

Exhibit R3

MENDOZA PLAINTIFFS' RESPONSE TO SPECIAL MASTER INQUIRY CONCERNING AND
COMMENTS ON THE NOVEMBER 7, 2014 REVISED COMPREHENSIVE MAGNET PLAN

NOVEMBER 11, 2014

By email dated November 9, 2014, Dr. Hawley provided his comments on the November 7, 2014 revision to the Comprehensive Magnet Plan ("CMP") and requested response from the parties. Mendoza Plaintiffs provide that response here as well as comments on the revised CMP as it relates to their outstanding July 25, 2014 request for an R&R.

Mendoza Plaintiffs share Dr. Hawley's view that the revised plan is a significant improvement over the previous plan because it focuses on the two critical factors of integration and achievement to assess the magnet schools¹ and because it has simplified the categorization of the schools and the sustainability and improvement plans that they must adopt.

That said, Mendoza Plaintiffs share Dr. Hawley's concerns about some aspects of the way in which integration and achievement are to be assessed under the revised CMP and also have some concerns of their own:

(A) Integration

Mendoza Plaintiffs agree with Dr. Hawley that the critical measurement must be the race and ethnicity of the number of students *enrolled* for the entry level classes, not the number of accepted magnet applications for those entry grades. (Although they do agree that it will be important to monitor applications as well.) See, pages, 6, 18, and 19 of the CMP and attached Monthly Report, all of which should be changed. In this regard, Mendoza Plaintiffs also note that when it adopted the July 15, 2014 version of the CMP, the Governing Board expressly referenced the Power Point slide that said "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." This is the standard that should be included in the revised CMP.

Mendoza Plaintiffs are in general agreement with the other points the Special Master has made about integration except his proposed timeline because they continue to believe that the magnet schools have not been given the direction and resources needed to make that proposed timeline viable.

(B) Achievement

Mendoza Plaintiffs were gratified to see the express statement in the July 15, 2014 version of the CMP that the educational achievement standards included as an express goal that "[t]he achievement gaps between the racial groups participating in

¹ The discussion at pages 43-44 of the CMP which refers to the prior five pillars and rating of the magnet schools based on those pillars and their components now is both superfluous and confusing. Mendoza Plaintiffs suggest that the District may want to delete it from the text.

magnet programs will be less than the achievement gaps between racial groups not participating in magnet programs.” (See July 15, 2014 CMP at 7.)

Mendoza Plaintiffs believe that this is an important goal that must be retained in the CMP. They will seek an R&R requesting that it be returned to the CMP if the District declines to do so voluntarily. (They appreciate that the District has adopted a new goal (“The growth of the bottom 25% of students at magnet schools is higher than the State median.”) They do not believe that is an adequate substitute, however. In fact, Mendoza Plaintiffs see the two goals as complementary, not mutually exclusive.) See pages 7, 18, and 19 of the CMP and attached Monthly Report, all of which should be changed.

Mendoza Plaintiffs also agree with the Special Master’s suggestion that each magnet school should have specific milestones or benchmarks for each of the two pillars for each school based on sensible estimates about the progress that needs to be made and the school’s capacity to get there. In terms of “capacity” they add that “capacity” must include the resources and District support essential to meet those milestones and goals.

(C) Process for Withdrawing Magnet Status

Mendoza Plaintiffs question the logic of giving the Strategic Schools, charged with improving with respect to one pillar, two years to do so but giving Intensive Schools, charged with improving with respect to two pillars, only one year to improve with respect to a pillar. What is it about the Intensive Schools that suggests they can move faster than a Strategic School in either increasing integration or improving achievement?

(D) Issues in the Mendoza Plaintiffs Request for an R&R That Remain Outstanding

(1) The Carrillo Theme Change

Mendoza Plaintiffs objected to this in their July 25, 2014 request for an R&R. They repeat their objection and request here.

(2) Craigin and Mansfeld

Mendoza Plaintiffs reiterated their objection to the creation of these two new magnet schools in their July 25, 2014 request for an R&R. They repeat their objection and request here. They add that their concern about the extent to which the creation and promotion of Craigin would hamper the ability of Holladay to significantly improve as a magnet school and that the District already had lost focus on Holladay is unfortunately confirmed by Dr. Hawley’s observation that Holladay was omitted from the list of existing

magnet schools for which the District provides magnet improvement strategies for 2014-15.

(3) Recruitment and Outreach

(a) Outreach to English Language Learners

Mendoza Plaintiffs reiterate their July 25, 2014 request that the Special Master recommend that the District be directed to articulate explicit strategies to engage and recruit ELL students beyond the reference to placing ads in Spanish language media.

In response to an inquiry by the Special Master, they made the following points, which they repeat here:

Pages 11-13 of the revised CMP lists various strategies for reaching out to families of TUSD students. Mendoza Plaintiffs suggest that more of these strategies be made available to families of ELL students by making them language accessible. We appreciate that the CMP includes the strategies to “[u]tilize interpreters for meeting and events” and “[p]rovide printed materials in languages of the schools.”

We are concerned that the reference to “printed materials” may be too limiting. Mendoza Plaintiffs suggest that the District be required to expressly state that it will provide written materials in Spanish (and other appropriate home languages) that may not be “printed.” Specifically, the District should make the CMP (if it is not “printed”), the “Family Handbook,” the homework policy, college/career planning information, and direct mail campaigns language accessible to families of ELL students. The CMP should also expressly indicate that families of known ELL students will be communicated with in their home language through the methods contemplated on Page 11: “phone, e-mail, notes, flyers, newsletters, bulletin boards, web-site, suggestion box, e-blast, Tweet, Twitter, and Facebook.” The District should also specify ways in which it will actively engage families of ELL students, such as the volunteer opportunities, and parent mentorship program contemplated on Pages 11 and 12.

(4) Proposals for New Magnet Schools

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.” (See revised CMP at 21.) They repeat their 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.