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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Roy and Josie Fisher, et al.,

Plaintiffs

CV 74-90 TUC DCB
(Lead Case)

v.

United States of America,

Plaintiff-Intervenor,

**DECLARATION OF MARTHA
TAYLOR RE: OBJECTION TO
REPORT AND
RECOMMENDATION ON
ADVANCED LEARNING
EXPERIENCES PLAN (ECF 1645)**

v.

Anita Lohr, et al.,

Defendants,

CV 74-204 TUC DCB
(Consolidated Case)

and

Sidney L. Sutton, et al.,

Defendants-Intervenors,

Maria Mendoza, et al.

Plaintiffs,

United States of America,

Plaintiff-Intervenor,

v.

Tucson Unified School District No. One, et al.

Defendants.

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1 I, Martha G. Taylor, declare under penalty of perjury that the following statements
2 are true:

3 1. I am above the age of 18 and am competent to make this Declaration.

4 2. I am the Director of Advanced Learning Experiences (“ALE”) for Defendant
5 Tucson Unified School District No. One (“TUSD”) in this action and have personal
6 knowledge of the facts herein. This declaration is based upon my personal knowledge,
7 information and belief.

8 3. I am directly responsible for ALE in TUSD, which includes Gifted and
9 Talented Education (“GATE”), University High School (“UHS”), Advanced Academic
10 Courses (“AACs”), and the Dual-Language Program.

11 4. Specifically, I am responsible for following the directives in Section V.A of
12 the Unitary Status Plan (“USP”), relating to ALEs in TUSD, including assessing the status
13 of ALEs in TUSD and drafting and implementing the ALE Plan.

14 5. I have over twenty years of experience in education, ranging from experience
15 as a teacher of gifted students, faculty instructional coach and as an elementary and middle
16 school principal to Legal Intern with the U.S. Department of Education Office for Civil
17 Rights conducting a compliance review of gifted and talented and advanced placement
18 programs for minority students in an Arizona school district.

19 6. Setting participation goals for individual ALE programs is not desirable
20 because the District’s ultimate objective, as required by the USP, is to increase overall
21 African American and Latino participation in ALEs, not to promote certain ALE programs
22 over others or cause them to compete against one another. Our goal is to find the best ALE
23 fit for the student based on his or her needs and abilities, and the District should not be
24 penalized if it fails to meet a participation goal for a specific program because more
25 students determined that another ALE program better fit their needs.

26 7. Separate goals for individual ALE programs will create warped incentives.
27 TUSD will have an incentive to push students towards whichever programs are falling short
28 of their participation goals, rather than encouraging students to participate in the ALE that

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1 best fits their needs. If this occurs, the student’s chance at success in the ALE might be
2 significantly lower than if the student had been placed in a different ALE.

3 8. Separate goals for specific GATE services are not desirable because students
4 and parents in the District must have flexibility in choosing the GATE services that best fit
5 the needs of the student. Many students choose to receive GATE “pull out” services, rather
6 than full-time self-contained GATE services, because they desire to stay at their home
7 school rather than attend another school some distance away from their home. This choice
8 should be left to students and their parents, and the District should not be penalized for
9 allowing them this flexibility.

10 9. At present, Cholla High School has a vibrant and extensive IB program but
11 has fewer AP course offerings. For example, in the 2013-14 school year, Cholla offered
12 one AP course; during the current school year, none are offered. However, this school year
13 the school is offering approximately 48 IB courses and 23 IB-Prep courses. There is no
14 difference in the rigor or benefit of IB versus AP, and both programs allow students to earn
15 college credit. TUSD should not be penalized if a student chooses Cholla and its IB courses
16 rather than AP courses at another high school.

17 10. I personally consulted with Dr. Donna Ford, Ph.D. when my colleagues and I
18 were developing the ALE Plan. Dr. Ford is a nationally recognized expert in the field of
19 gifted and talented education for minority students and is a professor in the Departments of
20 Special Education and Teaching and Learning at Vanderbilt University. Her work includes
21 the book, *Recruiting and Retaining Culturally Different Students in Gifted Education*,
22 published in 2013 and nominated for the 2014 NAACP Image Award for Literature-
23 Instruction.

24 11. Based on Dr. Ford’s stellar credentials, and after a thorough review of her
25 work, I determined that the “20% Rule” explained in her book *Recruiting and Retaining*
26 *Culturally Different Students in Gifted Education* was appropriate to use as the District’s
27 goal for African American and Latino ALE participation (other than UHS enrollment) in
28 the ALE Plan.

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1 12. Using Dr. Ford’s rule, my team and I developed a goal for African American
2 and Latino participation in ALEs designed to increase their participation to the 20%
3 threshold within five years, using the 2012-13 school year as a baseline.

4 13. TUSD defines an ELL student as a student who is unable to communicate
5 fluently or learn effectively in English. ELLs do not have the English-language ability to
6 achieve their full academic potential in schools and learning environments in which
7 instruction is delivered largely or entirely in English. They often come from non-English-
8 speaking homes and backgrounds. They typically require specialized or modified
9 instruction in both the English language and in academic courses.

10 14. ELL students in a secondary program (grades six through twelve) are required
11 by ADE and TUSD to be in either a four-hour or two-hour block based on number of ELL
12 students in a three-grade span. At the elementary level, as required by ADE and TUSD,
13 students are either in a four-hour or pull-out program based on number of ELL students in a
14 three-grade span. Both these factors pose obstacles to increased ELL participation in ALEs.
15 It simply is impossible for some ELL students to participate in some ALEs that are English-
16 intensive, and the new “common core” standards in Arizona have made even math courses
17 increasingly language-rich. Further, the required four-hour English language instruction
18 blocks make it impossible for ELL students to participate in some ALEs because of
19 scheduling constraints.
20

21 15. TUSD also receives an influx of refugee students in the Plaintiff classes who
22 come to TUSD with limited or no prior formal educational experiences. These students are
23 counted in the Plaintiff class numbers but have no realistic expectation of participating in
24 ALEs due to their limited or non-existent English language development and formal
25 education. These students’ educational needs are best met by ensuring that they receive the
26 support they need to complete their regular classes, rather than pushing them toward ALEs
27 before they are adequately prepared.
28

