

## **Exhibit A-3**

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**From:** William Brammer  
**Sent:** Monday, March 24, 2014 11:48 AM  
**To:** Thompson, Lois D.; 'nramirez@MALDEF.org' (nramirez@MALDEF.org); Rubin Salter Jr. (Rsjr3@aol.com); Anurima Bhargava (Anurima.Bhargava@usdoj.gov); Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov); Willis D. Hawley (wdh@umd.edu)  
**Cc:** Julie Tolleson (Julie.Tolleson@tusd1.org); Brown, Samuel; Morrison, G. Scott; TUSD  
**Subject:** Outreach, Recruitment and Retention Plan (revised) and accompanying materials  
**Attachments:** 032014 Recruitment Team Makeup.pdf; 032014 Labor Market Analysis dated 9-30-14.pdf; 032014 Recruitment Plan Responses.pdf; 2307661-Outreach, Recruitment and Retention Plan, revised 3 24 14.PDF

Counsel and Dr. Hawley:

Please find attached hereto the Outreach, Recruitment and Retention Plan, revised, as well as the responses to the Mendoza plaintiffs' objections and request for information regarding the plan, plus the 9/30/13 Labor market Analysis and the document showing the composition of the recruiting team.

Please let me know if you have any questions or comments regarding the attached, and I will respond as quickly as I can.

I look forward to our conversation tomorrow. One problem we are having is with Dr. Hawley's request of Friday afternoon to add to our agenda an update on the magnet plan. Because the District was closed last week for Spring break, this request was not seen until today, and there simply is not sufficient time to have a meaningful report ready for tomorrow.

We will do our best to have something to report regarding the magnet plan status on Friday at the first of the three boundary meetings scheduled for plaintiff input and consultation on the boundary plan.

Thanks,  
Bill

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**District Responses to the Mendoza Plaintiffs' 2/13/13 Requests for Information and their 2/10/14 Objections re the Outreach, Recruitment and Retention Plan**

**Preliminary Statement Regarding These Responses**

Before the Court approved the USP in February 2013, the District hired an outside expert to undertake a Labor Market Analysis ("LMA") to determine the expected number of African American and Latino administrators and certified staff in the District, based on the number of African American and Latino administrators and certified staff in the State of Arizona, in a four-state region, and a six-state region and the United States. *See* USP IV.C.2. The data from the LMA was also provided to the parties and special master before the Court approved the USP. The LMA was conducted by Dr. Mary Dunn Baker, Ph.D., Managing Director of ERS Group. The LMA was conducted, in part, to inform the Outreach and Recruitment Plan.

On February 12, 2013, the Mendoza Plaintiffs sent an email to the District's former legal counsel requesting information about the LMA ("2/12/13 Mendoza RFI re: LMA").

On July 11, 2013, the District submitted its first draft of the Outreach & Recruitment Plan to the parties and special master. Following comments from the parties and special master, the District revised and provided the July 30, 2013 second draft to the parties and special master.

On September 6, 2013, the Mendoza Plaintiffs again provided the District with objections to the District's reliance on the LMA ("9/6/13 Mendoza Objection to LMA").

On September 30, 2013, Dr. Baker completed a revised LMA entitled "Racial (African-American) and Ethnic (Hispanic) Composition of TUSD's 2010 and 2012 Teachers & Administrators.").

On December 18, 2013, the District completed a third draft of its Outreach & Recruitment Plan to the parties and the special master and welcomed additional feedback. On December 10, 2013, the District approved the hiring of a new Chief Human Resources Officer – Anna Maiden – who was set to begin working on January 6, 2014. As the new CHRO would ultimately be responsible for implementing the Plan, she reviewed the third draft in detail over the break and, in January, provided additional input.

On February 3, 2014, the District submitted a third draft of its Outreach & Recruitment Plan to the parties and the special master to address plaintiffs' concerns.

On February 10, 2014, the Mendoza Plaintiffs provided the District with the Mendoza Plaintiffs' Objections to and Request for Report and Recommendation Re TUSD's Administrator and Certified Staff Outreach, Recruitment, and Retention Plan ("2/10/14 Mendoza Objection and R&R Request"). On February 18, 2014, the Mendoza Plaintiffs agreed to the District's request for the Mendoza Plaintiffs to defer their R&R Request to permit further discussion between the parties.

After reviewing the 2/12/13 Mendoza RFI re: LMA and the 2/10/14 Mendoza Objection and R&R Request, the District has revised the Outreach & Recruitment Plan a third time to address remaining concerns raised by the Mendoza Plaintiffs and avoid the need for Court intervention. A copy of the revised plan is provided concurrently herewith.

The responses below individually address each of the requests for information (“RFI”) labeled (1)-(5) in the 2/12/13 Mendoza RFI re: LMA as well as each of the objections labeled 1-7 set forth in the 2/10/14 Mendoza Objection and R&R Request.

### **1. Request for Information about the Labor Market Analysis (LMA)**

***Mendoza Objection 1 [in pertinent part]:*** *Mendoza Plaintiffs Object to the District’s Reliance on a Flawed and Incomplete Labor Market Analysis Both Because They Cannot Fully Assess the Validity of the Analysis Without Information They First Requested from TUSD in February 2013 But Which Has Never Been Provided and Because Certain Deficiencies, as Noted Below, Are Apparent on the Face of the Information that Was Provided and Call into Question the Purported Factual Predicate for the Plan.*

*Mendoza Plaintiffs object to the District’s reliance on the Labor Market Analysis (“LMA”) for the reasons set forth in Mendoza Plaintiffs’ objections provided to the District on September 6, 2013 and repeated here. In an e-mail dated February 12, 2013, Mendoza Plaintiffs raised a number of questions regarding the validity of the LMA.*

***Mendoza RFI (1):*** *It is unclear to us what definition of “administrator” Ms. Baker is using and whether that definition is consistent with the USP definition or applied consistently in the data she has collected?*

**TUSD Response to Objection 1 and RFI (1):** Generally, the definition of administrator used in the LMA includes principals, assistant principals, district superintendents, assistant superintendents, directors of programs and other titles which would be included based on guidance from the various state departments of education and would be consistent with the definition of “administrator” found in Appendix A of the Unitary Status Plan.

Based on guidance from the Arizona Department of Education, individuals with a “Class ID” (a term used for classification) of 17 are administrators. There are six administrative assistants with a Class ID of 17 - three are white and three have an unidentified race in Baker pdf#2 (“Arizona Position Counts by Ethnicity/Race”). The three with an unidentified race are excluded from the analyses. There are also 279 individuals (274 with known race) with a position code 109 (“Other”). All of these observations are assigned a Class ID of 17 (“Administrator”) by the state of Arizona Department of Education and were, therefore, included in the data used to compute the availability rate.

The data mentioned with respect to California are from the California State Department of Education website and are individuals the California Department of Education classifies as administrators. The specific titles included are not provided.

The administrator counts for New Mexico (pdf #4) included all the categories the New Mexico Department of Education classified as “Administrator” (Assistant Area Deputy of Associate Superintendent, Athletic Director, Director of Instruction , Director of Personnel and Superintendent) and categories they classified as “Principal” (Principals and Assistant Principals). Ms. Baker did not make any decisions about other job titles that might be considered administrators consistent with the USP definition.

Ms. Baker made a judgment about which job titles would be considered administrators for the Texas data (pdf#5). The following job titles were included:

- ASSISTANT PRINCIPAL
- ASST/ASSOC/DEPUTY EXEC DIRECTR
- ASST/ASSOC/DEPUTY SUPERINTEND.
- ATHLETIC DIRECTOR
- COMPONENT/DEPARTMENT DIRECTOR
- COORDINATOR/MANAGER/SUPERVISOR
- DEPARTMENT HEAD
- DIR -PERSONNEL/HUMAN RESOURCES
- DIST INSTR PGM DIR OR EXC DIR
- PRINCIPAL
- SUPERINTENDENT/CAO/CEO/PRESNT

Again, when the EEOC’s Aggregated EEO-5 Reports are used to measure availability, the data for each state is compiled according to the same instructions and guidelines. Therefore, this data source is less likely to have definition differences from one state to another.

Finally, within Objection 1, Mendoza Plaintiffs request an updated LMA prepared in March 2013 (Plaintiffs previously had requested this in July 2013). The updated LMA was not provided in March 2013 because Ms. Baker had not yet completed it. Ms. Baker completed the updated LMA on September 30, 2013. The District had intended to submit the updated LMA with the Recruitment Plan, but instead of submitting the entire LMA, the District submitted a summary of the main findings. For clarity, the updated LMA is provided herewith.

***Mendoza RFI (2):*** *Why were the states of California, New Mexico, and Texas included with Arizona for ERS' four state comparison? Why, for example, was Colorado not used instead of New Mexico?*

**TUSD Response to RFI (2):** The USP requires a four- and six-state comparison. In addition to Arizona, California, Colorado, New Mexico, and Texas, generally, make up a region known as the southwest. Nevada and Utah were added to make a six-state comparison as those states generally also are considered to be part of the region known as the southwest. See revised Labor Market Analysis from September 2014.

***Mendoza RFI (3):*** *Was any effort made to weight averages given the different populations of the referenced states, especially for the purpose of the "surrounding states" data? What would*

*happen to the overall result, if this were done or if Utah were excluded from the "surrounding state" data?*

**TUSD Response to RFI (3):** Yes, the data are automatically weighted by the size of teacher and/or administrator pools in varying states, which is reflective of the size of the states' populations.

If Utah was excluded from the "surrounding state" data, it would have no significant effect on the overall result of the LMA.

**RFI (4):** *What are the implications of using data from so many different years (Arizona - 2012; California - 2011; New Mexico - 2009; [Texas is undated]; 2000 Census NCES 2010 data system; NCES 2007-08 principal data file) and was --or should -- any action be taken to adjust for those different dates?*

**TUSD Response to RFI (4):** ERS used the most recent data available from each state. The fact that the year of the most recent data available varies from one state to another would be of concern only if the racial/ethnic composition changed substantially in each of these states from one year to the next (or over the span of years). In other words, using different years for different states only matters if there is some reason to believe there was a huge shift in the pool of available teachers/administrators in a state.

**RFI (5):** *With specific reference to Baker pdf #8 [Section 8 of Appendix 2], what if any action did ERS take or does it expect to take to address the cautionary note on the NCES data sheet with respect to Arizona: "Interpret data with caution. The standard error for this estimate is equal to 30 percent or more of the estimate's value"?*

**TUSD Response to RFI (5):** ERS used the data as published; they did not make use of the standard error information. Again, because of potential differences in the definitions of teachers and administrators used by the various states and the relatively small number of observations for some categories (resulting in relatively large standard errors), the EEOC 2010 Aggregated EEO-5 Reports are the preferred data source for the computation of African-American and Hispanic availability rates for teacher and administrator positions.

## **2. Request to Include Nondiscrimination Provision from the USP into the Plan**

**Mendoza Objection 2:** *Mendoza Plaintiffs Object to the Plan's Omission of the USP Provision that States the District Shall Conduct Recruitment for All Employment Vacancies on a Nondiscriminatory Basis. In Section I, USP Language, TUSD omits from its presentation of the controlling USP language USP Section IV, C, 1, which states, "[t]he District shall conduct recruitment for all employment vacancies on a nondiscriminatory basis." While the Plan states in its Executive Summary that the Plan is intended to ensure that TUSD conducts recruitment for all employment vacancies on a nondiscriminatory basis, the subsequent operative language of the Plan does not in fact include that requirement. Rather, in Section A, 1, the Plan states that the District will follow Governing Board policies relating to hiring, etc. But, recruitment*

*precedes hiring and the fact that an express statement to recruit on a nondiscriminatory basis is omitted from the Plan renders it noncompliant with this express provision of the USP. (In this regard we note that the USP expressly recognized the difference between “outreach and recruitment,” on the one hand, and “hiring,” on the other with separate subsections addressing them in Section IV at C and D.) Therefore, there is no justification for the Plan’s omission of an express undertaking to recruit on a nondiscriminatory basis.*

### **TUSD Response to Objection 2:**

First, the USP is very prescriptive about what has to be included in certain plans. The USP does not require, or even imply, that the language in section IV.C.1 must be included in this plan.

Second, the “controlling USP language” related to the Plan is found in section IV.C.3, *after* section IV.C.1. The language in section IV.C.1 is clearly a USP requirement that is separate from the requirement to develop and implement this plan. Otherwise, as occurs throughout the USP, the language in section IV.C.1 would have been included in section IV.C.3.

Third, the Mendoza Plaintiffs concede that the language in the Plan includes that “the Plan is intended to ensure that TUSD conducts recruitment for all employment vacancies on a nondiscriminatory basis...” but, apparently, do not agree with the location of the language.

Finally, counsel for the Mendoza Plaintiffs on one hand seek to have the non-discriminatory language included in the Plan, but on the other hand seek assurances (through these objections, and through earlier comments on earlier versions of the Plan) that the District is targeting certain aspects of recruitment exclusively on African American and/or Latino candidates (see Requests 6 and 7, below). For example, related to Request 6, the District described a nondiscriminatory goal of “increasing the racial/ethnic diversity of certificated staff.” Counsel for the Mendoza Plaintiffs are requesting that the District replace the nondiscriminatory goal with an, arguably, discriminatory goal that would only target two specific groups, African American and Latino candidates.

### **3. Request to Strike the Following Statement from the Plan: “a Retention Plan is not required by the USP”**

***Mendoza Objection 3:*** *Mendoza Plaintiffs Object to the Plan’s Statement that “a Retention Plan is Not Required by the USP” and Its Failure to Include Express USP Requirements for Addressing, Through a Plan, Disparities in Attrition Rates for African American and Latino Administrators and Staff. Mendoza Plaintiffs object to the language in section III, Executive Summary, stating that “a retention plan is not required by the USP.” Plan at 3. This statement reflects an extraordinarily narrow reading of the USP and a misperception of the scope of Section IV of the USP which contains a subsection on “Retention” that is of the same weight as the subsections on Outreach and Recruitment, Hiring, Assignment of Administrative and Certificated Staff, and Reductions in Force. Moreover, while it may not use the word “plan” the USP states in Section IV, F, 1 that the “District shall adopt measures intended to increase the retention of African American and Latino administrators and certificated staff.” Further,*



*the USP requires “a plan to take appropriate corrective action” if disparities in attrition rates of African America and Latino administrators or certificated staff compared to other racial and ethnic groups are identified. USP, Section IV, F, 1, a. The statement that a retention plan is not required by the USP is incorrect and should be stricken. Further, the assertion that no retention plan is required by the USP infects the substance of the Plan as well. The USP expressly states: “If disparities [in attrition rates for African American or Latino administrators or certificated staff] are identified, the District shall...develop a plan to take appropriate corrective action. If a remedial plan to address disparate attrition is needed, it shall be developed and implemented in the semester subsequent to the semester in which the attrition concern was identified.” USP, Section IV, F, 1, a. That language has not been incorporated in the Plan. Rather, it says (at page 13) only that “[i]f disparities exist TUSD will develop and implement strategies, where feasible, to address disparate attrition.” This language with its wobble reference to “strategies, where feasible” and its absolute failure to mandate a remedial plan to be developed and implemented in the very semester following the semester in which the disparity is found is woefully inadequate and a failure to properly implement the USP.*

### **TUSD Response to Objection 3:**

First, the USP is very prescriptive about where and when the District must develop and/or implement a “plan.” The use of the term “plan” throughout the USP is material since the Plaintiffs have very specific roles related to reviewing, providing feedback, and lodging objections to items delineated as “plans.” The USP does not require, directly or by implication, the District to develop and/or implement a Retention Plan.

Second, the USP requires a corrective action plan only based upon satisfaction of a triggering condition: the finding of disparities in attrition rates. And those plans are to be developed as an ongoing process only if disparities are found. The USP does not require a single Retention plan, but (as appropriate based on whether or when disparities are found) may require multiple remedial plans to address attrition throughout multiple years. The USP requirement to develop multiple remedial plans on an ongoing, as needed basis is separate and apart from any implied or imagined requirement to develop a single Retention plan.

#### **4. Request for the Plan to Explicitly Describe the Precise Makeup of the Recruitment Team**

**Mendoza Objection 4:** *Mendoza Plaintiffs Object to the Plan’s Failure to Demonstrate that Members of the Recruitment Team are Racially and Ethnically Diverse and Comprised of School-Level and District-Level Administrators, Certificated Staff and Human Resources Personnel. In Section IV Recruitment and Retention Advisory Committee (Recruitment Team) the Plan states that the Recruitment and Retention Advisory Committee consists of a “diverse” group of community members and “diverse” TUSD leaders. Plan at 4. Mendoza Plaintiffs repeat their objection to the July 11, 2013 draft TUSD recruitment plan that having a “diverse” committee does not adhere to the USP requirement that TUSD seek the “input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel.” USP, IV, C, 3 at 17. In addition to failing to state whether the committee is racially and ethnically diverse, the Plan does not specify that the*

*committee includes school-level and district-level administrators and human resources personnel.*

**TUSD Response to Objection 4:** The District will add the words “racially and ethnically” in front of the word “diverse” in the section of the Plan that outlines the role of the Recruitment Team. The District will add the words “including school-level administrators, district-level administrators, and human resource personnel” in the section of the Plan that outlines the role of the Recruitment Team. Nothing in the USP indicates a requirement that the District must “demonstrate” that the recruitment team is racially and ethnically diverse. The District submitted this precise language in the first version of this plan that was submitted to the counsel for the Mendoza Plaintiffs in July of 2013. Counsel for the Mendoza Plaintiffs submitted feedback in September of 2013 and did not “object” or otherwise mention any issues with this language. See revised Plan provided concurrently herewith.

## **5. Request for the Plan to Include Advertising Strategies for Recruiting Candidates**

**Mendoza Objection 5:** *Mendoza Plaintiffs Object to the Plan’s Omission of Advertising Strategies for Recruiting Candidates with Spanish Language Bilingual Certifications and the Omission of National Newspapers, Education Publications, and Periodicals Targeting African American and Latino Communities as Part of the Advertising Strategy. Mendoza Plaintiffs object to the strategies for advertising described on page 7 of the Plan. That advertising strategy fails to include strategies for recruiting candidates with Spanish language bilingual certifications as required in the USP. The USP requires the District to establish a recruiting strategy that includes “specific techniques to recruit...candidates with Spanish language bilingual certifications from across the country.” USP Section IV.C.3(a)(i) at 17. Appendix B to the Plan, which the Plan describes as including “additional entities” considered for “future recruitment” does not include websites that target candidates with Spanish language bilingual certifications. The site [www.hispanic-jobs.com](http://www.hispanic-jobs.com) included in Appendix C is described as “bilingual job opportunities for English-Spanish speaking professionals” and is not focused on educators who have Spanish language bilingual certifications. Further, the advertising strategies listed on page 7 of the Plan fail to include “national newspapers, education publications and periodicals targeting African American and Latino communities” as required under USP section IV, C, 3 (a)(i)(i).*

**TUSD Response to Objection 5:** The Plan includes specific techniques to recruit candidates with Spanish language bilingual certifications from across the country. For instance, there are specific financial incentives for candidates with bilingual certifications. Offering the financial incentives is a specific strategy to recruit these candidates from across the country.

The Plan states “TUSD will evaluate and modify advertising strategies on an ongoing basis, and at least annually, based on a review of the previous year’s recruiting data and the effectiveness of past recruiting practices in attracting candidates with diverse backgrounds, including African-American and Latino candidates and candidates with Spanish language bilingual certifications.” TUSD welcomes feedback that would improve its advertising strategies to promote the District and recruit Spanish language bilingual and certificated candidates through national newspapers,

education publications and periodicals that would target more African American and Latino candidates. The District will review and modify as needed.

**6. Request to Include “Administrator” Goals and to Change the Goal of Increasing “Ethnic/Racial Diversity” to Increasing Recruitment of “Qualified African American and Latino Candidates”, and to Include In-Person Recruiting Strategies for Recruiting African American and Latino Administrators.**

***Mendoza Objection 6:** Mendoza Plaintiffs Object to the Omission of Administrators from the Recruiting Goals for In-Person Recruiting and to the Omission of African American and Latino Administrators from the In-Person Recruiting Strategies. Mendoza Plaintiffs object to the Plan’s stated goal in the In-Person Recruiting section on page 8 of increasing “the ethnic/racial diversity of TUSD’s certificated staff.” Mendoza Plaintiffs object to the omission of administrators from the stated recruitment goal. The USP specifically requires recruitment for open administrator positions. USP Section IV, C, 3 at 17. In addition, Mendoza Plaintiffs object to the Plan’s mention of “ethnic/racial diversity” when the USP calls for recruiting “qualified African American and Latino” candidates. USP section IV, C, 3 at 17. Mendoza Plaintiffs also object to the in-person recruiting strategies because they fail to include strategies for recruiting African American and Latino administrators as required by the USP.*

**TUSD Response to Objection 6:** The District will add language to clarify that the in-person strategies are focused on both administrators and certificated staff members. See revised Plan provided concurrently herewith.

**7. Request for Clarification Regarding the Financial Incentives**

***Mendoza Objection 7:** In the Financial incentives section on page 9, Mendoza Plaintiffs seek clarification regarding whether the financial incentives included in the Plan will be targeted to African American and Latino candidates or to all candidates since the sentence in the Plan (“The following reimbursements and stipends are to be utilized as tools for recruitment and retention and are therefore not available to all incoming or existing administrators or teachers”) is unclear.*

**TUSD Response to Objection 7:** The financial incentives will be targeted towards recruiting and retaining African American and Latino candidates, but will also be used to recruit other candidates and to retain other employees.

**8. Request for General Changes and Clarifications**

***Mendoza Objection 8:** The Definitions section is incorrectly labeled as section III, when it should be section IV. The remaining sections should be renumbered to reflect this change. Also, in Section V.3. Annual Review and Process for Modification, the Plan refers to “SPED” under critical needs. “SPED” is undefined and should be defined in the Plan. Plan at 6.*

**TUSD Response to Objection 8:** The District has corrected the incorrect references and changed “SPED” to “Exceptional Education.” See revised Plan provided concurrently herewith.



**Administrator and Certificated Staff  
Outreach, Recruitment, and Retention Plan  
(Revised March 24, 2014)**

**I. USP LANGUAGE**

**IV. ADMINISTRATORS AND CERTIFICATED STAFF**

**C. Outreach and Recruitment**

3. *By April 1, 2013<sup>1</sup>, the District shall develop and implement a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions. The plan shall be developed by the District recruiter with the input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel. The plan shall address any and all disparities identified in the Labor Market Analysis.*
  - a. *The District recruiter, with input from the recruitment team, shall take the following steps to implement the recruitment plan, and shall modify it annually based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting qualified African American and Latino candidates and candidates with Spanish language bilingual certifications. The recruitment plan shall:*
    - i. *Establish a nationwide recruiting strategy, based at minimum on the outcome of the Labor Market Analysis, which shall include specific techniques to recruit African American and Latino candidates and candidates with Spanish language bilingual certifications from across the country, including through: (i) advertising job vacancies on national websites and publications, including career websites, national newspapers, education publications, and periodicals targeting African American and Latino communities; (ii) recruiting at Historically Black Colleges and Universities ("HBCUs"), through the Hispanic Association of Colleges and Universities ("HACU"), and at other colleges and universities with teacher preparation programs serving significant numbers of African American and/or Latino students, including providing vacancy announcements to campus career services offices; and (iii) attending local and state-wide job, diversity, and education fairs and/or expos;*
    - ii. *Create a process to invite retired African American and Latino administrators and certificated staff to be considered for open positions for which they are qualified;*
    - iii. *Incorporate strategies for building and utilizing partnerships with local employers that recruit nationally to promote TUSD employment opportunities to their prospective employees and their families;*
    - iv. *Develop local programs to identify and support local high school, college and university students to interest them in teaching careers, including, for college and university students, exploring and promoting opportunities for teaching in the District; and*

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<sup>1</sup> The District submitted its initial draft of this plan to the parties and Special Master on July 11, 2013 and, following several iterations of that plan based on information exchanges among the parties, submitted its third draft on February 3, 2014. This revised Plan is the product of additional information exchanges among the parties.

- v. *Encourage and provide support for African American and Latino non-certificated staff (e.g., paraprofessionals) who are interested in pursuing certification.*

#### **IV. ADMINISTRATORS AND CERTIFICATED STAFF**

##### **F. Retention**

1. *The District shall adopt measures intended to increase the retention of African American and Latino administrators and certificated staff, including, but not limited to, doing and/or taking into account the following:*
  - a. *Commencing with the effective date of this Order, on an ongoing basis, evaluating whether there are disparities in the attrition rates of African American and Latino administrators or certificated staff compared to other racial and ethnic groups. If disparities are identified, the District shall, on an ongoing basis, assess the reason(s) for these disparities and develop a plan to take appropriate corrective action. If a remedial plan to address disparate attrition is needed, it shall be developed and implemented in the semester subsequent to the semester in which the attrition concern was identified;*
  - b. *Surveying teachers each year using instruments to be developed by the District and disaggregating survey results by race, ethnicity, and school site to assess teachers' overall job satisfaction and their interest in continuing to work for the District. These surveys shall be anonymous; and*
  - c. *Conducting biannual focus groups of representative samples of District certificated staff to gather perspectives on the particular concerns of these staff in hard-to-fill positions (e.g., ELL and special education teachers) and/or who have been hired to fulfill a need specifically identified in this Order.*

## **II. OVERVIEW**

TUSD is committed to recruiting and retaining highly qualified and appropriately certificated administrators and certificated staff members, representative from diverse backgrounds and cultures, who are competent and ready to manage, teach, engage, and challenge our present and future learners. To carry out this commitment, TUSD has developed an Outreach, Recruitment, and Retention Plan ("Plan") aligned with TUSD's general recruiting practices, with a particular focus on recruiting and retaining qualified individuals from historically underrepresented groups and qualified individuals to fill hard-to-fill positions. In addition to the specific strategies outlined in the Plan below, TUSD will utilize the following three general strategies to ensure the success of the Plan:

- Developing a "Recruiter's Guide" containing resource materials (such as those contained in the Appendices to this Plan) so staff members involved in recruiting are well-versed and prepared to discuss recruiting incentives, discuss TUSD and the City of Tucson, and to address other concerns of prospective recruits.
- Contacting and networking with recruiters from other school districts and/or private entities to learn and internalize best practices.



- Basing part of the Chief Human Resources Officer's evaluation on the progress made in increasing the racial and ethnic diversity of central and site-based administrators and certificated staff.

### III. EXECUTIVE SUMMARY

The Plan focuses on two separate but interrelated objectives, aligned with the goals identified above: (1) fulfilling general human resources needs, and (2) fulfilling specific USP-related human resources needs. The Plan aims to recruit and retain highly-qualified 21<sup>st</sup> Century educators who represent broad spectrums of diverse backgrounds and cultures, with the skillsets to implement the latest educator processes to drive superior teaching. Recruitment is focused principally on enhancing the diversity of the workforce, and in recruiting hard-to-fill positions as identified each year. While a retention plan is not required by the USP, TUSD's strategy is to combine recruitment and retention efforts to attract and to keep a highly-qualified and diverse workforce.

The Plan focuses on eight areas for Outreach and Recruitment, and four areas for Retention:

#### A. Outreach and Recruitment

1. Ensuring TUSD conducts recruitment for all employment vacancies on a nondiscriminatory basis;
2. Analyzing the findings of the Labor Market Analysis (LMA);
3. Reviewing and, where needed, modifying the Plan to continually strengthen the Plan's effectiveness in attracting, and retaining, qualified African-American and Latino candidates and candidates with Spanish language bilingual certifications;
4. Developing a nationwide recruiting strategy based, at minimum, on the outcome of the Labor Market Analysis, which shall include specific techniques to recruit African-American and Latino candidates, and candidates with Spanish language bilingual certifications from across the country;
5. Creating a process to invite retired African-American and Latino administrators and certificated staff to be considered for open positions for which they are qualified;
6. Incorporating strategies for building and utilizing partnerships with local employers that recruit nationally to promote TUSD employment opportunities to their prospective employees and their families;
7. Developing local programs to identify and support local high school, college, and university students to interest them in teaching careers, including, for college and university students, exploring and promoting opportunities for teaching in the District; and
8. Developing strategies to encourage and provide support for African-American and Latino non-certificated staff (*e.g.*, paraprofessionals) who are interested in pursuing certification.

#### B. Retention

1. Evaluating and addressing disparities in the attrition rates, if any, of African-American and Latino administrators and certificated staff compared to other racial and ethnic groups. Where applicable, assess reasons for disparities and implement corrective actions;

2. Conducting surveys to assess teachers' overall job satisfaction and interest in continuing at TUSD;
3. Facilitating teacher focus groups to gather data and identify specific concerns of staff in hard-to-fill positions and/or staff hired to fulfill a need specifically identified in the USP; and
4. Providing family support and professional development.

#### **IV. DEFINITIONS**

**LMA** – Labor Market Analysis

**CCS** – Cross Categorical Special Education-

**Critical Needs Subject Areas** – subject areas required for graduation (core subjects) and/or are required by state or federal law, and for which there have been an inadequate pool of qualified candidates. By December each year, TUSD will identify critical needs subject areas for the subsequent school year based on an analysis of vacancies and multiple postings for various areas. For SY 2013-14, for example, critical needs subject areas included exceptional education, math, and science.

**AEPA** – (now known as) NES, National Evaluation Series

**HBCU** – Historical Black Colleges / Universities

**HACU** – Hispanic Association of Colleges/Universities

**ELL** – English Language Learners

**Hard to Fill Content Areas** – specialized content areas within the TUSD curriculum for which there are, or have been, an inadequate pool of qualified candidates. By December each year, TUSD will identify hard-to-fill content areas for the subsequent school year based on an analysis of current-year vacancies and staffing needs. For SY 2013-14, for example, hard-to-fill content areas include: dual language and Culturally Relevant Courses (CRCs).

**Hard to Fill Site** – school sites for which there traditionally have been insufficient applicants for instructional vacancies to meet staffing needs.

**New-to-TUSD (Teachers or Administrators)** – Teachers or administrators who are new to TUSD, and have never worked for TUSD.

#### **V. RECRUITMENT AND RETENTION ADVISORY COMMITTEE (Recruitment Team)**

The Recruiter coordinates the development and implementation of the Plan, with input from the Recruitment and Retention Advisory Committee (“Committee”). The Committee was created in 2008 to enhance recruitment efforts. The committee meets four times per year, and consists of a 15 member racially and ethnically diverse group of community members, select TUSD leaders (including school-level administrators, district-level administrators, and human resource personnel), corporations, colleges/universities, teachers, and



administrators. This group actively engages the community and key constituencies in the Plan and works collaboratively to recruit and retain highly qualified administrators and certificated staff with diverse backgrounds. The Committee brainstorms and provides suggestions to enhance the roles and responsibilities for recruitment, retention, and outreach with a focus on diversity challenges, information resources, and ethnic-cultural opportunities in the community. The Committee analyzes risks and opportunities for the recruitment program to create potential solutions (e.g., priority hiring needs and vacancies, potential incentives, community outreach, the need for adequate marketing).

**VI. OUTREACH, RECRUITMENT, AND RETENTION**

**A. OUTREACH AND RECRUITMENT**

**1. Ensure Nondiscriminatory Recruitment for All Employment Vacancies**

TUSD will follow Governing Board approved policies and regulations which mandate that TUSD employees shall not discriminate against employees or applicants on the basis of race, color, religion gender, age, national origin, disability, marital status, and sexual orientation in any of its activities or operations. (See Governing Board Policy AC and ACA, and related regulations). These activities include, but are not limited to, hiring and terminating staff, selection of volunteers and vendors, and provision of services. TUSD is committed to providing an inclusive and welcoming environment for all members of our staff.

**2. Labor Market Analysis**

TUSD hired an outside consultant to undertake a labor market analysis (“LMA”) that compares the actual number of African-American and Latino administrators and certificated staff to the statistical expectation using various demographic group availability rates derived from labor market data. TUSD notes that the LMA findings revealed no negative disparities in hiring between TUSD’s workforce and the local and state labor markets. (See Appendix A for a Summary of Preliminary Findings). In light of the findings of the LMA, TUSD’s outreach and recruitment strategies will focus on enhancing the diversity of TUSD’s workforce. These strategies will focus on Hard-to-Fill Content Areas, Critical Needs Subject Areas, and staffing Hard-to-Fill sites.

### **3. Annual Review and Process for Modification**

The objective of this process is to build upon the efforts to recruit administrators and certificated staff from diverse backgrounds, including African-American and Latino prospects. TUSD will accomplish this by delegating tasks to Human Resource (HR) specialists to assist in data collection. Human Resources has expanded the process to capture the results of the previous year's recruiting and retention. Starting in July 2013, HR assigned a System Analyst to collect recruiting and hiring data from previous years. This is an ongoing, expanding program; the focus is to establish the recruiting data collection process first and begin the retention data collection process based on the successes and lessons learned from the recruiting portion of this effort. Examples of data collected, disaggregated by race/ethnicity where applicable:

- Colleges or Universities Visited for Recruiting
  - Including whether the school was an HBCU, HACU, or one with a diverse student population
  - Including participating colleges and/or universities
- Critical Needs (Math, Science, Exceptional Education, ELL/Dual-Language (including candidates with Spanish language bilingual certifications), or other as identified)
- Resumes Received
- Phone Interviews Conducted
- Letters of Intent Extended
- Letters of Intent Accepted
- Reason(s) Individuals do not accept positions offered them

This information is used to tailor future recruiting to identify which strategies are the most effective and efficient, and to identify which venues produce the best results.

**4. Nationwide Recruiting Strategy Focused on Specific Strategies to Recruit a Diverse Staff, Including African-American, Hispanic, and Bilingual Administrators and Certificated Staff**

TUSD will include non-discrimination language in a prominent location on the online job postings site, and will continue to strive to remain salary competitive with other local school districts and, at the current time, is comparable to all area school districts. The nationwide strategy will include the following, described in detail in the corresponding sections below: (a) advertising; (b) in-person recruiting; (c) offering financial incentives; (d) promoting job satisfaction incentives and opportunities; (e) promoting support for beginning teachers; and (f) monitoring and utilizing feedback from current employees. Each strategy will be evaluated for effectiveness and may be modified on an annual basis.

**a. Advertising**

TUSD may collaborate with the following entities to advertise open Administrator and Certificated Staff positions within TUSD:

- Teachers of Color (print and web);
- Teach.gov (web);
- Teachers-Teachers (web);
- Want to Teach (web);
- Career Media Solutions –HBCU (print and web);
- American Association for Employment in Education;
- Association of Latino Administrators and Superintendents (ALAS);
- Hispanic Chamber of Commerce;
- National Alliance of Black School Educators (NABSE); and
- Various college/university career center postings.

TUSD will evaluate and modify advertising strategies on an ongoing basis, and at least annually, based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting candidates with diverse backgrounds, including African-American and Latino candidates and candidates with Spanish language bilingual certifications. See Appendix B for additional entities being considered for future recruitment advertising, as applicable.

## **b. In-Person Recruiting**

The goal is to increase the ethnic/racial diversity of TUSD's administrators and certificated staff. This strategy includes the following activities:

- Recruitment trips to identified HBCUs, HACU member colleges, and other colleges and universities offering teacher preparation programs and enrolling diverse student populations in their education programs;
- TUSD will host "Meet and Greets" for student teachers from various colleges in Arizona to provide information about TUSD and how to apply for vacant positions. Guest speakers from TUSD may include leadership team members, certification specialists, mentoring and professional development personnel, special education personnel, and members of the math innovation team;
- The Recruiter attends the University of Arizona South campus in the fall to meet the new student teachers in the program. TUSD will create new and stronger relationships with in-state colleges (University of Arizona, University of Arizona South, Teach Arizona, Pima Community College, Northern Arizona University, Grand Canyon College, Rio Salado College, University of Phoenix, Arizona State University, and Prescott College), and the African American Studies and Mexican American Studies program departments;
- Collaboration with HBCUs and the HACU to develop an internship program where students from various colleges and universities can perform their student teaching with TUSD;
- Welcome Groups to welcome new administrators or certificated staff members into TUSD. These group members consist of community members/district employees to assist in the adjustment period into the community and TUSD. Packets are developed for various ethnic groups that include community activities in Tucson and the surrounding areas; and
- Other Colleges and Universities: TUSD recruiter will recruit in highly populated diverse colleges and universities with a diverse student body in the College of Education.
- Local and state-wide job, diversity, and education fairs and/or expos are provided for employers, recruiters and school districts to meet with prospective administrator or certificated staff candidates. In the college setting, education fairs are commonly used for entry level teaching positions, but also may include graduate students seeking administrative positions. Often sponsored by career centers, job fairs provide a convenient location for students to meet employers and participate in first interviews. TUSD will participate and recruit at these events, and document the success of these efforts. TUSD will continue to develop the ability of recruiters to extend Offers of Employment during in-person recruiting activities to ensure the best chance of recruiting candidates to TUSD. TUSD's recruitment teams will include relevant staff who can speak directly about their experiences in TUSD and in Tucson.
- The District's Leadership Prep Academy (LPA) is an in-person program dedicated to recruiting and preparing future administrators.

TUSD will evaluate and modify these recruiting strategies on an ongoing basis, and at least annually, based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting diverse candidates, including African-American and Latino candidates and candidates with Spanish language bilingual certifications.

### c. Financial incentives

Considering local factors (such as comparatively low teacher salaries statewide, and a comparatively smaller African-American population) certain financial incentives will be promoted as part of the nationwide recruitment strategy to attract qualified candidates, including African-American and Latino candidates. Prospective employees may receive reimbursement for moving expenses, as well as financial incentives for teachers fulfilling hard-to-fill content areas such as dual-language or Culturally Relevant Courses (CRCs), or for teachers fulfilling critical needs. Financial incentives are subject to modification and are reviewed annually by the Governing Board. The following reimbursements and stipends are to be utilized as tools for recruitment and retention and are therefore **not** available to all incoming or existing administrators or teachers. The following incentives, subject to annual modification, may be offered to prospective candidates beginning in the spring of 2014:

- Relocation Expense Reimbursement:  
For any of the positions identified below and in accordance with Governing Board policy, a one-time relocation expense reimbursement may be offered as an incentive to out-of-state, new-to-TUSD incoming administrators, and out-of-state, new-to-TUSD incoming teachers.
- Dual-Language/Bilingual Recruitment and Retention Incentive\*:  
TUSD may, as an incentive, offer a stipend to new-to-the-District incoming teachers with (a) bilingual certifications, and (b) teaching in a dual-language classroom, or existing teachers with (a) bilingual certifications, and (b) teaching in a dual-language classroom.
- Culturally Relevant Courses (CRCs) Recruitment and Retention Incentive\*:  
TUSD may offer a recruitment incentive to new-to-TUSD, incoming CRC teachers who meet specified qualifications, or to existing CRC teachers who meet specified qualifications.
- Recruitment Incentives for Hard-to-Fill Sites\*:  
TUSD may offer a recruitment incentive to new-to-TUSD incoming teachers at Hard-to-Fill Sites, or to existing teachers who voluntarily move to a Hard-to-Fill Site.
- Recruitment Incentives for Critical Needs\*:  
TUSD may offer a recruitment incentive to new-to-TUSD incoming teachers in critical needs subject areas, or to existing teachers who become highly qualified and are placed into a critical needs subject area. Critical needs subject areas are evaluated, and may be modified, on an annual basis.

\*Stipends are paid to full-time employees only, subject to conditions.

**d. Offers of Employment**

TUSD will research and, potentially, develop procedures to offer potential candidates an “Offer of Employment” (aka a “letter of intent”) to improve the likelihood of recruiting top candidates. Consistent with Arizona law regarding teacher and administrator hiring all such offers will be subject to approval by the Governing Board. (See Appendix D for sample language)

**e. Job satisfaction incentives and opportunities**

TUSD recognizes that creating a welcoming and supportive environment for employees can serve as a key factor in recruiting and retaining hard-to-fill or hard-to-recruit staff. Towards developing such an environment, TUSD will outreach to prospective employees and communicate various incentives and opportunities to them. (See Appendix E) A key piece of the recruiting strategy is to communicate these incentive and benefits to prospective employees.

**f. Support for beginning teachers**

TUSD recognizes that providing ongoing support structures for beginning teachers can serve as a key factor in recruiting and retaining beginning teachers. Towards developing these structures, TUSD has put in place a Teacher Induction/Mentoring Program for all beginning teachers. First-year teachers in struggling schools may be provided additional support. A key piece of the recruiting strategy is to communicate to prospective beginning teachers that, if employed with TUSD, they will be supported on an ongoing basis to ensure that they are successful. (See Appendix C, “Ongoing Support for Beginning Teachers”)

**g. Monitoring and utilizing feedback from current employees**

Section V.B.1, below, includes a description of TUSD processes to collect and monitor information from current employees about job satisfactions, real or perceived barriers, and other information that TUSD will use to address any attrition of African-American and Latino staff. TUSD also will use this information to develop better recruiting packages, incentives, and communication with prospective employees.

**5. Process for Retirees**

TUSD will maintain a database of retired administrative and certificated staff, including name, race/ethnicity, certifications, experiences, and contact information. As new positions open, human resources staff will screen the database and, where applicable, extend invitations to retired administrative and certificated staff, including African-American and Latino retirees, to apply for positions for which they are qualified. The database will be updated at the end of each semester to ensure current and accurate information is maintained.

## **6. Partnerships with Local Employers**

TUSD builds partnerships with local companies that recruit nationally to build an alternative means of recruitment. Local corporations and government entities that recruit non-local candidates are provided with informational materials about TUSD to share with family members (e.g. spouses, extended family). In turn, this facilitates the recruitment of work-eligible family members so they are aware of employment opportunities within TUSD. TUSD may collaborate with the following entities: Tucson Values Teachers; Re-establish connection with Raytheon; Local Chamber of Commerce (Metropolitan, Black, Hispanic); Phoenix Chamber of Commerce; Pima One Stop; Davis-Monthan Air Force Base (DMAFB); University of Arizona – Student Services; University of Arizona – South; Grand Canyon University; University of Phoenix; Fort Huachuca; Arizona State University; and Northern Arizona University.

## **7. Local Programs**

The following local programs are focused on developing interest in careers in education, and particularly with TUSD. Human Resources representatives conduct outreach seminars to introduce students to the diverse careers, rewards, and opportunities available in the education field. This program sparks interest in high school, college, and university students, TUSD paraprofessionals, and local professionals to explore K-12 teaching careers. Effectiveness of these programs is evaluated annually.

- High School Student Program: recruiter will partner with high school administrators to set up forums with students who are interested in teaching careers. Forums will be attended by current teachers, students, and facilitators and would include detailed discussions of teaching-career pathways and requirements. Interested students will receive information and resources to guide them into teaching careers, and will be encouraged to contact TUSD's Recruiter for further information and guidance.
- Colleges and Universities: recruiter will visit the local college and university educational teacher programs to attract new teachers. In addition, the recruiter will visit diversity programs with a focus on African-American and Latino studies programs to support USP obligations to create interest in a teaching career.
- Professionals: recruiter will continue to solicit interest at Davis-Monthan Air Force Base and military spouses interested in teaching at TUSD.



**8. Strategies to Encourage Certification**

For Non-Certificated Staff Seeking Certification

TUSD will take the following actions to encourage and to provide support for African-American and Latino non-certificated staff who are interested in pursuing certification:

- a. Survey current non-certificated staff to identify non-certificated staff members, including African-American and Latino staff members, who are interested in pursuing educational certification;
- b. Survey current certificated staff to identify those that have received certifications (or are currently in programs to receive certifications) in the areas identified by the first survey;
- c. Each identified non-certificated staff member may be: (a) paired with a mentor that has the certification that the staff member is seeking, and/or (b) pair with other staff members who are also interested in that area and/or are already working towards receiving certification through the same or similar programs. Mentors may receive additional stipends for participation; and
- d. Send direct mailings to each identified staff member recognizing and encouraging their ambitions and areas of interest, sharing potential positions within TUSD that fits with their areas of interest, sharing available resources (e.g. local and online programs and courses) that match those interests and identifying the person or persons they have been paired with for mentoring or other support.

For Certificated Staff Seeking Administrative Certification

TUSD staff attended initial meetings with representatives from the University of Arizona, College of Education, to explore a proposal to provide a TUSD-specific set of coursework toward obtaining an administrative certificate in the State of Arizona. The proposal includes the possibility of financial support to enable current employees with leadership potential to enroll in the courses and, ultimately, to receive the required certifications needed for such promotions. The TUSD-specific courses would focus on the standard coursework, but would infuse TUSD- and USP-related issues such as Supportive and Inclusive Learning (CRP), USP fundamentals and theory, faculty and staff diversity, etc. The program may also include class projects that would be based in TUSD schools, and may span an entire school year. Potential leaders, including African-American and Latino staff members, who do not have the credentials to move directly into leadership positions would be encouraged to apply for the program as they continue to work at TUSD. Participants will be recognized formally and provided with a certificate of completion to document the additional training and professional development received over the year.

## **B. RETENTION**

### **1. Collect and Monitor Retention Data**

TUSD will conduct evaluations, surveys, and focus groups to help identify any disparities, gauge job satisfaction levels, and to identify concerns or obstacles that may cause employees to leave TUSD and frustrate retention efforts.

#### **a. Evaluate disparities in attrition rates, if any, of African-American and Latino administrators and certificated staff compared to other racial and ethnic groups.**

TUSD will: (1) evaluate the attrition rates of all racial and ethnic groups to assess whether disparities exist between African-American and Latino administrators and certificated staff compared to other racial and ethnic groups; and (2) if disparities exist, assess the reasons for the disparities (to the extent possible). If disparities exist TUSD will develop and implement strategies, where feasible, to address disparate attrition.

#### **b. Assess teachers' overall job satisfaction and interest in continuing to work for TUSD**

TUSD will develop anonymous surveying instruments to survey teachers annually to determine overall job satisfaction and teachers' interest in continuing to work for TUSD. Survey results will be disaggregated by race, ethnicity, and school site and will be used to enhance teacher interactions, communications, and support feedback sessions to improve TUSD's efforts to improve retention rates.

#### **c. Facilitate teacher focus groups**

Recruiter will conduct biannual focus groups to gather perspectives on the concerns of certificated staff in hard-to-fill positions and in positions that fulfill a USP-specific need. Leadership from all levels (high schools, middle schools, K-8s, elementary schools) may also be invited, where appropriate, to listen and to develop strategies to address concerns in a collaborative manner.

**2. Adopt Measures Intended to Increase the Retention of African-American and Latino Administrators and Certificated staff**

**a. Corrective Action Plans**

By the start of each school year, TUSD will develop strategies to address disparities (where they exist), and to address deficiencies identified in the monitoring and collection and monitoring of attrition/retention data and feedback from staff members. Pursuant to the USP, where applicable, strategies will include specific measures intended to increase the retention of African-American and Latino administrators or certificated staff.

**b. Other Measures**

**Outreach and Communication to TUSD Employees about Opportunities for Themselves and Their Children**

TUSD is expanding its outreach to employees regarding special employee programs and, more generally, to provide increased family support (see Appendix E). TUSD will continue to work to ensure that employees feel welcome, and as part of the TUSD family, will recognize the benefits of working in TUSD by feeling supported and encouraged as TUSD employees.

**Administrator Focus Groups**

In addition to the teacher focus groups described above, TUSD will facilitate administrator focus groups to address any concerns, but also to identify additional ways by which TUSD can support administrators (particularly African-American and Latino administrators) in their work and in increasing or maintaining their job satisfaction.

**Extended Professional Development Opportunities**

TUSD will provide opportunities for administrators and certificated staff to participate in targeted professional development opportunities. For example, in 2013-14 TUSD sent one African-American principal to the NABSE (National Alliance of Black School Educators) conference along with staff from the African American Student Services Department. Other African-American and Latino administrators have shown an interest in similar PD opportunities in the future.

**Support Beginning Teachers**

TUSD recognizes that providing ongoing support structures for beginning teachers can serve as a key factor in retaining beginning teachers. Towards developing these structures, TUSD has put in place a Teacher Induction/Mentoring Program for all beginning teachers. First-year teachers in struggling schools may be provided additional support. A key piece of the retention strategy is to support beginning teachers in ways that make them feel welcome, appreciated, and supported as they begin their teaching careers to ensure that they are successful and to encourage them to remain employed with TUSD. (See Appendix C, “Ongoing Support for Beginning Teachers”)

**Encourage Prospective Leaders to Become Leaders**

TUSD has developed a detailed plan for encouraging and supporting prospective leaders, particularly African-American and Latino staff members, to develop their capacity for leadership positions. (See Appendix F, “Prospective Administrative Leaders Plan” – particularly Section V: Methods for Growing Our Own) By enhancing opportunities for professional growth and development, current employees will recognize that they are valued, supported, and encouraged to remain and grow with TUSD.

**RACIAL (AFRICAN-AMERICAN) AND ETHNIC (HISPANIC) COMPOSITION OF  
TUSD'S 2010 AND 2012 TEACHERS & ADMINISTRATORS**

Mary Dunn Baker, Ph.D.  
Managing Director  
ERS Group  
September 30, 2013

**I. INTRODUCTION**

*Assignment and Conclusions.* Counsel for the Tucson Unified School District (TUSD or the District) asked me to conduct statistical analyses to determine whether the racial (African-American or Black) and ethnic (Hispanic) composition of TUSD's Teachers and Administrators employed in 2010 and in 2012 is consistent with relevant external labor market data. When African-American and Hispanic availability for Teacher and Administrator jobs is measured using the aggregate 2010 EEO-5 Report for Arizona public schools,<sup>1</sup> the data reveal that, in general, TUSD employed more African-American and Hispanic Teachers and Administrators than would be expected given the rates at which members of these demographic groups are employed in similar occupations throughout the state. Therefore, the analyses fail to produce any evidence whatsoever that African-Americans and Hispanics were underrepresented in TUSD's Teacher and Administrator workforces in 2010 and 2012. In fact, to the contrary, the data for each of the Teacher and Administrator categories yield patterns that suggest that these demographic groups were employed in numbers consistent with, or statistically significantly

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<sup>1</sup> The U.S. Equal Employment Opportunity Commission and the Office for Civil Rights of the U.S. Department of Education require all public school districts with 100 or more employees to complete the Elementary-Secondary Staff Information Report (EEO-5) biennially, in even numbered years. The survey reports the number of employees by sex and race/ethnicity in each of 18 EEO categories, including Officials, Administrators & Managers; Principals; Assistant Principals (Teaching); Assistant Principals (Non-teaching); Elementary Classroom Teachers; Secondary Classroom Teachers; and Other Classroom Teachers.

The EEOC aggregated and published the 2010 EEO-5 surveys by state.

The 2010 aggregate EEO-5 Report for Arizona, provided at Appendix A, indicates that the survey includes data for 121 school districts.

greater than, their representation among individuals who are likely qualified for and interested in the District's Teacher and Administrator positions.

*Credentials.* I am a labor economist with extensive experience in statistical analyses of employment practices. Since July 1986, I have been employed by Economic Research Services Group (ERS) in Tallahassee, Florida where I presently serve as a Managing Director. ERS is a research and consulting firm whose professionals work with individuals, government agencies, colleges and universities, corporations and other organizations to analyze outcomes of employment decision-making processes and to compute estimates of the value of alleged economic losses. I have testified in federal courts and other judicial settings about statistical analyses and economic loss estimates that I have prepared on behalf of both plaintiffs and defendants.

For twenty years, I, along with other Ph.D. economists at ERS, have presented seminars on the economics and statistics of employment discrimination and the estimation of the value of economic losses arising from a variety of events and actions. State Bars offer continuing legal education credit for attending these ERS seminars. In addition, on many occasions, I have been invited by organizations such as the American Bar Association's (ABA's) Labor and Employment Section, the ABA's Equal Employment Opportunity Committee, the American Association for Affirmative Action and the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) to make presentations or conduct workshops on statistical analyses of employment issues and the valuation of economic losses using professionally accepted methods of analysis. An outline of my credentials and a list of cases in which I have given testimony are provided at Appendix B.

## **II. STATISTICAL COMPARISONS OF THE RACIAL/ETHNIC COMPOSITION OF A WORKFORCE**

A workforce analysis is conducted to determine whether the racial/ethnic composition of employees in a given set of jobs is reflective of a particular demographic group's representation in the relevant external labor market. When the percent African-American or Hispanic among workers employed by a specific employer in a given occupation is "close to" their representation among all workers in that occupation in the relevant geographic area, the conclusion is that the racial/ethnic composition of the organization's workforce is consistent with their availability in the relevant occupation and geographic area.

Labor economists and statisticians determine whether the percent African-American or the percent Hispanic in a given workforce is "close enough" to their representation rates among labor force participants who are interested in and qualified for the relevant job by computing the number of standard deviations of the difference between the two proportions. When the number of standard deviations is less than approximately two (technically,  $\pm 1.96$ ), the conclusion is that the organization's workforce is reflective of availability in the relevant occupation and geographic area. When the African-American or Hispanic representation rate in the organization's workforce falls short of the relevant availability rate and the number of standard deviations of the difference is greater than approximately two, the conclusion is that the employer employs statistically significantly fewer African-Americans or Hispanics than would be expected, given their representation among individuals who are interested in and qualified for the occupation at issue. However, when the African-American or Hispanic representation rate in the specific workforce exceeds the relevant external labor market availability rate by approximately two or more standard deviations, the conclusion is that the organization employs statistically significantly more members of the race or ethnic group than would be expected. A

positive and statistically significant difference between the percent African-American or Hispanic employed by a given organization and the relevant representation rate in relevant economy indicates that the employer successfully aggressively recruits members of the demographic group and/or is an “employer of choice” for the racial or ethnic group.

### **III. DATA**

Two types of data are required to conduct an analysis of the racial/ethnic composition of a workforce. First, the number of employees who were employed by the relevant organization in each relevant occupation at a given point in time must be counted by race/ethnicity. Second, an appropriate benchmark (i.e., availability rate) for each demographic group of interest must be established for each relevant occupation.

TUSD provided the information necessary to count employees by occupation and race/ethnicity. Specifically, the District provided its 2010 EEO-5 Report which shows the number of individuals in each sex and race/ethnic group who, as of October 1, 2010, worked in each of the relevant Teacher (Elementary, Secondary and Other Classroom Teachers) and Administrator (Officials, Administrators & Managers, Principals and Assistant Principals) categories. TUSD also provided the same information for individuals who were employed in these Teacher and Administrator categories on November 29, 2012.

The best source of the data necessary to measure African-American and Hispanic representation among individuals who are interested in and qualified for TUSD Teacher and Administrator jobs is the most recent EEO-5 Reports submitted by covered public schools in the relevant geographic area. The EEOC recently published reports that aggregate the EEO-5 data across covered public schools in each state.<sup>2</sup> Therefore, the most appropriate aggregate EEO-5 Report is for Arizona. The Arizona EEO-5 Report is a reliable source for measurement of Black

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<sup>2</sup> No other EEO-5 aggregations have been published by the EEOC.

and Hispanic availability for the relevant TUSD jobs because individuals who were, in fact, employed in relevant Teacher and Administrator categories have, by assumption of these jobs, demonstrated their interest in and qualification for these occupations.<sup>3</sup> Moreover, the fact that they were working in Arizona indicates that they are willing and able to accept employment in this geographic area.<sup>4</sup>

#### **IV. AFRICAN-AMERICAN REPRESENTATION IN TUSD'S TEACHER AND ADMINISTRATOR WORKFORCES**

*Teachers - 2010.* According to its 2010 EEO-5 Report, TUSD employed 1,922 Elementary Classroom Teachers (Elementary Teachers). The 2010 aggregate Arizona EEO-5 Report shows that 2.10% of public school Elementary Teachers in the state were African-American. Therefore, if TUSD employed Blacks in this Teacher category in numbers consistent with African-American representation in this occupation in Arizona, then the District would have employed approximately 40 Black Elementary Teachers ( $1,922 \times 0.0210 = 40.44$ ).

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<sup>3</sup> Connolly, Peterson and Connolly (2006) state, "[t]he census data that we find most relevant in determining the composition of a skill-segment of a local labor force are those giving, by affinity group and by local geographic area, the numbers of people employed in jobs associated with the skill-segment of interest. These data are appropriate because the assumption of a job by an individual is a reasonably good indication that she or he is interested in and capable of the type of work the job involves." [Use of Statistics in Equal Employment Opportunity Litigation. New York: Law Journal Press, pages 5-36.]

<sup>4</sup> In my opinion, the computation of availability rates using data that includes other states with substantially larger Black populations (e.g., California and Texas) is not appropriate. While individuals who are employed as public school Teachers and Administrators in these other geographic areas are presumably interested in and qualified for the occupation, the African-Americans may be less willing and able to work in Arizona than members of other demographic groups.



**Table 1**  
**Analyses of the Racial (African-American) Composition of 2010 TUSD Teachers**  
**Using 2010 Arizona EEO-5 Availability Rates**

Occupation	Percent African- American in Labor Market	Total Number of TUSD Employees	Expected Number of African- American TUSD Employees	Actual Number of African- American TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Elementary Classroom Teachers	2.10%	1,922	40.44	56	15.56	2.47	*
Secondary Classroom Teachers	2.46%	754	18.58	28	9.42	2.21	*
Other Classroom Teachers	2.61%	136	3.55	0	-3.55	-1.91	
<b>Total Teachers</b>	<b>2.22%</b>	<b>2,812</b>	<b>62.56</b>	<b>84</b>	<b>21.44</b>	<b>2.74</b>	<b>*</b>

As Table 1 shows, TUSD actually employed 56 African-American Elementary Teachers in 2010, or nearly 16 more than the predicted. Given that the number of standard deviations of this difference is 2.47 and the actual number of TUSD Black Elementary Teachers is 1.4 times larger than predicted, the conclusion is that TUSD employed Blacks in this Teacher category in numbers statistically significantly and substantially larger than would be expected given their representation in this job in Arizona public schools.

According to its EEO-5 Report, TUSD employed 754 Secondary Classroom Teachers (Secondary Teachers) in 2010. The 2010 aggregate Arizona EEO-5 Report shows that 2.46% of the Secondary Teachers in public schools were African-American. Therefore, if TUSD employed African-Americans in this occupation in numbers proportionate to Black representation in these jobs in Arizona, then the District would have employed approximately 19 African-American Secondary Teachers ( $754 \times 0.0246 = 18.58$ ).

As Table 1 shows, in 2010, TUSD actually employed 28 Black Secondary Teachers, or approximately nine more than predicted. Given that the number of standard deviations of this positive difference is 2.21 and the actual number of TUSD African-American Secondary Teachers is 1.5 times larger than predicted, the conclusion is that, in 2010, TUSD employed

African-Americans in this occupation in numbers statistically significantly and substantially larger than would be expected given their representation in this Teacher category in Arizona public schools.

The TUSD 2010 EEO-5 Report shows that the District employed 136 Other Classroom Teachers (Other Teachers) in that year. According to the 2010 aggregate EEO-5 Report, 2.61% of the Other Teachers in Arizona public schools were African-American. Hence, if TUSD employed Blacks in this occupation in numbers proportionate to their representation in this Teacher category in Arizona, then the District would have employed approximately four African-American Other Teachers ( $136 \times 0.0261 = 3.55$ ).

As Table 1 shows, in 2010, TUSD did not employ any Black Other Teachers, or four fewer than predicted. Given that the number of standard deviations of this four person shortfall is not statistically significant (-1.91 standard deviations), this outcome is reflective of the external labor market data.

When the results of the analyses for the three types of Teachers are aggregated, the model reveals that, among the 2,812 Teachers employed in 2010, the expectation is that approximately 63 would be African-American ( $2,812 \times 0.0222 = 62.56$ ).<sup>5</sup> In fact, TUSD employed 84 Black Teachers in 2010, or approximately 21 more than predicted. Given that the number of standard deviations of this excess number of African-Americans is 2.74 and the actual number of TUSD Black Teachers is 1.3 times larger than the model predicts, the conclusion is that, in 2010, TUSD employed Black Teachers at a statistically significantly and substantially higher rate than would be expected given African-American representation among Teachers in Arizona public schools.

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<sup>5</sup> The weighted average percent African-American among all Teachers in Arizona public schools is 2.22%. The weighted average African-American availability rate is computed by dividing the total expected number of African-American TUSD Teachers by the total number of TUSD Teachers.

*Teachers - 2012.* Table 2 reports the results of the 2012 African-American Teacher workforce analysis. Given that the most recent aggregate EEO-5 data that are available are from 2010, the 2012 analyses use the same African-American benchmarks as the 2010 analyses.

**Table 2**  
**Analyses of the Racial (African-American) Composition of 11/29/2012 TUSD Teachers**  
**Using 2010 Arizona EEO-5 Availability Rates**

Occupation	Percent African-American in Labor Market	Total Number of TUSD Employees	Expected Number of African-American TUSD Employees	Actual Number of African-American TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Elementary Classroom Teachers	2.10%	1,903	40.04	55	14.96	2.39	*
Secondary Classroom Teachers	2.46%	692	17.05	27	9.95	2.44	*
Other Classroom Teachers	2.61%	135	3.52	2	-1.52	-0.82	
<b>Total Teachers</b>	<b>2.22%</b>	<b>2,730</b>	<b>60.61</b>	<b>84</b>	<b>23.39</b>	<b>3.04</b>	<b>*</b>

As Table 2 shows, the 2012 TUSD data reveal a pattern similar to the 2010 analyses. In 2012:

- TUSD employed statistically significantly and substantially larger numbers of African-American Elementary and Secondary Teachers than would be expected given the representation of this demographic group among individuals employed in these two occupations in public schools across Arizona;<sup>6</sup> and
- the number of Black Other Teachers employed by TUSD in 2012 is consistent with the external labor market benchmark.<sup>7</sup>

When the results of the 2012 analyses are aggregated across the three Teacher categories, as Table 2 shows, TUSD employed approximately 23 more African-Americans than the model predicts. Given that the number of standard deviations of this positive difference is 3.04 and the actual number of TUSD Black Teachers is 1.4 times larger than predicted, the conclusion is that,

<sup>6</sup> The actual number of Black TUSD Elementary Teachers is 1.4 times larger than the expectation. The actual number of Black TUSD Secondary Teachers is 1.6 times larger than predicted.

<sup>7</sup> Table 2 shows that the actual number of TUSD African-American Other Teachers fell one or two people short of the predicted number. This shortfall is not statistically significant (-0.82 standard deviations).

in 2012, TUSD employed statistically significantly and substantially more Black Teachers than would be expected given their representation among Teachers in Arizona public schools.

*Administrators – 2010.* According to its EEO-5 Report, in 2010, TUSD employed 35 individuals in the Officials, Administrators & Managers category. The aggregate 2010 Arizona EEO-5 Report shows that 3.11% of public school employees who worked in these occupations were Black. Therefore, if TUSD employed African-Americans in these occupations in numbers proportionate to their representation rate in these jobs in Arizona, then the District would have employed approximately one member of this racial group ( $35 \times 0.0311 = 1.09$ ).

**Table 3**  
**Analyses of the Racial (African-American) Composition of 2010 TUSD Administrators**  
**Using 2010 Arizona EEO-5 Availability Rates**

Occupation	Percent African-American in Labor Market	Total Number of TUSD Employees	Expected Number of African-American TUSD Employees	Actual Number of African-American TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Officials, Administrators, Mgrs	3.11%	35	1.09	5	3.91	3.81	*
Principals	3.97%	92	3.65	4	0.35	0.19	
Assistant Principals	4.92%	46	2.26	3	0.74	0.50	
<b>Total Administrators</b>	<b>4.05%</b>	<b>173</b>	<b>7.00</b>	<b>12</b>	<b>5.00</b>	<b>1.93</b>	

As Table 3 shows, TUSD actually employed five African-Americans in these jobs, or nearly four more than predicted. Given that the number of standard deviations of this positive difference is 3.81 and the actual number of Black Officials, Administrators & Managers is 4.6 times the prediction, the conclusion is that TUSD employed Blacks in these occupations in numbers statistically significantly and substantially larger than expected.

According to TUSD’s 2010 EEO-5 Report, the District employed 92 Principals in that year. The 2010 aggregate Arizona EEO-5 Report indicates that 3.97% of Principals in public schools are African-American. Therefore, if TUSD employed Blacks in this occupation in

numbers proportionate to their representation in Arizona public schools, then the number of African-American Principals would be approximately four.

As Table 3 shows, in 2010, TUSD, in fact, employed four African-Americans in this position. Therefore, Black representation among TUSD's Principals is essentially equal to the expected number.

In 2010, TUSD employed 46 Assistant Principals. The 2010 aggregate Arizona EEO-5 Report shows that 4.92% of the individuals who worked in this job in public schools were Black.<sup>8</sup> Therefore, if TUSD employed African-Americans in this occupation in numbers consistent with their representation in this labor market, then the District would have employed approximately two Black Assistant Principals.

As Table 3 shows, in 2010, TUSD employed three African-Americans in this job, or approximately one more than predicted.<sup>9</sup> Given that the actual number exceeded the expectation by less than one whole person, this outcome is consistent with the state data.

When the results of the analyses for the three types of Administrators are aggregated, the model reveals that, among the 173 TUSD employees, the expectation is that seven of these individuals would be African-American. In fact, TUSD employed twelve Black Administrators, or five more than predicted. Given that the number of standard deviations of this positive five person difference is less than approximately two (1.93), the conclusion is that TUSD employed African-American Administrators in numbers reflective of their representation among workers in similar occupations in Arizona public schools. However, as a practical matter, the excess

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<sup>8</sup> This benchmark is the percent Black among Assistant Principals (Teaching) and Assistant Principals (Non-Teaching).

<sup>9</sup> The actual number of African-American Assistant Principals employed by TUSD in 2010 is 1.3 times larger than the model predicts.

number of TUSD Black Administrators is large – the actual number of 2010 TUSD African-American Administrators was 1.7 times larger than predicted.

*Administrators – 2012.* Table 4 reports the results of the 2012 African-American Administrator workforce analysis. As Table 4 shows, the 2012 Administrator data reveal a pattern similar to the 2010 analyses. In 2012:

- TUSD employed statistically significantly more Black Officials, Administrators & Managers than would be expected given the representation of this demographic group in the relevant occupations in Arizona public schools;<sup>10</sup> and
- the number of African-American Principals and Assistant Principals employed by the District is consistent with the external labor market benchmarks.

**Table 4**  
Analyses of the Racial (African-American) Composition of 11/29/2012 TUSD Administrators  
Using 2010 Arizona EEO-5 Availability Rates

Occupation	Percent African-American in Labor Market	Total Number of TUSD Employees	Expected Number of African-American TUSD Employees	Actual Number of African-American TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Officials, Administrators, Mgrs	3.11%	45	1.40	8	6.60	5.67	*
Principals	3.97%	88	3.49	5	1.51	0.82	
Assistant Principals	4.92%	54	2.66	3	0.34	0.22	
<b>Total Administrators</b>	<b>4.03%</b>	<b>187</b>	<b>7.55</b>	<b>16</b>	<b>8.46</b>	<b>3.14</b>	<b>*</b>

When the results of the 2012 analyses are aggregated across the three Administrator categories, the data reveal that TUSD employed approximately eight more Blacks than the model predicts.<sup>11</sup> Given that the number of standard deviations of this positive difference is 3.14 and the actual number of Black TUSD Administrators is 2.1 times larger than predicted, the conclusion is that, in 2012, the District employed statistically significantly and substantially more African-American Administrators than would be expected given their representation among Administrators in Arizona public schools.

<sup>10</sup> The actual number of Black TUSD Officials, Administrators & Managers is 5.7 times larger than the model predicts.

<sup>11</sup> The actual number of African-American TUSD Administrators is 2.1 times larger than the expectation.

**V. HISPANIC REPRESENTATION IN TUSD'S TEACHER AND ADMINISTRATOR WORKFORCES**

*Teachers – 2010.* Table 5 presents the results of the analyses of the ethnic composition of Teachers employed by TUSD in 2010. According to the 2010 aggregate Arizona EEO-5 Report, 12.20% of Elementary Teachers in public schools were Hispanic. Given that, in 2010, TUSD employed 1,922 Elementary Teachers, the expectation is that the District would have employed approximately 235 Hispanics in this occupation ( $1,922 \times 0.1220 = 234.56$ ). In fact, TUSD employed approximately 530 Hispanics in this Teacher category, or 295 more than the statistical model predicts. Given that the number of standard deviations of this large positive difference is 20.59 standard deviations and TUSD employed Hispanic Elementary Teachers in numbers 2.3 times higher than the statewide benchmark, the conclusion is that Hispanics were statistically significantly and substantially overrepresented in this District occupation.

**Table 5**  
**Analyses of the Ethnic (Hispanic) Composition of 2010 TUSD Teachers**  
**Using 2010 Arizona EEO-5 Availability Rates**

Occupation	Percent Hispanic In Labor Market	Total Number of TUSD Employees	Expected Number of Hispanic TUSD Employees	Actual Number of Hispanic TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Elementary Classroom Teachers	12.20%	1,922	234.56	530	295.44	20.59	*
Secondary Classroom Teachers	9.90%	754	74.63	124	49.38	6.02	*
Other Classroom Teachers	14.01%	136	19.06	39	19.94	4.93	*
<b>Total Teachers</b>	<b>11.67%</b>	<b>2,812</b>	<b>328.24</b>	<b>693</b>	<b>364.76</b>	<b>21.44</b>	<b>*</b>

According to the 2010 aggregate Arizona EEO-5 Report, 9.90% of Secondary Teachers in public schools were Hispanic. Given that, in 2010, TUSD employed 754 Secondary Teachers, the expectation is that the District would have employed approximately 75 Hispanics in this Teacher category ( $754 \times 0.0990 = 74.63$ ).

As Table 5 indicates, TUSD actually employed 124 Hispanic Secondary Teachers, or approximately 49 more than the statistical model predicts. Given that the number of standard deviations of this positive difference is 6.02 and that TUSD employed Hispanic Secondary Teachers at 1.7 times the expectation, the conclusion is that Hispanics are statistically significantly and substantially overrepresented in this District occupation.

According to the 2010 aggregate Arizona EEO-5 Report, 14.01% of Other Teachers in public schools were Hispanic. Given that TUSD employed 136 individuals in this Teacher category, the expectation is that it would employ approximately 19 Hispanics in this occupation.

Table 5 shows that the District actually employed 39 Hispanic Other Teachers, or nearly 20 more than predicted. Given that this positive difference is statistically significant at 4.93 standard deviations and that TUSD employed Hispanics in this occupation in numbers twice as high as expected, the conclusion is that this ethnic group was statistically significantly and substantially overrepresented in the Other Teacher category in 2010.

When the results of the 2010 analyses are aggregated across the three Teacher categories, the data reveal a pattern of significant overrepresentation of Hispanics in the TUSD Teacher occupations (21.44 standard deviations). In addition, as a practical matter, the positive difference is large – the rate at which the District employed Hispanic Teachers were 2.1 times their representation among Teachers in Arizona public schools.

**Teachers – 2012.** Table 6 presents the results of the 2012 Hispanic Teacher workforce analysis. As Table 6 reveals, the 2012 TUSD data reveal a pattern similar to the 2010 analyses. In 2012:

- TUSD employed statistically significantly and dramatically larger numbers of Hispanic Elementary and Secondary Teachers than would be expected given the



representation of this ethnic group among individuals who work in these two occupations in public schools in Arizona;<sup>12</sup> and

- the number of Hispanic Other Teachers employed by the District exceeds the statistical expectation, but not statistically significantly so.<sup>13</sup>

**Table 6**  
**Analyses of the Ethnic (Hispanic) Composition of 11/29/2012 TUSD Teachers**  
**Using 2010 Arizona EEO-5 Availability Rates**

Occupation	Percent Hispanic in Labor Market	Total Number of TUSD Employees	Expected Number of Hispanic TUSD Employees	Actual Number of Hispanic TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Elementary Classroom Teachers	12.20%	1,903	232.24	553	320.76	22.46	*
Secondary Classroom Teachers	9.90%	692	68.49	124	55.51	7.07	*
Other Classroom Teachers	14.01%	135	18.92	26	7.08	1.76	
<b>Total Teachers</b>	<b>11.71%</b>	<b>2,730</b>	<b>319.65</b>	<b>703</b>	<b>383.36</b>	<b>22.83</b>	<b>*</b>

When the 2012 results are aggregated across the three Teacher categories, the data reveal a pattern of statistically significant overrepresentation of Hispanics in TUSD Teacher occupations. Moreover, as a practical matter this positive difference is large – the rate at which the District employed Hispanic Teachers was 2.2 times their representation among Arizona public school Teachers.

*Administrators – 2010.* According to its 2010 EEO-5 Report, TUSD employed 35 individuals in the Officials, Administrators & Managers category. The 2010 aggregate Arizona EEO-5 Report shows that 20.33% of the public school employees who worked in these occupations were Hispanic. Therefore, if TUSD employed Hispanics in these jobs in numbers

<sup>12</sup> The actual number of Hispanic TUSD Elementary Teachers is 2.4 times larger than the expectation. The actual number of Hispanic TUSD Secondary Teachers is 1.8 times larger than the model predicts.

<sup>13</sup> Although this difference is not statistically significant, as a practical matter, the excess number of Hispanic Other Teachers is large – the actual number of TUSD Hispanic Other Teachers is 1.4 times larger than the statistical expectation.

proportionate to their representation in these occupations in Arizona, then the District would have employed approximately seven members of this demographic group ( $35 \times 0.2033 = 7.12$ ).

**Table 7**  
**Analyses of the Ethnic (Hispanic) Composition of 2010 TUSD Administrators**  
**Using 2010 Arizona EEO-5 Availability Rates**

Occupation	Percent Hispanic in Labor Market	Total Number of TUSD Employees	Expected Number of Hispanic TUSD Employees	Actual Number of Hispanic TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Officials, Administrators, Mgrs	20.33%	35	7.12	8	0.89	0.37	
Principals	15.04%	92	13.84	33	19.16	5.59	*
Assistant Principals	14.88%	46	6.85	19	12.16	5.04	*
<b>Total Administrators</b>	<b>16.07%</b>	<b>173</b>	<b>27.80</b>	<b>60</b>	<b>32.20</b>	<b>6.68</b>	<b>*</b>

As Table 7 shows, TUSD actually employed eight Hispanics in these jobs, or approximately one more than predicted. Given that this one person surplus is not statistically significant (0.37 standard deviations), the conclusion is that TUSD employed Hispanics in these occupations in numbers consistent with their representation in similar jobs in Arizona public schools.

According to TUSD's EEO-5 Report, the District employed 92 Principals in 2010. The 2010 aggregate Arizona EEO-5 Report indicates that 15.04% of public school Principals in the state were Hispanic. Therefore, if TUSD employed Hispanics in this occupation in numbers consistent with their representation in the relevant external labor market, then the number of Hispanic Principals would be approximately 14 ( $92 \times 0.1504 = 13.84$ ).

As Table 7 shows, the District actually employed 33 Hispanic Principals in 2010, or approximately 19 more than the model predicts. Given that the number of standard deviations of this positive difference is 5.59 and that TUSD employed Hispanics in numbers 2.4 times larger than the expectation, the conclusion is that Hispanics were statistically significantly and substantially overrepresented among the District's Principals in 2010.

In 2010, TUSD employed 46 Assistant Principals. The 2010 aggregate Arizona EEO-5 Report shows that 14.88% of public school Assistant Principals were Hispanic. Therefore, if the District employed Hispanics in this occupation in numbers proportionate to their representation in this job across the state, then TUSD would have employed approximately seven Hispanic Assistant Principals ( $46 \times 0.1488 = 6.85$ ). In fact, the data show that 19 of the 2010 Assistant Principals were Hispanic, or approximately twelve more than the model predicts. Given that the number of standard deviations of this difference is 5.04 and that the actual number of Hispanic TUSD Assistant Principals was 2.8 times larger than the model predicts, the conclusion is that Hispanics were statistically significantly and substantially overrepresented among the District's Assistant Principals in 2010.

When the results of the 2010 analyses are aggregated across the three types of Administrators, the data reveal that TUSD employed approximately 32 more Hispanics than would be expected given their representation in relevant occupations in Arizona public schools. As the number of standard deviations of this positive difference is 6.68 and the actual number of Hispanic TUSD Administrators is 2.2 times larger than the model predicts, the conclusion is that, in 2010, the District employed a statistically significantly and substantially large number of Hispanics in these occupations.

***Administrators – 2012.*** Table 8 reports the results of the 2012 Hispanic Administrator workforce analysis. As Table 8 shows, the 2012 Administrator data reveal a pattern similar to the 2010 analyses. In 2012:

- TUSD employed approximately one more Hispanic in the Officials, Administrators & Managers category than the model predicts,<sup>14</sup> and

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<sup>14</sup> This positive difference is insignificant at 0.32 standard deviations.

- the actual number of Hispanic Principals and Assistant Principals employed by the District significantly and substantially exceeds the predicted number by approximately five or more standard deviations.<sup>15</sup>

**Table 8**  
**Analyses of the Ethnic (Hispanic) Composition of 11/29/2012 TUSD Administrators**  
**Using 2010 Arizona EEO-5 Availability Rates**

Occupation	Percent Hispanic in Labor Market	Total Number of TUSD Employees	Expected Number of Hispanic TUSD Employees	Actual Number of Hispanic TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Officials, Administrators, Mgrs	20.33%	45	9.15	10	0.85	0.32	
Principals	15.04%	88	13.24	32	18.76	5.60	*
Assistant Principals	14.88%	54	8.04	21	12.97	4.96	*
<b>Total Administrators</b>	<b>16.27%</b>	<b>187</b>	<b>30.42</b>	<b>63</b>	<b>32.58</b>	<b>6.47</b>	<b>*</b>

When the results of the 2012 analyses are aggregated across the three types of Administrators, the data reveal that TUSD employed approximately 33 more Hispanics than would be expected given their representation in similar occupations in Arizona public schools. As the number of standard deviations of this positive difference is 6.47 and the actual number of Hispanic TUSD Administrators is 2.1 times the expectation, the conclusion is that, in 2012, Hispanics were significantly and substantially overrepresented in the administrative occupations.<sup>16</sup>

## VI. SUMMARY

Based on the results of all of the analyses described above, the inference drawn is that, in 2010 and 2012, African-Americans and Hispanics were employed by TUSD as Teachers and

<sup>15</sup> The actual number of Hispanic TUSD Principals is 2.4 times larger than the expectation. The actual number of Hispanic TUSD Assistant Principals is 2.6 times larger than the model predicts.

<sup>16</sup> Analyses of the 09/06/2012 TUSD Teacher and Administrator workforce that use Hispanic benchmarks derived from the 2006-2010 EEO/American Community Survey reveal that the number of Hispanic Teachers employed by the District was statistically significantly and substantially greater than their representation among Elementary & Middle School Teachers (occupation code 2310), Secondary School Teachers (2320) and Special Education Teachers (2330) in Arizona and the surrounding states (California, Colorado, New Mexico, Nevada, Texas and Utah), as well as in subsets of the surrounding states (California, New Mexico and Texas; California, Colorado and Texas).

The 09/06/2012 number of Hispanic TUSD Administrators was also statistically significantly and substantially larger than their representation among Education Administrators (0230) in these broader geographic areas.

Administrators in numbers consistent with or statistically significantly and/or substantially larger than the rates at which they are represented in public schools across Arizona. The data fail to produce any evidence whatsoever that these demographic groups are underrepresented in the District's workforce.

\_\_\_\_\_  
Mary Dunn Baker, Ph.D.

\_\_\_\_\_  
Date

**Baker, Mary**

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**From:** Baker, Mary  
**Sent:** Monday, September 30, 2013 5:50 PM  
**To:** Smith, Lisa Anne (lasmith@dmyl.com)  
**Cc:** Baker, Mary  
**Subject:** Draft Report - Privileged and Confidential - Prepared at the Request of Counsel  
**Attachments:** Scan001.PDF

Lisa Anne:

Attached please find a draft report that I prepared in response to your request. Please call me after you have had a chance to read the report. I look forward to hearing from you soon.

Mary

Mary Dunn Baker, Ph.D.  
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**TUCSON UNIFIED SCHOOL DISTRICT  
HUMAN RESOURCES DEPARTMENT**

USP Section IV.C.3

*[T]he District shall develop and implement a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions. The plan shall be developed by the District recruiter with the input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel.*

**2013-14 Recruitment / Retention Advisory Committee**

<b>Name</b>	<b>Ethnicity</b>	<b>Location</b>	<b>Position</b>
Frank Larby	White	Curriculum Instruction & PD	District-level Administrator
Jimmy Hart	Black/African American	African American Studies	District-level Administrator
Tsuru Baily-Jones	Black/African American	Pan-Asian Studies	District-level Administrator
Margaret Chaney	Black/African American	Tucson Magnet High School	Certificated Staff
Murray Jr. Lewis	Black/African American	Cavett Elementary School	Certificated Staff
Frances Banales	Hispanic/Latino	--	Tucson Education Association
Dan Ireland	White	Rincon High School	Certificated Staff
Clarice Clash	Black/African American	Tucson Magnet High School	School-level Administrator
Lorrane McPherson	White	Exceptional Education	District-level Administrator
Ross Iwamoto	Asian	Community Member	
Brian Nelson	White	Pima College	
Roxanne Begay-James	American Indian/Alaska Native	Native American Studies	
Mr. Tolivar	Black/African American	University Of Arizona	
Teresa Davis	Black/African American	Cragin Elementary School	School-level Administrator
Tracey McGhee	Black/African American		Human Resources Personnel

3/20/2014