

# **EXHIBIT B**

MENDOZA PLAINTIFFS' REMAINING CONCERNS WITH THE TUSD ADVANCED LEARNING EXPERIENCE 9ALE0 ACCESS  
AND RECRUITMENT PLAN ("ALE PLAN")

Submitted May 1, 2014

Pursuant to the Stipulated Process for Parties' Review of District Plans Covered by Section I,D,1 of the USP and the District's agreement to extending their time for response, the Mendoza Plaintiffs submit the following response in writing regarding remaining concerns with the proposed ALE Plan's compliance with the USP and the basis for those concerns. For ease of reference, they provide their comments in the same order as their original April 2, 2014 comments (and the District's response).

**Dual Language Programs**

Mendoza Plaintiffs understand the District's rationale for separately reporting on the Dual Language program outside the rubric of the ALEs enumerated in the USP while at the same time aligning the program to ALEs pursuant to the Governing Board designation. So long as the District implements the USP requirements relating to Dual Language programs and reports as required by the USP, that should be satisfactory, and obviates the need for the Mendoza Plaintiffs to pursue their previously asserted objection relating to the absence of a full treatment of the Dual Language program in the ALE Plan.

**ALE Review and Assessment**

Mendoza Plaintiffs appreciate having been provided with a copy of the ALE Review and Assessment and found it useful to a fuller understanding of the ALE Plan; however, the Appendices to that Review and Assessment were not provided. Mendoza Plaintiffs ask that those Appendices be provided. (If Attachment 4 to the District's response is one of those Appendices (which appears to be the case), there is no need to produce it again. Mendoza Plaintiffs simply ask that that be confirmed.)

As to the Review and Assessment:

The USP mandates a review of the ALEs offered at each school disaggregated by grade level, race, ethnicity, and ELL status. (USP, Section V, A, 2, b.) Based on the data provided, it does not appear that there was an assessment made by grade level or ELL status. (Mendoza Plaintiffs do not believe the data on ELL enrollments in ALEs contained in Appendices 5 and 6 to the Annual Report is sufficient (or compliant with the ALE section of the USP and other USP reporting mandates). In particular, it lacks information on either school site or grade level which is essential to be able to assess the adequacy of ELL participation in ALEs and to formulate goals and strategies to increase such participation.) The overall absence of disaggregated data on ALE participation by grade level similarly prevents essential assessment of trends and patterns and thereby hampers the development of effective interventions. (See discussion in Mendoza Plaintiffs' April 2, 2014 submission at page 2.)<sup>1</sup>

---

<sup>1</sup> At page 12 of its response, the District further discusses its failure to provide disaggregated data in the manner required by the USP. Mendoza Plaintiffs do not understand why the District is providing some data that has cell sizes of one or two (*see, e.g.*, Johnson School site by ALE participation, Meredith School site by ALE participation, Native American ALE enrollment at Hughes, all part of Attachment 3) but declines to produce disaggregated data

The USP mandates an assessment of the resources available in each school for ALEs (e.g. part-time or full-time personnel assigned, annual budget). (USP, Section V, A, 2, b.) Mendoza Plaintiffs do not see evidence that this level of assessment occurred. In fact, the Review and Assessment notes that among data that is still needed is "funding for ALEs per school site". (District Response at 6 and Attachment 2 at 9.) Further, the Review and Assessment notes that "because ALEs are funded out of many different budgets (M&O, GATE, Deseg, Magnet, Language Acquisition) there is no unified ALE budget available for review." These deficiencies need to be addressed, and the parties should not be required to comb through District records to discover instances in which the District has failed to comply with explicit mandates of the USP.

### **Implementation**

Mendoza Plaintiffs appreciate the clarification provided in response to their expressed concern and receipt of the draft Implementation Plan.

As of today, however, they have an additional concern. Both the ALE Review and Assessment and the ALE Plan articulate the need to expand the number of AP courses offered in the District (and to take specific action to create an AP Support Program and an AP Coordinator to assist students in successfully enrolling in and completing these courses). (Attachment 2 at 8.) However, it appears that the District actually is proposing to reduce the number of AP courses. As of this morning (4/29/2014), Mendoza Plaintiffs have heard that AP courses are being cut at both Tucson High Magnet School (with particular reference to math and science courses) and at Catalina. If the information reaching the Mendoza Plaintiffs is correct, they object to such cuts and question what the District actually has been doing pursuant to the ALE Plan to encourage and support increased enrollment in such courses.

### **Goals and Methodology for Analyzing Participation**

The District's response has done nothing to allay the Mendoza Plaintiffs' concerns and objections (as set forth at pages 4 -5 of their April 2, 2014 submission) relating to the extremely low goals the District has set for itself to increase the participation of its African American and Latino students in ALEs, its failure even to set goals for the participation of ELL students in ALEs, and its decision to set a single goal for participation in AACs and a single goal for participation in "GATE."

In its response, the District failed to address any of the points made by the Mendoza Plaintiffs with respect to the work and writings of Dr. Ford and appears to continue to want to apply a "20% rule" without regard to the specific factors and forces at work in the District, or Dr. Ford's avowed lack of knowledge of, in particular, the District's Latino population (as noted by her in the report of the District's discussion with her that is included in Attachment 8).

Mendoza Plaintiffs strongly disagree with the assertion in the District's response that "more harm than good would come from setting specific goals for each individual program within ALE." (District Response at 10.) As the District itself then went on to state, "[t]here are substantial differences between the individual programs within ALE...." (*Id.*) Indeed, there are. And it is for precisely that reason that it is wrong to set one single goal for participation in AACs and a single goal for participation in "GATE."

---

on ELL participation in ALEs on the grounds that to do so would entail having to provide data with similarly small cell sizes.

### **UHS Enrollment**

Mendoza Plaintiffs appreciate the explanations and disclaimers provided by the District with respect to their reading of page 15 of the ALE Plan concerning goals for UHS enrollment. Given the statements in the District Response, they suggest it might want to rewrite this section of the ALE Plan to eliminate confusion and make its intent clear.

Mendoza Plaintiffs believe that the goals set for increasing African American and Latino enrollment at UHS are too low (African American to just below 5% of total UHS enrollment in four years and Latino enrollment to 40% of total UHS enrollment in four years) and note the absence of any explanation of how these goals were set.

### **Student Identification and Recruitment**

#### **Recommendation for AAC Identification and Recruitment**

Mendoza Plaintiffs knew they were quoting current identification and recruitment strategies when they referenced page 18 of the ALE Plan. Their question is and remains why the District has not identified the best of those identification and recruitment strategies and sought to apply them District-wide. The recommendations for AAC identification and recruitment on page 19 of the ALE Plan references none of them (course grades, state-standardized tests, benchmark testing, teacher recommendations). Rather, it discusses teacher training and professional development and flyers.

### **Increase Student Enrollment**

#### **GATE**

In response to the District's inquiry, the studies to which the Mendoza Plaintiffs were referring were "study for possible implementation" Kindergarten Push-In Itinerant Services and Primary Push-In Itinerant Services. Mendoza Plaintiffs see on Attachment 5 that these are to occur in the 2014-15 school year.

#### **Recommendations to Increase AAC Offerings**

The District has misunderstood Mendoza Plaintiffs' point concerning their request that efforts be made to coordinate the work relating to the technology index and the requirements of the USP relating to technology and the priority to Racially Concentrated Schools with the statement in the ALE Plan that the District work to "equalize access to technology at District middle and high schools." (April 2, 2014 submission at 8.) The issue is not whether the Mendoza Plaintiffs sought additional information or an R&R concerning the technology index, the issue is giving priority in the context of the mandates of the USP to those areas and schools also identified as technology deficient in the ALE Plan so that the delivery of ALE courses to those schools is not further impeded. The ALE Review and Assessment underscores this need. Among the barriers identified by TUSD principals as affecting African American and Latino students' ability to enroll in and successfully complete ALEs at individual school sites is "limited technology: schools vary in their access to computers, technology, and access to the internet." (Attachment 2 at 7.) Further, the Review and Assessment states that equitable access in TUSD ALEs for African American and Latino students can be improved by focusing on changes in the following areas: "access to technology while at school." (*Id.* at 8.) Finally, the Review and Assessment lists as data still needed or with respect to which easier access is needed is "technological capabilities by school." (*Id.* at 9.) This, then, is an area in which Mendoza Plaintiffs believe it is essential for divisions of the District to share information and work

together across silos. It also will help maximize and prioritize the District's use of its resources. That is what Mendoza Plaintiffs meant by their comment.