

EXHIBIT F

TUSD's July 28, 2014 Alignment Response to the Special Master's Report and Recommendation (R&R) on the Advanced Learning Experiences ("ALE") Plan
Received on July 16, 2014

The District provides this alignment response to the Special Master's draft Report and Recommendation on the District's Advanced Learning Experiences ("ALE") Plan, submitted on July 16, 2014.

The latest version of the ALE Plan was provided to the Parties and the Special Master on May 30, 2014. On July 16, 2014, the Special Master shared a draft R&R (dated July 14, 2014) with the parties. The District hereby responds to the draft R&R:

SM Issue # 1: Should Goals for Student Participation be Program-specific?

Recommendation (from text)

The District should be required to report participation by race and ELL status and to set goals for African American and Latino student participation in each of the various types of ACC and GATE programs. With respect to GATE programs, the District should be required to categorize these programs by the amount of time students are engaged in them in a typical week. These data should be broken down by school level--elementary, middle, K-8, and high school. If the District wishes to use additional criteria to differentiate ALE, it should be allowed to do so.

Recommendation (from summary)

[The District should be ordered to report] participation in ALE identified above by race and ELL status and to set goals for African American and Latino student participation in each of the various types of ACC and GATE programs and, with respect to GATE programs, the District should categorize these programs by the amount of time students are engaged in them in a typical week. These data should be broken down by school level--elementary, middle, K-8, and high school. If the District wishes to use additional criteria to differentiate ALE, it should be allowed to do so. The District should comply with these requirements no later than September 15, 2014.

TUSD's Response to #1:

- a. *The District should be ordered to report participation in ALE identified above by race and ELL status*

The District will report ALE participation by race and ELL status, pursuant to the data disaggregation proposal previously submitted to the parties on May 30, 2014.

- b. *Set goals for African American and Latino student participation in each of the various types of AAC [sic] and GATE programs*

EXHIBIT F

Plaintiffs have failed to offer a goal for African American and Latino participation in AACs and GATE that they believe would be sufficient, or to explain how goals aimed at significantly narrowing disparities in participation rates for African American and Latino students are deemed to be “extremely low goals”

Separate goals for each AAC or GATE program will not promote the USP’s goal, which is to increase African American and Latino student participation in ALEs overall. The USP requires the District to set annual goals for “progress to be made in improving *access...*”, not participation, “... for African American and Latino students, including ELL students, to all ALE programs”. USP § V.A.2.a (emphasis added). Further, the USP states that the ALE Access and Recruitment Plan should focus on identifying and encouraging African American/Latino students to enroll in ALEs, and to successfully complete ALEs – ALEs being referred to in the aggregate, not as individual components. Finally, the USP’s ALE section clearly separates ALEs into three subsections: UHS, GATE, and AACs, implying that separate goals may be appropriate for those three sub-categories, but not implying that separate goals should or must exist for sub-categories within the sub-categories. Such separation makes no sense, as separate goals for individual AACs (or individual GATE programs) will result in the AACs competing against one another for participants. The District’s aim should be increasing overall participation, and it should not be penalized if students choose certain AACs over others (or participate in self-contained GATE over pull-out GATE). For example, if all of the African American students at Cholla High School are enrolled in IB, rather than dual-credit, it should not “count against” the District that zero African American students are enrolled in dual-credit at Cholla. Likewise, if the District recruits an African American third grader into GATE, but the parent prefers pullout to self-contained, the increase in African American students in GATE should not count against USP-compliance because the parent chose one program over the other.

- c. *With respect to GATE programs, the District should be required to categorize these programs by the amount of time students are engaged in them in a typical week.*

The District will categorize these programs by the amount of time students are engaged in them in a typical week.

- d. *These data [a-c] should be broken down by school level--elementary, middle, K-8, and high school.*

The District will disaggregate the data by school level (ES, MS, K8, and HS) pursuant to the data disaggregation proposal previously submitted to the parties on May 30, 2014.

- e. *The District should comply with these requirements no later than September 15, 2014.*

SM Issue # 2: Goals for Participation

Recommendation (from text)

The District should use a 15 percent or less rule calculated over three years starting in 2014-15 based on actual enrollment in each year to set goals for African-American and Latino students in each distinctive type of ALE. Moreover, these goals should vary by school level (elementary, middle, K-8, and high school). This will result in significant differences in the goals for some ALE and for African American and Latino students respectively. If the District believes some of these goals are unrealistic given human and financial constraints, it should propose alternative but consequential goals and explain why. For example, it may be that the goals for self-contained GATE programs would be more difficult to meet than goals for a less resource intensive program because of resource issues and the fact that the gap in present enrollment is greatest in this type of GATE program.

Recommendation (from summary)

Use a 15 percent or less rule calculated over three years starting in 2014-15 based on actual enrollment in each year to set goals for African-American and Latino students in each distinctive type of ALE. Moreover, these goals should vary by school level (elementary, middle, K-8, and high school). If the District believes some of these goals are unrealistic given human and financial constraints, it should propose alternative but consequential goals and explain why. This should be accomplished no later than September 15, 2014.

TUSD's Response to #2:

- a. *Use a 15 percent or less rule calculated over three years starting in 2014-15 based on actual enrollment in each year to set goals for African-American and Latino students in each distinctive type of ALE.*

The ALE Plan currently uses a research-based rule (20%) based on the research of Dr. Donna Ford of Vanderbilt University. The District has explained the basis for this rule and its applicability in TUSD in previous responses. As the District has spent valuable time, energy, and resources to arrive at the 20% rule, the District requests that the Special Master “indicate how [he] arrived at [his] proposal” to use 15%. The District may consider this recommendation, but would like to know its basis.

- b. *These goals should vary by school level (elementary, middle, K-8, and high school). If the District believes some of these goals are unrealistic given human and financial constraints, it should propose alternative but consequential goals and explain why. This should be accomplished no later than September 15, 2014.*

The District, generally, objects to the goal-setting scheme recommended by the Special Master as untenable. Here is an example of what is being requested:

- i. There are eight distinct AAC/GATE programs (Dual-Credit, IB, PreAP, AP, Self-Contained GATE, Pull-out GATE, Resource GATE, Cluster GATE), meaning we begin with eight distinct goals.
- ii. There are two race/ethnicities, leading to 16 distinct goals.
- iii. There are four school levels, leading to 64 separate distinct goals

Setting 64 separate goals is unreasonable. The District's goals, aimed towards eliminating or significantly reducing disparities in participation, are reasonable and consequential alternatives to the proposal.

SM Issue # 3: Goals for ELLs

Recommendation (from text)

The District should develop goals for the involvement of ELL students in specific ALE programs and indicate how it arrived at these proposals. For example, the District could examine what programs now have ELL enrollment and how this came about and with what success.

Recommendation (from summary)

Develop goals for the involvements of ELL students in specific ALE programs and indicate how it arrived at these proposals. This analysis should be completed and recommendations for increasing the enrollment of ELL in ALE by December 15, 2014.

TUSD's Response to #3:

This objection was not included in the Mendoza Plaintiffs' original Request for Report and Recommendation or raised by any other Plaintiff. The USP does not require the District to "set express goals for the increased participation of ELL students in ALEs," neither would it include such a requirement as a significant portion of the District's ELL students are not members of either plaintiff class. There are also practical obstacles to creating separate goals for ELL students, including but not limited to the limitations of the required four-hour language block.