

Exhibit A

MENDOZA PLAINTIFFS' REQUEST FOR A REPORT AND RECOMMENDATION CONCERNING THE  
COMPREHENSIVE MAGNET PLAN

July 25, 2014

According to the Board Actions document for July 15, 2014 posted on the TUSD web site, the Governing Board:

“Approved [the Comprehensive Magnet Plan] with updated language provided in the Power Point Presentation (posted with the agenda item on the TUSD Web), with pending definition of student achievement growth by the Arizona Department of Education and Drachman K-5 Montessori Magnet and Carrillo K-5 magnet schools will remain as is until the Boundary Plan is approved.”

Mendoza Plaintiffs will therefore reference both the Comprehensive Magnet Plan (“CMP”) and the Power Point Presentation herein. They also urge the District to promptly revise the CMP document to include the updated Power Point Presentation language to avoid confusion and lack of clarity going forward.<sup>1</sup>

Mendoza Plaintiffs will not address the *boundary* issues relating to the Drachman and Carrillo schools pending final action concerning the Boundary Plan and having previously expressed their opposition to the proposal relating to these two schools that was presented to the Boundary Committee. However, they do seek a Report and Recommendation concerning other aspects of the CMP as they relate to these two schools.

Drachman -- The CMP changes Drachman from a K-6 school to a K-5 school. (CMP at 48.) No explanation is provided for this change which is completely at odds with the position taken by the District when it adopted the October 2013 magnet plan. (That plan states at page 15: Drachman “will...expand course offerings to the 7<sup>th</sup> grade in 2014-15 and 8<sup>th</sup> grade in 2015-16.”) Mendoza Plaintiffs object to this change because they believe that it will undercut Drachman’s efforts to further develop and implement its Montessori theme and its ability to recruit an increasingly integrated student body. Further, this action is in violation of the Order Appointing Special Master (Doc. 1350), which expressly states at page 3 that before the District makes any changes to student assignment patterns it must provide notice and seek Court approval, which requirement is expressly incorporated into the USP in Section X,C (with the additional requirement, also unmet by the District, that the District prepare a

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<sup>1</sup> In this regard, they note that the CMP has been posted on the TUSD website with a notation on each page that it was adopted on July 15, 2014; however it does not appear that the updated language from the Power Point Presentation has been incorporated into that document.

Desegregation Impact Analysis). Mendoza Plaintiffs therefore request the Special Master to bring this instance of noncompliance with the USP to the Court's attention pursuant to USP Section X,E,6.

Carrillo -- The CMP states without any discussion or explanation (at page 36) that Carrillo will have a "new theme" and states that it "will be researching the theme of Communication Arts." The magnet plan adopted by the District in October 2013 also said that Carrillo would have a new theme -- but at that time it was museum studies. (At page 16 the October 2013 magnet plan stated: "Carillo has spent the last year researching various magnet themes. The staff have proposed a Museum Studies magnet theme. Magnet experts were consulted and are in support of a Museum Studies magnet....")

Mendoza Plaintiffs take no position on what the theme at Carrillo should be. They object to this provision of the CMP based on their understanding that there was little or no community or staff input into the selection of the communication arts theme and out of concern that imposition of a new theme will compromise the school's increased success in both improving student achievement and recruiting a more integrated student body.

Craigin and Mansfeld -- Mendoza Plaintiffs have repeatedly stated their concerns with respect to the District's decision to add these two schools as magnet schools. (These concerns not only were expressed in their May 21 and June 12, 2014 comments on the CMP but also in their June 2013 comments on what became the October 2013 magnet plan.) For the reasons set forth in those comments and because the District failed to follow the USP mandated process for the opening of magnet schools or programs as set forth in USP Section X,C,2, Mendoza Plaintiffs request a Report and Recommendation that the District not be permitted to add these two schools as magnet schools.

Assessment Criteria -- Mendoza Plaintiffs note and support the changes the District made in the assessment criteria from those previously proposed to address the concerns of the Plaintiffs and the Special Master that the assessment criteria had to put more emphasis on integration and student achievement. However, they believe that the criteria still underweight those factors,<sup>2</sup> having stopped at reducing "high quality instructional systems" by 5 points (from 20 to 15) and having added 5 points to "diversity" (which Mendoza Plaintiffs continue to assert should be "integration") (from 30 to 35).

Mendoza Plaintiffs believe that this can be readily accomplished:

Under Pillar 5, 5.16 is directly related to and could easily be part of 1.3 under diversity.

Under Pillar 5, 5.15 is inappropriate and must be revised. It rewards (with points) only the engagement of the "local community." Yet, the successful magnet must have the support of the larger community, whose children live outside the "local community" but elect to attend the school. Properly framed, this, too, becomes part of the assessment of integration.

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<sup>2</sup> They also note that the CMP as adopted may be misleading in that it apparently applies the prior rubric, attached to the June draft, rather than the revised rubric for the rating of schools that appears on page 46. (Comparison of the ratings in the CMP as adopted with the June draft reveals that no scores have changed -- something that presumably would not be the case if the revised rubric had been applied.) Mendoza Plaintiffs therefore ask that the District be instructed either to clarify that the results were rerun with the new rubric and that all ratings were the same as with the prior rubric or to rerun and republish the new ratings based on the revised rubric.

Pillar 4 should not be part of the assessment at all. It is part of the strategy to achieve academic excellence. (That does not mean that each magnet school should be relieved of the obligation to demonstrate that it has indeed accomplished all of the items currently in Pillar 4 -- and it could well be part of a principal's evaluation—but it should not be part of the rubric for rating magnet schools.)

Measuring Integration – This is where Mendoza Plaintiffs understand the updated language of the Power Point Presentation to be essential. They understand the critical language (on the Power Point labeled Pillar 1 – Diversity) to be:

- (1) “The ethnic composition of the magnet school on the 40<sup>th</sup> day when comparing identical grade configurations year to year will show progress toward integration” and
- (2) “Enrollment in the entry grade levels will meet the definition of integration and students in other grades that support progress toward integration will be retained.”

Mendoza Plaintiffs believe that this language is essential to the CMP particularly to the extent it underscores the need to focus on retention and attrition and, as stated above, therefore believe that the District should be directed to incorporate the language into the CMP rather than require all concerned to reference the Power Point Presentation.

Outreach and Recruitment – The Executive Summary states (on page 5) that the CMP “[i]ncludes strategies to specifically engage African American and Latino families, including the families of English language learner (“ELL”) students” but then has no discussion of strategies to reach ELL students beyond the statement that ads will be in the Spanish language media (page 12). Mendoza Plaintiffs ask that the Special Master recommend that the District be directed to articulate explicit strategies to engage and recruit ELL students.

Mendoza Plaintiffs previously have expressed concern with the requirement that the invitation for a request for proposal for new magnet schools or programs include “strategies to attract African American and Native American families.” Mendoza Plaintiffs do not object to the requirement of such strategies particularly given the District's explanation that African American and Native American families are under-represented in the District's magnet schools; however, they continue to believe that that requirement is too restrictive. Mendoza Plaintiffs request that the Special Master recommend that the District be directed to amend this provision to include strategies to attract ELL students and strategies to attract students whose race or ethnicity would contribute to the integration of the school as defined by the USP. (This is consistent with the language that the District has added to page 13 of the CMP under Magnet Department Marketing and Recruitment.)

