staff providing interpreting services was during the bus strike at the beginning of the school year. The District communicated information to families through parent link in English and Spanish. A large percentage of the refugee population did not understand the messages because they could not speak English or Spanish, resulting in a number of absences at the high schools. In response, specialists communicated directly with approximately 100 families in their native language about the bus strike and the District's contingency plans. Specialists also contacted families after the strike to follow up.

APIRSSD specialists also communicate with parents regarding the GSRR, open enrollment and magnet, ALE, Kinder Round-up, Parent University, scholarship information, community resources, and summer school opportunities. APIRSSD staff members accompany parents to events and conduct home visits to recruit for Magnet and ALEs, and to advocate for parents, among other activities. Specialists' translation and interpretation services help to provide information to 86% of the students identified as African American with a primary home language other than English.

As the majority of APIRSSD support falls into one of four areas, the proposed allocations for the 2016-17 USP Budget are split into the following four categories:

- 506-Dropout Prevention and Retention
- 511-Targeted Academic Interventions and Supports
- 702-Family Engagement Resources
- 704-Translation and Interpretation Services