

1 **TUCSON UNIFIED SCHOOL DISTRICT**
2 **LEGAL DEPARTMENT**
3 1010 E. TENTH STREET
4 TUCSON, AZ 85719
5 (520) 225-6040

6 Julie Tolleson (State Bar No. 012913)
7 Julie.Tolleson@tusd1.org

8 Samuel E. Brown (State Bar No. 027474)
9 Samuel.Brown@tusd1.org

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 Roy and Josie Fisher, et al.,
13
14 Plaintiffs

CV 74-90 TUC DCB
(Lead Case)

15 v.
16 United States of America,
17
18 Plaintiff-Intervenor,

**DECLARATION OF MARTHA
TAYLOR IN SUPPORT OF
TUSD'S NOTICE AND REQUEST
FOR APPROVAL OF GRADE
EXPANSIONS AT
FRUCHTHENDLER
ELEMENTARY SCHOOL AND
SABINO HIGH SCHOOL**

19 v.
20 Anita Lohr, et al.,
21
22 Defendants,

CV 74-204 TUC DCB
(Consolidated Case)

23 and
24 Sidney L. Sutton, et al.,
25
26 Defendants-Intervenors,

27 Maria Mendoza, et al.
28
29 Plaintiffs,

30 United States of America,
31
32 Plaintiff-Intervenor,

33 v.
34 Tucson Unified School District No. One, et al.
35
36 Defendants.

Tucson Unified School District – Legal Department
1010 East 10th Street, Room 24
Tucson, Arizona 85719
Telephone: (520) 225-6040

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

3 1. I am the Interim Senior Director for Director for Defendant Tucson Unified
4 School District No. One (“TUSD”) and have held this position since January 2015. I have
5 personal knowledge of the facts stated herein.

6 2. On November 18, 2014, TUSD’s Governing Board approved the sale of a
7 vacant, undeveloped lot, the “Fremont Lot.” After Governing Board approval, TUSD
8 presented a Desegregation Impact Analysis (DIA) to the Special Master and to the Plaintiffs
9 (the conclusion of the DIA was that the action had no desegregative impact on surrounding
10 schools). The Special Master had no objection to the sale, and counsel for the Mendoza
11 Plaintiffs, the Fisher Plaintiffs, and the Department of Justice stipulated to the subsequently-
12 filed Notice and Request for Approval (NARA). Attached hereto as **Exhibit 1** is a true and
13 correct copy of the Notice and Request for Approval filed by TUSD on November 24, 2014
14 (ECF #1719).

15 3. On January 26, 2015, the Special Master communicated to the parties that
16 TUSD was going to consider a proposal to add a 6th grade to Fruchthendler Elementary
17 School, and a 7th and 8th grade to Sabino High School. The Special Master also shared that
18 TUSD had engaged in a Desegregation Impact Analysis (DIA), and that TUSD would share
19 the information – and consult with the plaintiffs – if the Governing Board expressed support
20 for the proposal. The Special Master encouraged TUSD to give the plaintiffs a “heads up
21 early.” Attached hereto as **Exhibit 2** is a true and correct copy of two emails from the
22 Special Master to the parties on January 26, 2015.

23 4. On January 27, 2015, the principals of Fruchthendler and Sabino jointly
24 presented an information item to TUSD’s Governing Board to outline the proposal for
25 grade expansions at their respective sites. The presentation included a discussion of the
26 potential enrollment impacts, and the potential for retaining and even recapturing students
27 in the area who did not attend TUSD schools. Attached hereto as **Exhibit 3** is a true and
28

Tucson Unified School District – Legal Department
1010 East 10th Street, Room 24
Tucson, Arizona 85719
Telephone: (520) 225-6040

1 correct copy of Minutes and Presentation Materials from the January 27, 2015 Governing
2 Board meeting.

3 5. On February 2, 2015, the Special Master emailed me and indicated that his
4 “views only count on this with respect to impact on integration...it is time to get the
5 comment and review process underway.” Attached hereto as **Exhibit 4** is a true and correct
6 copy of an email from the Special Master to me on February 2, 2015. At this point, it was
7 clear to me that the Special Master was trying to work towards a resolution without
8 burdening the court with additional filings and litigation.

9 6. On February 6, 2015, I met with TUSD’s Director of Student Assignment, the
10 principals of Fruchthendler and Sabino, and the Special Master to discuss the proposal via
11 teleconference. The teleconference lasted a little more than one hour. During the meeting,
12 the Special Master indicated that keeping more kids in the district was good, he
13 acknowledged that no school would become more racially concentrated as a result of the
14 proposal, that this was not an issue of desegregation, and that he did not see any integration
15 impediments (but did not know about any views the plaintiffs might have on the matter).

16 7. On February 9, 2014, TUSD sent a preliminary DIA to the Special Master and
17 the Plaintiffs. Attached hereto as **Exhibit 5** is a true and correct copy of an email from me
18 to the Special Master and Plaintiffs on February 9, 2014.

19 8. On February 10, 2015, TUSD staff presented an agenda item to the TUSD
20 Governing Board for grade expansions at Fruchthendler and Sabino, including desegregation
21 impact analyses regarding the potential effects of the proposal on racial and ethnic student
22 enrollment at these two schools and neighboring schools. Following a presentation and rich
23 discussion among the Governing Board, the Superintendent, and the Director of Student
24 Assignment, the Board voted and approved the grade expansions. Attached hereto as
25 **Exhibit 6** is a true and correct copy of Minutes and Presentation Materials from the
26 February 10, 2015 Governing Board meeting.

27 9. On February 12, 2015, in response to TUSD’s email of February 9, 2015
28 (transmitting the preliminary DIA), counsel for the Fisher plaintiffs emailed objections to

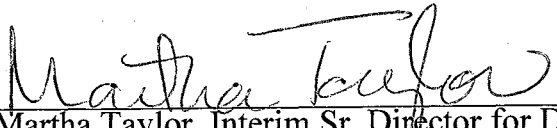
1 the Special Master and Parties. Between the 12th and 13th, the Special Master and counsel
2 for the Fisher plaintiffs exchanged emails regarding the import of the objections. The
3 Special Master concluded that the emailed objections from the Fishers were to be deemed
4 formal objections, and that TUSD had 20 days to respond. Attached hereto as **Exhibit 7** is
5 a true and correct copy of the Fisher objections from February 12, 2015.

6 10. On Tuesday, February 17, 2015, counsel for the Mendozas emailed objections
7 to the Special Master and Parties. Attached hereto as **Exhibit 8** is a true and correct copy of
8 the Mendoza objections from February 17th, 2015.

9 11. After receiving the Mendoza objections on February 17, 2015, TUSD staff
10 and leadership met and decided to provide a NARA proposal in a comprehensive document
11 designed to provide detailed information analyzing impacts on desegregation, responding to
12 objections and concerns, and providing certain information that had been requested by the
13 Special Master and Plaintiffs.

14 12. TUSD staff members spent approximately two weeks preparing a response
15 and request for approval to be submitted to the Special Master and Plaintiffs no later than
16 the deadline for responding to the Fisher objections (March 4, 2015). On March 4, 2015, I
17 emailed TUSD's response and request for approval to the Special Master and the Plaintiffs
18 pursuant to the timeline the Special Master communicated on February 13, 2015. Attached
19 hereto as **Exhibit 9** is a true and correct copy of the March 4, 2015 email and "Response to
20 Objections and Request for Approval" to the Special Master and Plaintiffs' objections,
21 questions, and concerns.

22
23 DATED this 14th day of April, 2015

24
25 
26 Martha Taylor, Interim Sr. Director for Desegregation

Tucson Unified School District – Legal Department
1010 East 10th Street, Room 24
Tucson, Arizona 85719
Telephone: (520) 225-6040

Tucson Unified School District – Legal Department
1010 East 10th Street, Room 24
Tucson, Arizona 85719
Telephone: (520) 225-6040

1 **ORIGINAL** of the foregoing filed via the CM/ECF
2 Electronic Notification System and transmittal of a
3 Notice of Electronic Filing provided to all parties
4 that have filed a notice of appearance in the District
5 Court Case, as listed below.

6 ANDREW H. MARKS
7 Attorney for Special Master
8 Law Office of Andrew Marks PLLC
9 1001 Pennsylvania Ave., NW
10 Suite 1100
11 Washington, DC 20004
12 amarks@markslawoffices.com

13 LOIS D. THOMPSON CSBN 093245
14 JENNIFER L. ROCHE CSBN 254538
15 Attorneys for Mendoza Plaintiffs
16 Proskauer Rose LLP
17 2049 Century Park East, Suite 3200
18 Los Angeles, California 90067
19 (310) 557-2900
20 lthompson@proskauer.com
21 jroche@proskauer.com

22 JUAN RODRIGUEZ, CSBN 282081
23 THOMAS A. SAENZ, CSBN 159430
24 Attorneys for Mendoza Plaintiffs
25 Mexican American LDEF
26 634 S. Spring St. 11th Floor
27 Los Angeles, CA 90014
28 (213) 629-2512
jrodriguez@maldef.org
tsaebz@maldef.org

RUBIN SALTER, JR. ASBN 001710
KRISTIAN H. SALTER ASBN 026810
Attorney for Fisher, et al., Plaintiffs
177 North Church Avenue, Suite 903
Tucson, Arizona 85701-1119
rsjr2@aol.com

Tucson Unified School District – Legal Department
1010 East 10th Street, Room 24
Tucson, Arizona 85719
Telephone: (520) 225-6040

1 ANURIMA BHARGAVA
ZOE M. SAVITSKY CAN 281616
2 JAMES EICHNER
Attorneys for Plaintiff-Intervenor
3 Educational Opportunities Section
Civil Rights Division
4 U.S. Department of Justice
950 Pennsylvania Avenue, SW
5 Patrick Henry Building, Suite 4300
Washington, DC 20530
6 (202) 305-3223
anurima.bhargava@usdoj.gov
7 zoe.savitsky@usdoj.gov
james.eichner@usdoj.gov

8 J. WILLIAM BRAMMER, JR. ASBN 002079
9 OSCAR S. LIZARDI ASBN 016626
MICHAEL J. RUSING ASBN 006617
10 PATRICIA V. WATERKOTTE ASBN 029231
Attorneys for Tucson Unified School District No. One, et al., Defendants
11 6363 North Swan Road, Suite 151
Tucson, Arizona 85718
Telephone: (520) 792-4800
12 Facsimile: (520)529-4262
13 Brammer@rllaz.com
OLizardi@rllaz.com
14 MRusing@rllaz.com
15 PVictory@rllaz.com

16 s/ Samuel E. Brown
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

RUSING LOPEZ & LIZARDI, P.L.L.C.

6363 North Swan Road, Suite 151

Tucson, Arizona 85718

Telephone: (520) 792-4800

Facsimile: (520)529-4262

J. William Brammer, Jr. (State Bar No. 002079)

wbrammer@rllaz.com

Oscar S. Lizardi (State Bar No. 016626)

olizardi@rllaz.com

Michael J. Rusing (State Bar No. 006617)

mrusing@rllaz.com

Patricia V. Waterkotte (State Bar No. 029231)

pvictory@rllaz.com

Attorneys for Tucson Unified School District No. One, et al.

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,

**NOTICE AND REQUEST FOR
APPROVAL OF SALE OF
VACANT LOT ON FREMONT
AVENUE**

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.

Rusing Lopez & Lizardi, P.L.L.C.
6363 North Swan Road, Suite 151
Tucson, Arizona 85718
Telephone: (520) 792-4800

1 The Tucson Unified School District, No. 1 (“TUSD” or the “District”), by and
2 through undersigned counsel, submits this Notice and Request for Approval of the sale of
3 Property, a vacant, undeveloped lot located at 422 South Fremont Avenue, Tucson, Arizona
4 (“Fremont Lot”), an action approved by TUSD’s Governing Board on November 18, 2014.
5 See Exhibit 1 hereto, Minutes from Governing Board meeting on November 18, 2014. This
6 request is made pursuant to the January 6, 2012 Order Appointing Special Master (ECF No.
7 1350) and this Court’s August 22, 2012 Order (ECF No. 1385).

8 The Department of Justice, the Mendoza Plaintiffs, and the Fisher Plaintiffs all have
9 stipulated through counsel to this Notice and Request for Approval. See Declaration of
10 Sarah J. Stanton (“Decl. Stanton”) and Exhibits A, B, and C thereto. Special Master Willis
11 Hawley also has indicated that he has no objection to the sale. See Exhibit D to Decl.
12 Stanton.

13 The Fremont Lot is a 0.18-acre, undeveloped vacant lot. See TUSD Desegregation
14 Impact Analysis attached hereto as Exhibit 2. The proposed buyer of the lot is the neighbor
15 to its north, who intends to build a single-family home on the property. Id. TUSD has
16 determined that the sale will have no desegregation impact on the schools that serve the
17 area, as it is projected to generate less than 0.6 students overall. Id.

18 Based on the foregoing, TUSD respectfully requests that the Court approve the sale
19 of the Fremont Lot.

20
21 DATED this 24th day of November 2014.

22
23 RUSING LOPEZ & LIZARDI, P.L.L.C.

24
25 s/ J. William Brammer, Jr.
26 J. William Brammer, Jr.
27 Oscar S. Lizardi
28 Michael J. Rusing
Patricia V. Waterkotte
Attorneys for Tucson Unified School District No.
One, et al.

ORIGINAL of the foregoing filed via the CM/ECF Electronic Notification System and transmittal of a Notice of Electronic Filing provided to all parties that have filed a notice of appearance in the District Court Case, as listed below.

ANDREW H. MARKS
Attorney for Special Master
Law Office of Andrew Marks PLLC
1001 Pennsylvania Ave., NW
Suite 1100
Washington, DC 20004
amarks@markslawoffices.com

LOIS D. THOMPSON CSBN 093245
JENNIFER L. ROCHE CSBN 254538
Attorneys for Mendoza Plaintiffs
Proskauer Rose LLP
2049 Century Park East, Suite 3200
Los Angeles, California 90067
(310) 557-2900
lthompson@proskauer.com
jroche@proskauer.com

JUAN RODRIGUEZ, CSBN 282081
THOMAS A. SAENZ, CSBN 159430
Attorney for Mendoza Plaintiffs
Mexican American LDEF
634 S. Spring St. 11th Floor
Los Angeles, CA 90014
(213) 629-2512
jrodriguez@maldef.org
tsaebz@maldef.org

RUBIN SALTER, JR. ASBN 001710
KRISTIAN H. SALTER ASBN 026810
Attorney for Fisher, et al., Plaintiffs
177 North Church Avenue, Suite 903
Tucson, Arizona 85701-1119
rsjr2@aol.com

ANURIMA BHARGAVA
ZOE M. SAVITSKY CAN 281616
Attorneys for Plaintiff-Intervenor
Educational Opportunities Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, SW
Patrick Henry Building, Suite 4300
Washington, DC 20530
(202) 305-3223
anurima.bhargava@usdoj.gov
zoe.savitsky@usdoj.gov

Rusing Lopez & Lizardi, P.L.L.C.
6363 North Swan Road, Suite 151
Tucson, Arizona 85718
Telephone: (520) 792-4800

JULIE TOLLESON ASBN 012913
Tucson Unified School District
Legal Department
1010 E 10th St
Tucson, AZ 85719
520-225-6040
Julie.Tolleson@tusd1.org

s/ Jason Linaman _____

Rusing Lopez & Lizardi, P.L.L.C.
6363 North Swan Road, Suite 151
Tucson, Arizona 85718
Telephone: (520) 792-4800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

TUCSON UNIFIED SCHOOL DISTRICT
GOVERNING BOARD
AGENDA FOR REGULAR BOARD MEETING*

TIME: November 18, 2014
4:00 p.m.

PLACE: Board Room
Morrow Education Center
1010 E. Tenth Street
Tucson, Arizona 85719

In Attendance: Board Members Adelita S. Grijalva, President; Kristel Ann Foster, Clerk; Michael Hicks, Cam Juárez, and Mark Stegeman; Superintendent H.T. Sánchez, Ed.D.; and General Counsel Julie Tolleson. The complete attendance record is attached.

Details regarding presentations and discussions are available via agenda items and the audio and video recordings posted on the Governing Board page on the TUSD Internet at www.tusd1.org.

CALL TO ORDER – by Board President Adelita Grijalva

ACTION ITEM

- 4:00 p.m. 1. Schedule an executive meeting at this time to consider the following matters: **APPROVED. Moved: Foster; Seconded: Hicks. Passed 4-0 (Voice Vote). Mr. Juárez was not present for the vote.**
- A. Student matters pursuant to A.R.S. §15-843; A.R.S. §38-431.03(A)(2) (consideration of records exempt by law from public inspection); legal advice/instruction to attorney pursuant to A.R.S. §38-431.03 Subsections (A)(3) and (A)(4)
 - 1) Second-level appeal of long term suspension
 - B. Legal Advice/Instruction to Attorney pursuant to A.R.S. §38-431.03 (A)(3) and (A)(4)
 - 1) Fisher-Mendoza
 - C. Personnel issues pursuant to A.R.S. §38-431.03 (A)(1); legal advice/instruction to attorney pursuant to A.R.S. §38-431.03 (A)(3) and (A)(4)
 - 1) Administrative appointments, reassignments and transfers
 - D. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property pursuant to A.R.S. §38-431.03 Subsection (A)(7)
 - 1) Jefferson Park Lease
 - 2) Property by Project MORE
 - 3) Utterback Lease
 - 4) Camp Cooper

Agenda for Regular Board Meeting
November 18, 2014 – 4:00 p.m.
Page 2

RECESS REGULAR MEETING

RECONVENE REGULAR MEETING – appx. 6:00 p.m.

Board Room
Morrow Ed Center
1010 E. Tenth Street

6:00 p.m. PLEDGE OF ALLEGIANCE – led by Tucson High Journalism Student, Blake

INFORMATION ITEMS

2. Superintendent's Student Advisory Council (SSAC) Report **INFORMATION ONLY**. Report presented by SSAC President Michelle Howard. She responded to a question from Mr. Hicks about the next meeting (December 15).
3. Superintendent's Report **INFORMATION ONLY** Dr. Sanchez recognized the following persons and organizations: Katelynn Curry, Krystal Scheid, Dr. Joan Ashcraft, Shirley Sokol, Moses Thompson, Mark Alvarez, Michelle Welsh, Joan Gilbert. Attendance Flag first and second place winners Soleng Tom and Borton Elementary School; Miles Exploratory Learning Center K-8 and Drachman Montessori Elementary school; Dodge Traditional Magnet and Gridley Middle School; University and Sabino High school, respectively. Dr. Sánchez also congratulated Adelita Grijalva and Mike Hicks on their recent re-election to serve on the TUSD Governing Board. In addition, Dr. Sanchez introduced Tsuru Bailey-Jones who presented Chinese Principal, Mr. Chao, and his interpreter, who were part of the Chinese delegation viewing the TUSD Fine Arts program.
4. Board Member Activity Reports **INFORMATION ONLY** – Board Members reporting activities were Cam Juárez, Kristel Foster, Michael Hicks and Adelita Grijalva. A moment of silence was observed in memory of Audit Committee member Clifford Altfeld who passed away on November 9th.

CALL TO THE AUDIENCE (Pursuant to Governing Board Policy No. BDAA, at the conclusion of the Call to the Audience, the Governing Board President will ask if individual members wish to respond to criticism made by those who have addressed the Board, wish to ask staff to review a matter, or wish to ask that a matter be put on a future agenda. No more than one board member may address each criticism.) Persons who spoke at Call to the Audience were: Robert Tuzon re Volunteer Landscape Services for Wright Elementary School; Dan Ireland, Deb Louria, Tony Vacurra, Beth Slaine, Margaret Chaney, Jennifer Marlowe, Jason Freed and Frances Banales re Governing Board Leadership; Dennis Alvarez re Solar Project Safety Concerns; Terry Higuera re Mexican American Studies; Lillian Fox re New Director Salaries; Kristen Bury re Calendar and Data Analysis; and, Betts Putnam-Hidalgo re Dodge/Townsend move.

Board members commenting were Michael Hicks re Wright landscaping; and Mark Stegeman re TEA representatives' comments. Julie Tolleson provided legal advice.

ACTION ITEMS

5. Administrative appointments, reassignments, and transfers – Director, Facilities Management **APPROVED – RAYMOND CASHEN**. Moved: Juárez; Seconded: Foster;. Passed 3-2 (Roll Call Vote). Dr. Stegeman and Mr. Hicks voted no. Dr. Sanchez recommended Raymond Cashen for the position. Board member Mark Stegeman commented.

Agenda for Regular Board Meeting

November 18, 2014 – 4:00 p.m.

Page 3

6. Administrative appointments, reassignments, and transfers – Director, Financial Services **APPROVED – IRENE RENEE WEATHERLESS.** Moved: Juárez; Seconded: Stegeman. Passed 4-1 (Voice Vote). Mr. Hicks voted no. Dr. Sanchez recommended Irene Renee Weatherless for the position. Dr. Sanchez and Karla Soto responded to Board member Mark Stegeman's inquiry.
7. Administrative appointments, reassignments, and transfers – Director, Instructional Technology **APPROVED – JAMES BUTLER.** Moved: Juárez; Seconded: Stegeman. Passed 4-1 (Voice Vote). Mr. Hicks voted no. Dr. Sanchez recommended James Butler for the position. Board members commenting and/or asking questions were Kristel Foster, Cam Juárez and Mark Stegeman.

INFORMATION ITEMS

8. School Community Partnership Council (SCPC) Report **INFORMATION ONLY.** SCPC Board Liaison Kristen Bury presented the report. Board members commenting and/or asking questions were Michael Hicks, Kristel Foster and Cam Juárez.
9. Policy on District Properties Procedures – Closing, Opening, Sale/Lease/Rent – Requested by Board President Adelita Grijalva **INFORMATION ONLY.** Bryant Nodine and Dr. Sanchez presented information. Board members commenting and/or asking questions were Adelita Grijalva, Cam Juárez, Michael Hicks and Mark Stegeman.
10. Update on the Superintendent's Goals for 2014-2015 – Facilities **INFORMATION ONLY.** STRATEGIC PRIORITY 1: Dr. Sánchez, Stuart Duncan, Marcus Jones, and Tina Cook provided information. Board members commenting and/or asking questions were Michael Hicks, Kristel Foster, Cam Juárez, Mark Stegeman, and Adelita Grijalva. STRATEGIC PRIORITY 2: Bryant Nodine and Sue Heathcote provided information. Board members commenting and/or asking questions were Mark Stegeman, Mike Hicks, Adelita Grijalva, and Cam Juárez. STRATEGIC PRIORITY 3: Ed Lees, Jana Sierras and Damon Jackson provided information. STRATEGIC PRIORITY 4: Damon Jackson provided information. Board members commenting were Mark Stegeman and Adelita Grijalva. PRIORITY 5: Jeff Coleman provided information. Board members commenting and/or asking questions were Kristel Foster, Adelita Grijalva, Cam Juárez, and Mike Hicks.
11. Update on Enterprise Resource Plan (October 2014) **INFORMATION ONLY.** Dr. Sánchez and Renee LaChance provided information. Board member Mark Stegeman asked questions.

CONSENT AGENDA** Items 12(a-m, q)

APPROVED. Moved: Foster; Seconded: Juárez. Passed Unanimously (Voice Vote).

12. a) Salaried Critical Need and Replacement Hires **APPROVED**
- b) Hourly Critical Need and Replacement Hires **APPROVED**
- c) Substitute New Hires **APPROVED**

Agenda for Regular Board Meeting
November 18, 2014 – 4:00 p.m.
Page 4

- d) Salaried Separations **APPROVED**
- e) Hourly Separations **APPROVED**
- f) Substitute Separations **APPROVED**
- g) Requests for Leave of Absence for Certified Personnel **APPROVED**
- h) Requests for Leave of Absence for Classified Personnel **APPROVED**
- i) Adoption of Supplementary Materials for High Schools – Life in the Universe **APPROVED**
- j) Adoption of Supplementary Materials for High Schools – Revolution, River Reader, Norton Sampler **APPROVED**
- k) Adoption of Supplementary Materials for High Schools – Physics Principles with Applications Plus Mastering **APPROVED**
- l) Intergovernmental Agreement between Tucson Unified School District and the University of Arizona for the Discover Assessment pilot for Gifted and Talented Education (GATE) **APPROVED**. [Agreement is valid for the remainder of the 2014-2015 fiscal year, with automatic renewals through June 30, 2018]
- m) Minutes of Tucson Unified School District Governing Board Meetings
 - 1) Special Board Meeting, March 25, 2014 **APPROVED**
- n) Authorization for Governing Board Members-Elect to attend Arizona School Boards Association New Board Member Orientation, December 10, 2014, Phoenix, AZ **PULLED – NO ACTION**. Board member Mark Stegeman asked to pull 12(n) since we do not have new board members.
- o) Authorization for Board Members to attend the 75th Annual Conference of the National School Boards Association (NSBA), Nashville, Tennessee, March 20-24, 2015 **APPROVED**. Moved: Juárez; Seconded: Foster. Passed 3-2 (Roll Call Vote). Dr. Stegeman and Mr. Hicks voted no. Board member Mark Stegeman asked for 12(o) to be considered separately. Board members commenting and/or asking questions were Mark Stegeman, Adelita Grijalva, Kristel Foster, and Cam Juárez. Dr. Sánchez addressed questions and Julie Tolleson provided legal advice.
- p) Authorization for the Governing Board to become a member of the ASBA Hispanic/Native American Indian Caucus and the ASBA Black Caucus – Requested by Board Clerk Kristel Foster **APPROVED**. Moved: Stegeman; Seconded: Grijalva. Passed 4-1 (Roll Call Vote). Mr. Hicks voted no. Board member Mark Stegeman asked for 12(p) to be considered separately. Board Clerk Kristel Foster commented.

Agenda for Regular Board Meeting
November 18, 2014 – 4:00 p.m.
Page 5

- q) Ratification of salary and non-salary vouchers for the period beginning September 1, 2014 and ending September 30, 2014; and, October 1, 2014 and ending October 31, 2014 **APPROVED**

ACTION ITEMS

13. 2015-2016 Tucson Unified School District Calendar **APPROVED**. Moved: Grijalva; Seconded: Juárez. Passed Unanimously (Voice Vote). Dr. Sánchez recommended approval for 1 year. Board members commenting and/or asking questions were Adelita Grijalva and Mark Stegeman.
14. Federal and State Identified Schools for SY 2014-2015 (formerly known as School Improvement Plans) **APPROVED**. Moved: Juárez; Seconded: Foster. Passed Unanimously (Voice Vote). Dr. Sánchez, Tina Stephens and Ana Gallegos presented information. Board members commenting and/or asking questions were Adelita Grijalva, Kristel Foster, Cam Juárez and Mark Stegeman.

Consideration of extending the meeting beyond the 10:00 p.m. curfew in accordance with Governing Board Policy BDAA – Procedures for Governing Board Members was addressed. **APPROVED**. Moved to extend the meeting to completion: Juárez; Seconded: Foster. Passed 4-1 (Voice Vote). Dr. Stegeman commented and voted no.

15. Approval of Fee Agreement for Fisher Legal Representation **APPROVED**. Moved: Grijalva; Seconded: Juárez. Passed Unanimously (Roll Call Vote). Dr. Sánchez and Julie Tolleson presented information. Board members commenting and/or asking questions were Kristel Foster and Adelita Grijalva.
16. Lease Agreement between Tucson Unified School District and Tucson Jazz Institute for Utterback Magnet Middle School, with Authorization for the Acting Director of Planning and Student Assignment to Execute the Agreement **APPROVED**. Moved: Juárez; Seconded: Foster. Passed Unanimously (Voice Vote). Dr. Sánchez and Bryant Nodine presented information. Board members commenting and/or asking questions were Mike Hicks, Adelita Grijalva and Cam Juárez.
17. Agreement with Richard Cardenas for the Purchase of the Property at 422 S. Fremont, Tucson, Arizona, with Authorization for the Acting Director for Planning and Student Assignment to Execute the Agreement **APPROVED**. Moved: Foster; Seconded: Juárez. Passed Unanimously (Voice Vote). Dr. Sánchez, Bryant Nodine and presented information. Board members commenting and/or asking questions were Mark Stegeman, Kristel Foster and Mike Hicks.
18. Permission to Increase Request for Proposals (RFP) No. 13-75-17 – Chiller Preventive Maintenance **APPROVED**. Moved: Hicks; Seconded: Foster. Passed Unanimously (Voice Vote). Dr. Sánchez and Marcus Jones presented information. Board members commenting and/or asking questions were Mike Hicks and Mark Stegeman.

Agenda for Regular Board Meeting
November 18, 2014 – 4:00 p.m.
Page 6

19. Duffy Center – Alternate Governing Board Meeting Location **PULLED – NO ACTION.** Dr. Sánchez asked to pull item 19.
20. To Confirm or Appoint New Delegate Representative to the ASBA Annual Membership Business Meeting, December 11, 2014, Phoenix, Arizona **APPROVED.** Moved: Grijalva; Seconded: Foster. Passed Unanimously (Voice Vote). Adelita Grijalva inquired and Kristel Foster agreed to continue as the Delegate.
21. Appoint New Members to the Tucson Unified School District Governing Board Audit Committee **NO APPOINTMENTS MADE.** Dr. Sánchez recommended item 21 be postponed until such time the structure of Board committees is reviewed. Mark Stegeman moved the appointment of Franklin Sax, Mike Hicks seconded. Motion failed 2-3 (Roll Call Vote). Ms. Grijalva, Ms. Foster and Mr. Juárez voted no. Board members commenting and/or asking questions were Mark Stegeman, Adelita Grijalva, Mike Hicks, and Kristel Foster.

STUDY/ACTION ITEMS

22. Review and Consider revisions to the Comprehensive Boundary Plan, previously approved by the Board on August 12, 2014 **APPROVED TO RESCIND COMPREHENSIVE BOUNDARY PLAN PREVIOUSLY APPROVED BY THE BOARD ON AUGUST 12, 2014.** Moved: Foster; Seconded: Juárez. Passed 3-2 (Roll Call Vote). Dr. Stegeman and Mr. Hicks voted no. Dr. Sánchez, Karla Soto and Bryant Nodine presented information. Julie Tolleson clarified Parliamentary procedure regarding 2/3 majority required to approve a Call for the Question, per Robert's Rules. Board members commenting and/or asking questions were Mike Hicks, Adelita Grijalva, Mark Stegeman, Cam Juárez, and Kristel Foster.
23. Reconsideration of Revised Intergovernmental Agreement between the City of Tucson Police Department and Tucson Unified School District for School Resource Officers, with Authorization for the Superintendent to Execute the Agreement – Requested by Board Member Mark Stegeman **REVISION PROPOSED BY DR. STEGEMAN WAS NOT APPROVED.** Moved: Stegeman; Seconded: Hicks. Failed 2-3 (Roll Call Vote). Ms. Foster, Mr. Juárez and Ms. Grijalva voted no. Mark Stegeman read proposed revision. Dr. Sánchez provided information. Board members commenting and/or asking questions were Mark Stegeman, Adelita Grijalva and Kristel Foster.

GOVERNING BOARD POLICIES

Study/Action

24. Governing Board Policy GCO – *Evaluation of Certificated Staff Members* (revision) **APPROVED.** Moved: Foster; Seconded: Juárez. Passed 4-1 (Roll Call Vote). Mark Stegeman voted no. Dr. Sanchez, Richard Foster and Frances Banales presented information. Board member Mark Stegeman commented.

Agenda for Regular Board Meeting

November 18, 2014 – 4:00 p.m.

Page 7

25. Governing Board Policy BEDBA – *Board Meeting Agenda Preparation – Review and Consider Revisions, Requested by Board President Adelita Grijalva* **PULLED – NO ACTION.** Ms. Grijalva indicated this was not the correct policy she wanted to address.

FUTURE AGENDA ITEMS Cam Juárez – Action item regarding Proclamation on Safety in School Zones and Crosswalks; Kristel Foster – Information item on provisions available for parents to Opt Out from Testing.

11:46 p.m. **Recess to Executive Session** Moved: Foster; Seconded: Juárez. **APPROVED 4-0 (Voice vote).** Dr. Stegeman was not present for the vote.

12:00 a.m. **RECONVENE AND ADJOURN**

11-19-14

ADJOURNMENT

- One or more Governing Board members will/may participate by telephonic or video communications.
- Names and details, including available support documents, may be obtained during regular business hours at the TUSD Governing Board Office.
- Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Translations/Interpretations Services at 225-4672. Requests should be made as early as possible to arrange the accommodation.
- Upon request, TUSD will provide a certified interpreter to interpret Governing Board meetings whenever possible. Please contact Translations/Interpretations Services at 225-4672 at least 72 hours prior to the event. Every effort will be made to honor requests for interpretation services made with less than 72 hours' notice.
- Previa petición, TUSD proporcionará un intérprete certificado para interpretar la agenda de las reuniones de la Mesa Directiva o de proporcionar los servicios de interpretación en la reuniones de la Mesa Directiva cuando sea posible. Favor de contactar los Servicios de Traducción/Interpretación al teléfono 225-4672 cuando menos 72 horas antes del evento. Se hará todo lo posible para proporcionar los servicios de interpretación realizados con menos de 72 horas de anticipación.
- If authorized by a majority vote of the members of the Governing Board, any matter on the open meeting agenda may be discussed in executive session for the purpose of obtaining legal advice thereon, pursuant to A.R.S. 38-431.03 (A)(3). The executive session will be held immediately after the vote and will not be open to the public.

EXHIBIT 2

TUCSON UNIFIED SCHOOL DISTRICT
DESEGREGATION IMPACT ANALYSIS

Proposed Action: Sale of 422 South Fremont Avenue

Summary

On November 18, 2014, the Governing Board approved a purchase agreement for the sale of 0.18 acres at 422 South Fremont Avenue, conditioned on the district court's approval. The proposed buyer of the property is the neighbor to the north who intends to build a single-family home on the vacant property.

Impact Analysis:

The sale will have no impact on the schools that serve the area. One home is anticipated, which, at current student generation rates, will generate less than 0.6 students overall (0.25 k-5, 0.13 6-8, 0.17 9-12).

RUSING LOPEZ & LIZARDI, P.L.L.C.

6363 North Swan Road, Suite 151

Tucson, Arizona 85718

Telephone: (520) 792-4800

Facsimile: (520)529-4262

J. William Brammer, Jr. (State Bar No. 002079)

wbrammer@rllaz.com

Oscar S. Lizardi (State Bar No. 016626)

olizardi@rllaz.com

Michael J. Rusing (State Bar No. 006617)

mrusing@rllaz.com

Patricia V. Waterkotte (State Bar No. 029231)

pvictory@rllaz.com

Attorneys for Tucson Unified School District No. One, et al.

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 SARAH J.
STANTON IN SUPPORT OF
NOTICE AND REQUEST FOR
APPROVAL OF SALE OF
VACANT LOT ON FREMONT
AVENUE**

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.

1 I, Sarah J. Stanton, declare under penalty of perjury that the following statements are
2 true:

3 1. I am above the age of 18 and am competent to make this Declaration. I am an
4 attorney for Defendant Tucson Unified School District No. One (“TUSD”) in this action.
5 This declaration is based upon my personal knowledge, information and belief.

6 2. Attached hereto as **Exhibit A** is a true and correct copy of the November 21,
7 2014 email from Zoe Savitsky, counsel for the Department of Justice (“DOJ”) expressing
8 that the DOJ does not object to the sale.

9 3. Attached hereto as **Exhibit B** is a true and correct copy of the November 21,
10 2014 email from Juan Rodriguez, counsel for the Mendoza Plaintiffs expressing that there is
11 no objection to the sale.

12 4. Attached hereto as **Exhibit C** is a true and correct copy of the November 20,
13 2014 email from Rubin Salter, Jr., counsel for the Fisher Plaintiffs expressing that there is
14 no objection to the sale.

15 5. Attached hereto as **Exhibit D** is a true and correct copy of the November 20,
16 2014 email from Special Master Hawley expressing that he does not object to the sale.

17 I declare under penalty of perjury under the laws of the United States of America
18 that the foregoing is true and correct.

19
20 DATED this 24th day of November, 2014.

21
22
23 /s/ Sarah J. Stanton
Sarah J. Stanton

EXHIBIT A

From: Savitsky, Zoe (CRT) [<mailto:Zoe.Savitsky@usdoj.gov>]
Sent: Friday, November 21, 2014 10:29 AM
To: Sarah J. Stanton; Bhargava, Anurima (CRT)
Cc: TUSD
Subject: RE: Sale of Unimproved Vacant Lot

Hi Sarah,

We do not. Did you not receive my email responding to the request?

Thanks!

-----Original Message-----

From: Sarah J. Stanton [<mailto:Sstanton@rllaz.com>]
Sent: Friday, November 21, 2014 12:32 PM
To: Savitsky, Zoe (CRT); Bhargava, Anurima (CRT)
Cc: TUSD
Subject: RE: Sale of Unimproved Vacant Lot

Zoe and Anurima,

Does the DOJ have any objection to the proposed sale described below? Thank you.

Sarah

Sarah Stanton
Rusing Lopez & Lizardi, P.L.L.C.
6363 North Swan Road, Suite 151
Tucson, Arizona 85718
Tel: 520.792.4800
Fax: 520.529.4262
sstanton@rllaz.com
www.rllaz.com

CONFIDENTIALITY NOTICE - THIS ELECTRONIC MAIL TRANSMISSION AND ANY DOCUMENTS ACCOMPANYING IT CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION BELONGING TO THE SENDER. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE PERSON TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISCLOSURE, COPYING, DISTRIBUTION OR USE OF THIS COMMUNICATION OR ANY OF THE INFORMATION IT CONTAINS IS STRICTLY PROHIBITED. ANY UNAUTHORIZED INTERCEPTION OF THIS TRANSMISSION IS ILLEGAL. IF YOU RECEIVED THIS MESSAGE ERRONEOUSLY, PLEASE IMMEDIATELY DELETE THIS COMMUNICATION AND ANY ATTACHMENTS FROM YOUR SYSTEM AND DESTROY ANY COPIES. PLEASE ALSO NOTIFY THE SENDER THAT YOU HAVE DONE SO BY REPLYING TO THIS MESSAGE. THANK YOU.

EXHIBIT B

From: Juan Rodriguez [<mailto:jrodriguez@MALDEF.org>]
Sent: Friday, November 21, 2014 9:56 AM
To: Sarah J. Stanton; Rubin Salter, Jr.
Cc: wdh@umd.edu; lthompson@proskauer.com; Zoe.Savitsky@usdoj.gov; Anurima.Bhargava@usdoj.gov; Julie.Tolleson@tusd1.org; TUSD; deseg@tusd1.org; rsjr3@aol.com
Subject: RE: Sale of Unimproved Vacant Lot

Mendoza Plaintiffs do not object to the sale of the lot.

Juan Rodriguez | Staff Attorney

MALDEF | www.maldef.org
634 South Spring Street, 11th Floor, Los Angeles, CA 90014 213.629.2512, ext. 136 t / 213.629.0266 f
jrodriguez@maldef.org

MALDEF: The Latino Legal Voice for Civil Rights in America.

On Nov 19, 2014, at 6:04 PM, Sarah J. Stanton <Sstanton@rllaz.com<<mailto:Sstanton@rllaz.com>>> wrote:

Dr. Hawley and Counsel,

TUSD seeks your stipulation to a NARA it plans to file for the District's sale of a .018-acre vacant, unimproved dirt lot on South Fremont Avenue. We request your prompt attention to this matter, as the District already has a buyer lined up. The sale will not have any desegregation impact, as the anticipated use of the lot is estimated to generate approximately 0.6 students. Please let me know if you have any questions. Thank you.

Sarah Stanton
Rusing Lopez & Lizardi, P.L.L.C.
6363 North Swan Road, Suite 151
Tucson, Arizona 85718
Tel: 520.792.4800
Fax: 520.529.4262
sstanton@rllaz.com<<mailto:sstanton@rllaz.com>>
www.rllaz.com<<http://www.rllaz.com/>>

<image002.jpg>

CONFIDENTIALITY NOTICE - THIS ELECTRONIC MAIL TRANSMISSION AND ANY DOCUMENTS ACCOMPANYING IT CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION BELONGING TO THE SENDER. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE PERSON TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISCLOSURE, COPYING, DISTRIBUTION OR USE OF THIS COMMUNICATION OR ANY OF THE INFORMATION IT CONTAINS IS STRICTLY PROHIBITED. ANY UNAUTHORIZED INTERCEPTION OF THIS TRANSMISSION IS ILLEGAL. IF YOU RECEIVED THIS MESSAGE ERRONEOUSLY, PLEASE IMMEDIATELY DELETE THIS COMMUNICATION AND ANY ATTACHMENTS FROM YOUR SYSTEM AND DESTROY ANY COPIES. PLEASE ALSO NOTIFY THE SENDER THAT YOU HAVE DONE SO BY REPLYING TO THIS MESSAGE. THANK YOU.

<23M2466-DIA - 422 S. Fremont.pdf>

EXHIBIT C

From: Rubin Salter, Jr. [<mailto:rsjr3@aol.com>]
Sent: Thursday, November 20, 2014 4:53 PM
To: wdh@umd.edu; Sarah J. Stanton
Cc: lthompson@proskauer.com; jrodriguez@MALDEF.org; Zoe.Savitsky@usdoj.gov; Anurima.Bhargava@usdoj.gov; Julie.Tolleson@tusd1.org; TUSD; deseg@tusd1.org; rsjr3@aol.com
Subject: Re: Sale of Unimproved Vacant Lot

Hello all:

There is no objection from the Fisher Plaintiffs.

Rubin

Rubin Salter, Jr.
Attorney
The Law Office of Rubin Salter, Jr.
177 N. Church Avenue
Suite 903
Tucson, AZ 85701
(520) 623-5706
(520) 623-1716 fax
rsjr3@aol.com

The information contained in this email is intended only for the use of the individual or entity named above and is strictly confidential. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any reproduction, dissemination, distribution, or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify our office by telephone at (520) 623-5706 and delete this message. Your cooperation is appreciated.

EXHIBIT D

From: Willis D. Hawley <wdh@umd.edu>
Sent: Thursday, November 20, 2014 9:39 AM
To: Sarah J. Stanton
Cc: lthompson@proskauer.com; Juan Rodriguez (jrodriguez@MALDEF.org); Rubin Salter Jr. (Rsjr3@aol.com) (Rsjr3@aol.com); Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov) (Zoe.Savitsky@usdoj.gov); Anurima Bhargava (Anurima.Bhargava@usdoj.gov) (Anurima.Bhargava@usdoj.gov); Tolleson, Julie (Julie.Tolleson@tUSD1.org); TUSD; Desegregation (deseg@tUSD1.org)
Subject: Re: Sale of Unimproved Vacant Lot

No objection. Bill Hawley

Sent from my iPhone

On Nov 19, 2014, at 6:04 PM, Sarah J. Stanton <Sstanton@rllaz.com> wrote:

Dr. Hawley and Counsel,

TUSD seeks your stipulation to a NARA it plans to file for the District's sale of a .018-acre vacant, unimproved dirt lot on South Fremont Avenue. We request your prompt attention to this matter, as the District already has a buyer lined up. The sale will not have any desegregation impact, as the anticipated use of the lot is estimated to generate approximately 0.6 students. Please let me know if you have any questions. Thank you.

Sarah Stanton
Rusing Lopez & Lizardi, P.L.L.C.
6363 North Swan Road, Suite 151
Tucson, Arizona 85718
Tel: 520.792.4800
Fax: 520.529.4262
sstanton@rllaz.com
www.rllaz.com

<image002.jpg>

CONFIDENTIALITY NOTICE - THIS ELECTRONIC MAIL TRANSMISSION AND ANY DOCUMENTS ACCOMPANYING IT CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION BELONGING TO THE SENDER. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE PERSON TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISCLOSURE, COPYING, DISTRIBUTION OR USE OF THIS COMMUNICATION OR ANY OF THE INFORMATION IT CONTAINS IS STRICTLY PROHIBITED. ANY UNAUTHORIZED INTERCEPTION OF THIS TRANSMISSION IS ILLEGAL. IF YOU RECEIVED THIS MESSAGE ERRONEOUSLY, PLEASE IMMEDIATELY DELETE THIS COMMUNICATION AND ANY ATTACHMENTS FROM YOUR SYSTEM AND DESTROY ANY COPIES. PLEASE ALSO NOTIFY THE SENDER THAT YOU HAVE DONE SO BY REPLYING TO THIS MESSAGE. THANK YOU.

<23M2466-DIA - 422 S. Fremont.pdf>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**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.

PROPOSED ORDER

United States of America,
Plaintiff-Intervenor,

CV 74-204 TUC DCB
(Consolidated Case)

v.

Anita Lohr, et al.,
Defendants,

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.

1 Upon Defendant Tucson Unified School District No. One’s (“TUSD”) Notice and
2 Request for Approval of Sale of Vacant Lot on Fremont Avenue and good cause appearing,

3 IT IS HERBY ORDERED that the sale of the 018 acres at 422 South Fremont
4 Avenue, Tucson, Arizona as approved by TUSD’s Governing Board on November 18, 2014
5 is approved.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Rusing Lopez & Lizardi, P.L.L.C.
6363 North Swan Road, Suite 151
Tucson, Arizona 85718
Telephone: (520) 792-4800

EXHIBIT 2

Brown, Samuel

From: Willis D. Hawley <wdh@umd.edu>
Sent: Monday, January 26, 2015 2:39 PM
To: Desegregation; TUSD; Rubin Salter Jr.; Juan Rodriguez; Lois D. Thompson; Anurima Bhargava; Zoe Savitsky; James Eichner
Cc: Becky Montano
Subject: RE: Possible change in the grade structures

The district responded quickly to say that they have done the deseg impact analysis and will share that and consult with the plaintiffs if the Board expresses support. I encourage giving the plaintiffs a heads up early. Bill

-----Original Message-----

From: Willis D. Hawley
Sent: Monday, January 26, 2015 3:13 PM
To: Desegregation (deseg@tusd1.org); TUSD; Rubin Salter Jr.; Juan Rodriguez; Lois D. Thompson; Anurima Bhargava; Zoe Savitsky; James Eichner
Cc: Becky Montano
Subject: Possible change in the grade structures

I understand that the district is considering changes in the grade structures at Fruchthendler and Sabino. These changes would appear to require consultation with the plaintiffs and comment by the special master as provided for in section 10 of the USP. It may be that the district is considering such consultation plus a desegregation impact analysis but this seems an example of an action that the plaintiffs and the special master might be advised about early in the process. I make this comment because as we have all agreed it would be desirable to avoid public conflict should that possibility confront a proposal being considered by the plaintiffs that comes within the purview of the USP. Bill

Sent from my iPad

EXHIBIT 3

TUCSON UNIFIED SCHOOL DISTRICT
GOVERNING BOARD
AGENDA FOR SPECIAL MEETING*

TIME: January 27, 2015
5:00 p.m.

PLACE: Duffy Community Center
5145 E. Fifth Street
Tucson, Arizona

5:00 p.m. CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

INFORMATION ITEMS

1. Superintendent's Report
2. Second Semester Update on the Superintendent's Goals for 2014-2015 School Year – Curriculum
3. Consideration of K-6 Component at Fruchthendler Elementary School and a 7th-8th Grade Component at Sabino High School

BREAKOUT SESSION

4. Review of Charters/Structures for Board Committees – Audit Committee, Technology Oversight Committee, Employee Benefits Trust Board and School Community Partnership Council
5. Board Policy on Shared Governance – Requested by Governing Board Member Michael Hicks

10:00 p.m. ADJOURNMENT

ADJOURNMENT

- One or more Governing Board members will/may participate by telephonic or video communications.
- Names and details, including available support documents, may be obtained during regular business hours at the TUSD Governing Board Office.
- Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Translations/Interpretations Services at 225-4672. Requests should be made as early as possible to arrange the accommodation.
- Upon request, TUSD will provide a certified interpreter to interpret Governing Board meetings whenever possible. Please contact Translations/Interpretations Services at 225-4672 at least 72 hours prior to the event. Every effort will be made to honor requests for interpretation services made with less than 72 hours' notice.
- Previa petición, TUSD proporcionará un intérprete certificado para interpretar la agenda de las reuniones de la Mesa Directiva o de proporcionar los servicios de interpretación en la reuniones de la Mesa Directiva cuando sea posible. Favor de contactar los Servicios de Traducción/Interpretación al teléfono 225-4672 cuando menos 72 horas antes del evento. Se hará todo lo posible para proporcionar los servicios de interpretación realizados con menos de 72 horas de anticipación.
- If authorized by a majority vote of the members of the Governing Board, any matter on the open meeting agenda may be discussed in executive session for the purpose of obtaining legal advice thereon, pursuant to A.R.S. 38-431.03 (A)(3). The executive session will be held immediately after the vote and will not be open to the public.

EXHIBIT 4

Brown, Samuel

From: Willis D. Hawley [<mailto:wdh@umd.edu>]

Sent: Monday, February 02, 2015 2:38 PM

To: Taylor, Martha

Subject: NARA

I'm sure you have the USP memorized but there is a provision that requires comment review and report by me to the court about any action that deals with student reassignment. HT tells me that all the background work has been done with respect to the Sabino and other proposal for reassignment. Someone at the meeting of the board apparently asked what my view of this was. My views only count on this with respect to impact on integration and there is no reason for me to be involved until the process spelled out in the USP goes forward. However, my bet is that if we gathered educational researchers on adolescent development together and asked about the Sabino proposal there would be consensus that is a bad idea. In any event, if the District is intending to pursue this it is time to get the comment and review process underway. If we don't have enough to do.

Willis D. Hawley
Professor of Education and Public Policy
University of Maryland
Senior Advisor
Southern Poverty Law Center

EXHIBIT 5

Brown, Samuel

From: Taylor, Martha
Sent: Monday, February 09, 2015 8:50 AM
To: Anurima Bhargava; James Eichner; Juan Rodriguez; Lois Thompson; Rubin Salter; Willis D. Hawley; Zoe Savitsky
Cc: Sanchez, HT; Vega, Adrian; Holmes, Steven; Anderson, Mary; Munger, Matthew; Nodine, Bryant
Subject: Impact Analysis-Sabino HS & Fruchthendler ES
Attachments: Fruchthendler-Sabino for BAI (4).docx; Frucht-Sabino DIA Data.pdf

Plaintiffs: Attached please find the Impact Analysis information for the proposed grade-level changes to Fruchthendler ES and Sabino HS. Dr. Hawley finds no problem regarding integration with these changes and there are no 910(G)funds that will be expended. The District will be sharing this information with the Governing Board in the Spring. We are happy to answer any questions you may have.

Thank you.

Martha G. Taylor MA, JD

Interim Sr. Director of Desegregation
Tucson Unified School District
520-225-3200
martha.taylor@tusd1.org

Fruchthendler-Sabino Option Analysis

Fruchthendler Impacts

Based on typical transition rates from 5th grade to 6th grade for K-8 and K-6 schools, the change would add approximately 40 to 50 students to Fruchthendler, resulting in 2 small classes or 1 class and a combo class. However, in this instance, the potential 6th grade enrollment could be much larger.

Based on 2010 census data, for the Fruchthendler Area, there are over 40 students per grade in the K-5 level who do not attend TUSD schools and over 80 who do not attend TUSD schools in the 6th grade (see the map below). Thus, the projected change could easily increase to 55 students (two classes) based on successfully attracting students to stay in TUSD schools.

According to the current principal, the vast majority of Fruchthendler families choose to go outside of TUSD for middle school because there are two competitive middle school options within a mile of Fruchthendler (Esperero to the north and Basis to the west) and that the TUSD middle school (Magee) that TUSD feeds into is four miles away and the opposite direction most parents travel to get to work. Once this change happens, parents also tend to take their younger children from Fruchthendler to the adjoining elementary school in an effort to have all family members on the same district calendar.

The school has two resource rooms (Speech, GATE, Special Ed and ELD), 1 classroom, two portables and a computer room. Not counting the portables, the school has a capacity of 440 as currently used and the capacity could be increased to 470 by scheduling resource programs to share rooms and the portables. Now, with 350 students, Fruchthendler is at 80% utilization; with the additional students and revised scheduling, it would increase to 85% utilization, an ideal utilization rate.

The change is expected to have very little impact on the racial ethnic composition of Fruchthendler because the population that would attend the 6th grade has essentially the same composition as the current K-5 population.

Sabino HS Impacts

While there is little data to project Sabino impacts, it is expected that all of the Fruchthendler 6th graders would transition to Sabino. Based on the 2010 census, there are 190 middle-school-age students per grade (580 6th-8th graders total) in the Sabino Area who are not attending TUSD schools (see the map below). Thus the enrollment at Sabino would be at least 80 to 110 (the Fruchthendler transition only) and there is a strong potential to increase that enrollment by attracting some of the remaining students in the Sabino Area not already attending TUSD schools. The goal would be to add more students (up to 330 total) by recruiting students who don't now attend TUSD schools.

Sabino has a capacity of 1950; with approximately 1000 students it is at 52% utilization. With the changes it would increase to 60% to 70% utilization.

The change is expected to have very little impact on the racial ethnic composition of Sabino because the population that would attend the 7th and 8th grades has essentially the same composition as the current 9-12 population.

Magee MS Impacts

The change would, at most, reduce the enrollment of Magee by 30 students. Of the 55-60 students in the Fruchthendler 5th grade, approximately 10 transition into the Magee 6th grade (see the Notes section below); most of the rest (approximately 50) attend non-TUSD schools. It is expected that some of the Fruchthendler students (about 10 each year) will continue to matriculate to Magee and some 7th graders from Magee will select the Sabino option.

The change is expected to have a minimal impact on the racial ethnic composition of Magee because, although the population that would attend the Fruchthendler-Sabino option, does have a slightly different racial-ethnic composition than the remainder of the Magee population, the number choosing that option is relatively small. The table below shows a preliminary analysis of the racial-ethnic impacts on Magee.

Current SY14-15

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Magee (6-8)	274	75	203	9	12	17	590
%	46%	13%	34%	2%	2%	3%	

Students Who May Elect the Fruchthendler-Sabino Option

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Not Attending Magee	18	0	12	0	0	0	30
Ethnicity*	60%	0%	40%	0%	0%	0%	

* Based on students in the Fruchthendler and Sabino areas currently attending Magee

Projected Impact

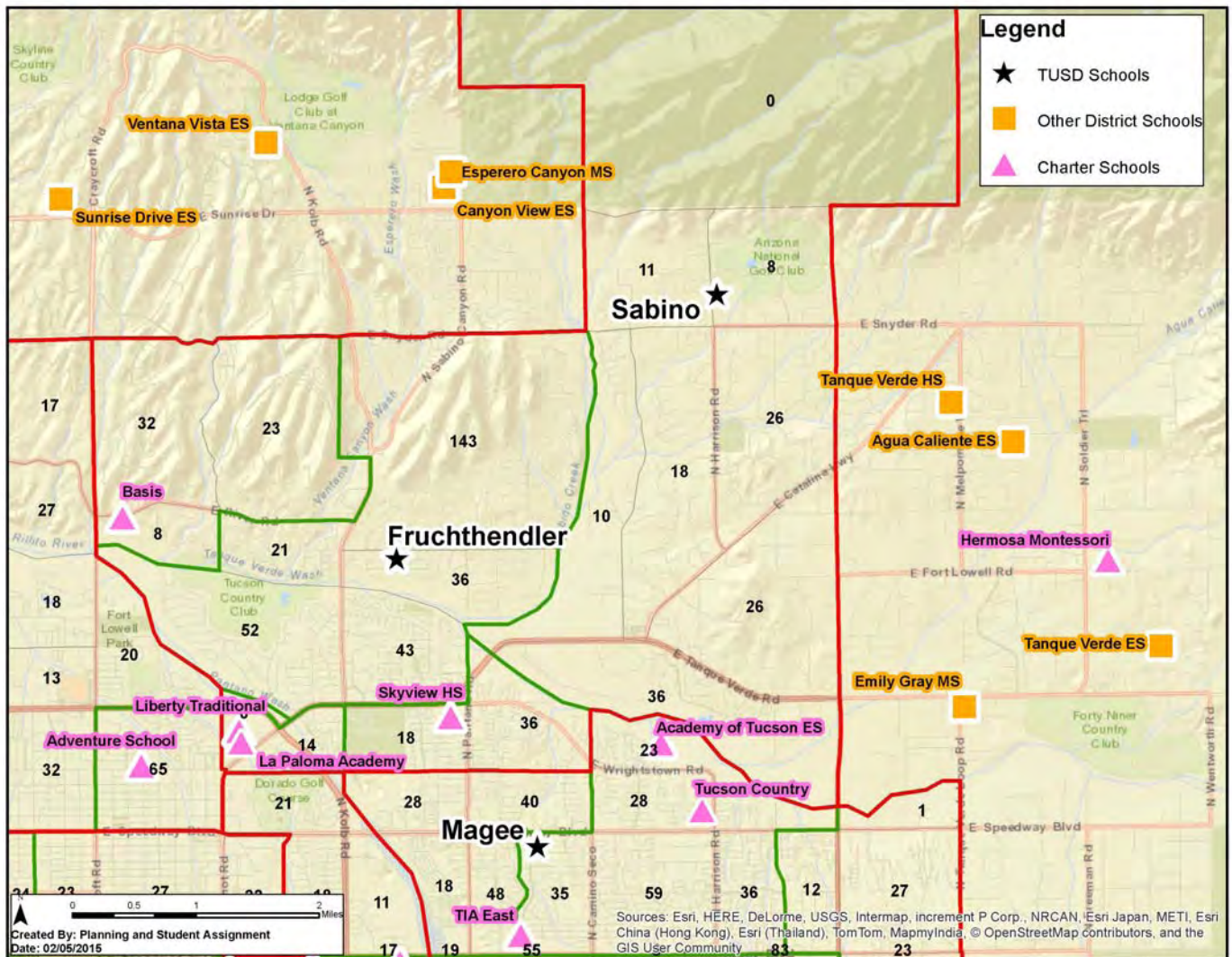
School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Magee (6-8)	256	75	191	9	12	17	560
%	46%	13%	34%	2%	2%	3%	

Impacts on Other Middle Schools

Recruitment efforts will be aimed at attracting students who do not attend TUSD schools rather than transferring students between TUSD schools. The impacts on other schools are expected to be minimal (less than a few students, as substantiated by attendance data provided in the Notes section below.)

Map of the Area

The following shows the Sabino Area, outlined in red, and within it, the Fruchthendler Area, in green. The Fruchthendler K-5 Area is wholly within the Sabino HS Area. The Sabino HS Area also includes the Collier K-5 Area and portions of Bloom, Hudlow, and Whitmore. At the middle school level, it includes a large portion of Magee and, to a much lesser extent, Booth-Fickett.



The numbers show the total number of middle-school-age students in 2010 who did not attend TUSD schools. The largest such number is in the area directly north of Fruchthendler.

Notes on the Above Demographic Analysis

- All of the projections are estimates based on current patterns of choice. There is no current data on 7th and 8th grade preference for a high school and little data on preferences for 6th grades in an elementary school. The exception is Drachman K-6 which has a 5th to

6th grade transition of 60 to 80%—in line with the 70% used in this analysis. The 5th to 6th transition rates at K-8 schools (50% to 80%) also support the estimate.

- The above estimates are based on current TUSD students. Because k-8 capture rates (TUSD students/total school age population) are less than 60% in the subject areas, there is a potential to attract students who do not currently attend TUSD schools and there is potential to attract students from outside TUSD. For example, as shown in the table below, 75% of the Fruchthendler 5th graders in SY2013-14 did not attend TUSD schools in 6th grade the following year.

Transition of Fruchthendler 5 th Graders into 6 th Grade	
School	Enrollment
Not in TUSD	47
Dodge Magnet	4
Doolen	1
Fickett Magnet	1
Gridley	1
Magee	9

- The Fruchthendler to Sabino transition would, conservatively, add 80-110 students to Sabino. To reach the goals set by the school, without impacting other TUSD schools, Sabino will need to recruit students who live in the Sabino Area but do not attend TUSD schools and, to a lesser extent, recruit students from outside TUSD. The potential of this approach is indicated in the table below, which shows that 82 students entering the Sabino 9th grade this year did not attend TUSD schools last year. This is supported by 2010 Census data that shows 580 middle-school-age students in the Sabino Area do not attend TUSD middle schools.

Transition of 8th Graders into the 9 th Grade at Sabino	
School	Enroll
TUSD Area students not in TUSD middle schools	82
TUSD Area students in TUSD middle schools	138
Amphitheater SD	1
Catalina Foothills SD	3
Sunnyside SD	5
Tanque Verde SD	33

Renovation Costs

To be provided separately.

Transportation Costs

The transportation analysis is based on a projection of 160 bus-riding students from the Fruchthendler and Collier areas. School leadership has proposed AM drop time of 8:30 and PM

dismissal at 3:55. These students would be transported separately from the high school routes already serving Sabino.

In a review of the current routing structure there are no available slots in the AM and PM time tiers requested. As the routing structure and availability within tiers for school year 2015/16 will not be known until June, the current year availability was used to project cost for the proposed option.

In order to accommodate the maximum projected need, up to four buses could be required. The fully loaded cost of each added bus is approximately \$65,000.00. The total cost of \$260,000 is a maximum that assumes buses dedicated to Sabino 7th and 8th grade students with no tiering opportunities (i.e. no bus and driver will be able to add a route before or after their existing route). If tiering opportunities are found or age-groups are combined the cost would reduce accordingly.

Transition from SY2013-14 Fruchthendler 5th Grade to 6th Grade in SY2014-15

School in SY2014-15	White/						Total
	Cauc	Afr Am	Hispanic	Nat Am	Asian-PI	Multiracial	
Not in TUSD School	31	1	12	0	1	2	47
%	66%	2%	26%	0%	2%	4%	
In TUSD School	11	0	5	0	0	0	16
%	69%	0%	31%	0%	0%	0%	
Dodge Magnet	4						4
Doolen	1						1
Fickett Magnet	1						1
Gridley			1				1
Magee	5		4				9
%	56%	0%	44%	0%	0%	0%	

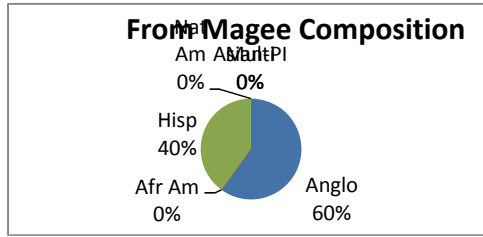
Transition to SY2014-15 Sabino 9th Grade from 8th Grade in SY2014-15

School in SY2014-15	White/						Total
	Cauc	Afr Am	Hispanic	Nat Am	Asian-PI	Multiracial	
TUSD Area Students							
Not in TUSD School	44	5	29			4	82
%	54%	6%	35%	0%	0%	5%	
In TUSD School	72	9	48	1	1	7	138
%	52%	7%	35%	1%	1%	5%	
Dodge Magnet	2		8				10
Doolen	2	1					3
Fickett Magnet	4	3	3			1	11
Gridley	13		5	1		1	20
Magee	49	3	21		1	5	79
%	62%	4%	27%	0%	1%	6%	
Mansfeld			2				2
Pueblo Gardens			1				1
Safford Magnet			2				2
Secrist		2	4				6
Vail	2		2				4
Students from Other School Districts							
Total	27		15		1		43
%	63%	0%	35%	0%	2%	0%	

Fruchthendler-Sabino Option Desegregation Impact Analysis

Current Enrollment SY14-15

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Fruchthendler (K-5)	228	20	83	1	5	12	349
%	65%	6%	24%	0%	1%	3%	
Magee (6-8)	274	75	203	9	12	17	590
%	46%	13%	34%	2%	2%	3%	
Sabino (9-12)	586	57	300	5	14	47	1009
%	58%	6%	30%	0%	1%	5%	



Students Who May Elect the Fruchthendler-Sabino Option (based on 320-student enrollment goal)

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total	total	
Continue at Fruchthendler	36	1	14	0	1	2	54	these are added to the Fruchthendler K-5 below	55
Ethnicity	66%	2%	26%	0%	2%	4%			
Fruchthendler to Sabino	66	2	26	0	2	4	100	these are the Fruchthendler 6th graders who will transition to Sabino; added to Sabino	100
Ethnicity	66%	2%	26%	0%	2%	4%			
No Longer at Magee	18	0	12	0	0	0	30	Sabino is likely to pick up some Magee students especially those close to Sabino; added to Sabino, subtracted from Magee	30
Ethnicity	60%	0%	40%	0%	0%	0%			
New from Sabino Area	80	9	53	0	0	7	149	these are students from a non-TUSD school 6th grade who transition to 7th grade at Sabino; added to Sabino	150
Ethnicity	54%	6%	35%	0%	0%	5%			
New from Other District	25	0	14	0	1	0	40	these are students from outside the district--primarily the Emily Gray 7-8 school in TVSD; added	40
Ethnicity	63%	0%	35%	0%	2%	0%			
Total Sabino 7th and 8th	189	11	105	0	3	11	319	these are students from outside the district--primarily the Emily Gray 7-8 school in TVSD; added	40
Ethnicity	59%	3%	33%	0%	1%	3%			320

Projected Enrollment with the Changes Above

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Fruchthendler (K-5)	264	21	97	1	6	14	403
%	66%	5%	24%	0%	1%	3%	
Magee (6-8)	256	75	191	9	12	17	560
%	46%	13%	34%	2%	2%	3%	
Sabino (9-12)	775	68	405	5	17	58	1328
%	58%	5%	30%	0%	1%	4%	

Elementary School Enrollment Projections: Fruchthendler

Enrollment History

Mo-Year	pre-K	K	1st	2nd	3rd	4th	5th	6th	Total 1 - 6	Total w/o pK	Enr w/ pK	Non-Neigh. K	Births	Bldg. Permits
Oct-06	0	69	66	69	75	75	65	0	350	419	419	15	92	19
Oct-07	1	61	75	54	73	74	65	0	341	402	403	10	99	12
Oct-08	2	63	53	71	53	65	66	0	308	371	373	20	100	5
Oct-09	0	71	67	62	82	58	65	0	334	405	405	22	102	2
Oct-10*	0	62	79	73	70	88	57	0	367	429	429	17	94	1
Oct-11	2	56	61	80	72	67	87	0	367	423	425	13	101	86
Oct-12	1	72	64	65	82	69	52	0	332	404	405	17	109	13
Oct-13	0	71	62	58	53	72	63	0	308	379	379	28	125	5
Oct-14	0	51	69	64	57	49	59	0	298	349	349	22	129	53

* Van Horne merger

34

Enrollment Projections 0.677

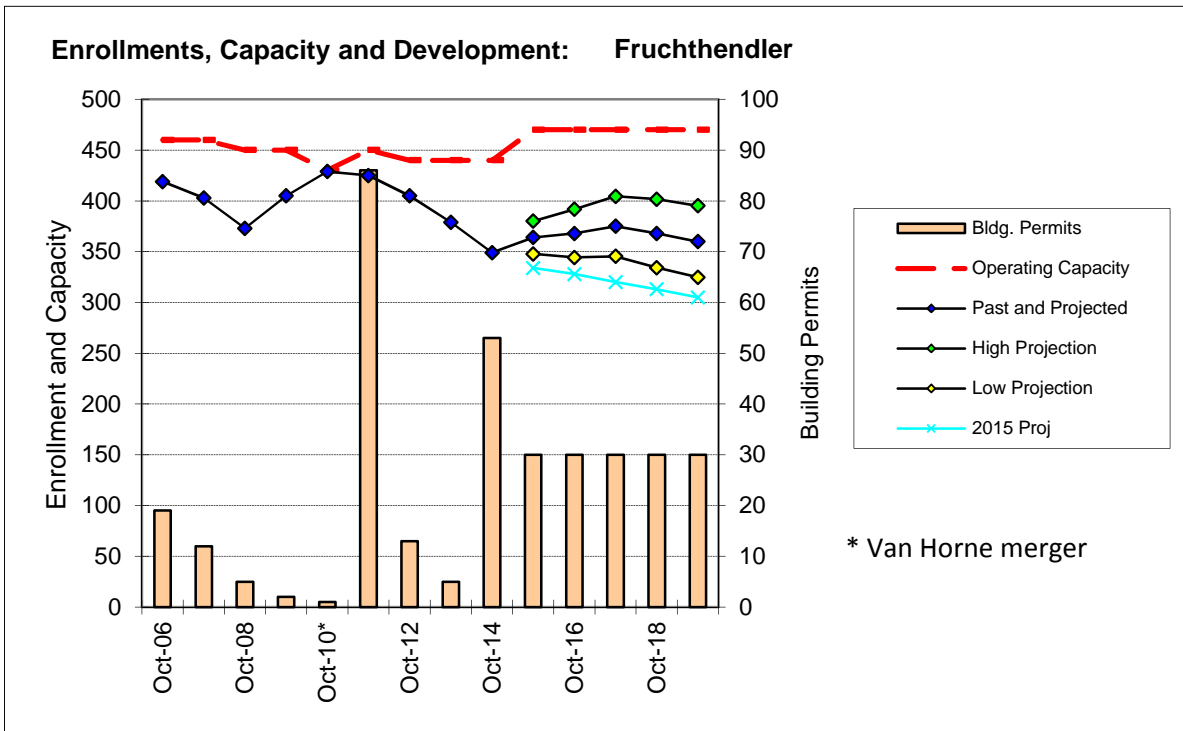
Mo-Year	pre-K	K	1st	2nd	3rd	4th	5th	6th	Total 1 - 6	Total w/o pK	Enr w/ pK	Non-Neigh. K	Births	Bldg. Permits
Oct-15	0	52	52	70	63	54	43	30	312	364	364	22	133	30
Oct-16	0	51	52	52	68	59	46	40	317	368	368	22	137	30
Oct-17	0	53	51	52	50	63	51	55	322	375	375	22	141	30
Oct-18	0	57	53	51	51	47	54	55	311	368	368	22	145	30
Oct-19	0	59	56	53	50	47	40	55	301	360	360	22	149	30
Oct-20	0	60	58	56	51	47	40	55	307	367	367	22	154	10
Oct-21	0	61	58	57	53	46	39	55	308	369	369	22	158	5
Oct-22	0	62	59	57	54	48	38	55	311	373	373	22	163	5
Oct-23	0	63	60	58	54	49	40	55	316	379	379	22	168	5
Oct-24	0	65	61	59	55	49	41	55	320	385	385	22	173	5

Build-out 150

Notes:

60% Confidence Interval:
 1 year (±) 16
 5 year (±) 35

Portable Classrooms:
 2



Middle School Enrollment Projections: Magee

Enrollment History

Mo-Year	Feeders		Middle School			Total
	5th	6th	6th	7th	8th	
Oct-06	246	5	232	272	312	816
Oct-07	242	0	252	238	274	764
Oct-08	171	1	253	266	243	762
Oct-09	189	2	219	253	264	736
Oct-10	156	0	226	214	251	691
Oct-11	165	0	211	258	233	702
Oct-12	163	0	186	206	253	645
Oct-13*	211	1	207	214	228	649
Oct-14	211	2	187	208	198	593

* Boundary Change

Non-Neigh. 6th	Bldg. Permits
43	76
49	45
66	12
77	104
71	11
93	303
74	18
72	50
67	66

weighted avg: 89

Enrollment Projections

Mo-Year	Feeders		Middle School			Total
	5th	6th	6th	7th	8th	
Oct-15	183	2	193	171	203	567
Oct-16	181	2	174	184	165	523
Oct-17	184	2	171	166	177	514
Oct-18	161	2	177	163	160	500
Oct-19	162	2	159	169	157	485

Non-Neigh. 6th	Bldg. Permits
71	30
71	30
71	30
71	30
71	30

new dev students
-1
-2
-2
-2
-2

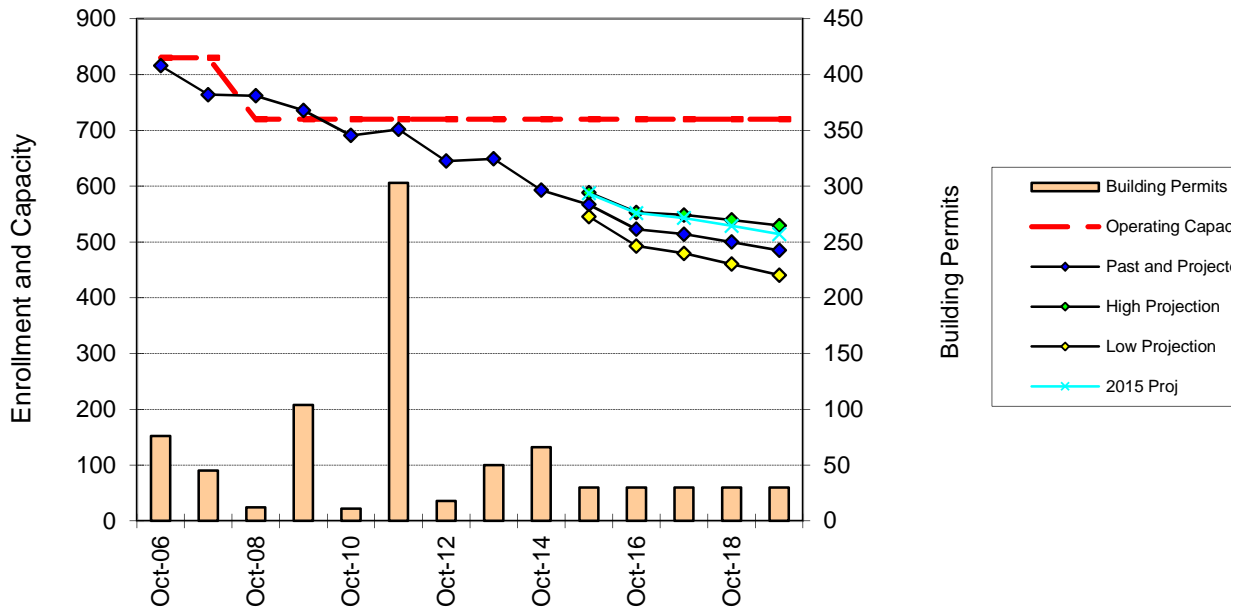
5 build out

Notes:

60% Confidence Intervals:
1 year (±)
10 year (±)

Portable Classrooms:

Enrollments, Capacity and Development: Magee



High School Enrollment Projections: Sabino

Enrollment Data

Mo-Year	Feeders		High School				Total	Non-neighborhood	
	8th		9th	10th	11th	12th		9th	TVSD 9th
Oct-06	242		383	366	394	407	1550	141	76
Oct-07	198		317	371	347	363	1398	108	62
Oct-08	161		333	322	386	328	1369	140	75
Oct-09	168		312	329	319	331	1291	151	60
Oct-10	149		326	284	327	302	1239	161	78
Oct-11	110		298	301	295	306	1200	141	40
Oct-12	122		243	270	294	289	1096	114	21
Oct-13	110		272	238	263	287	1060	149	19
Oct-14	91		263	254	235	257	1009	157	33

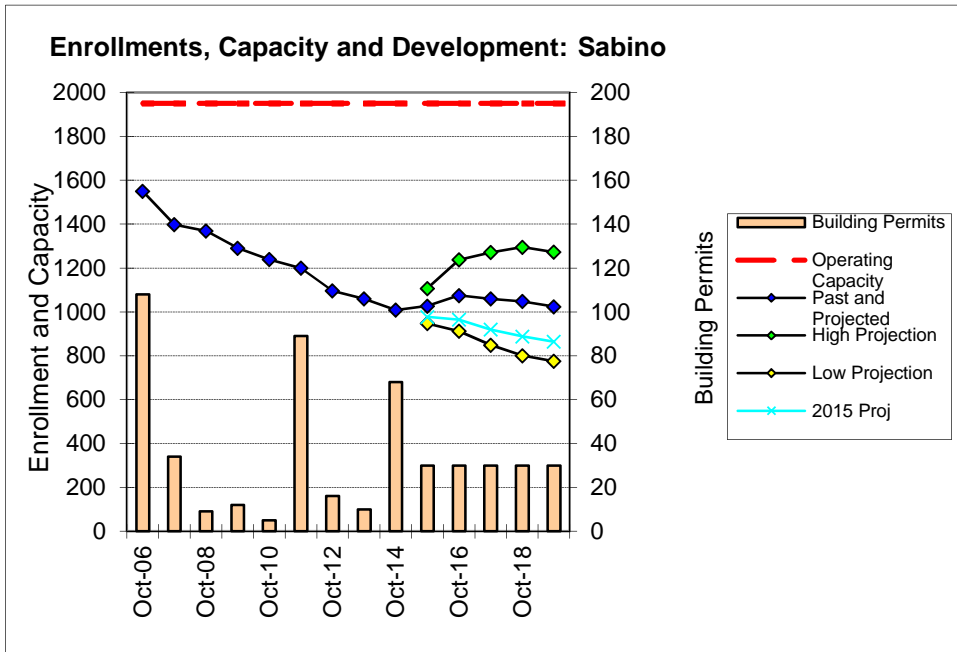
Enrollment Projections

Mo-Year	Feeders		High School				Total	Non-neighborhood		
	8th	7th	8th	9th	10th	11th		12th	9th	TVSD 9th
Oct-15	93	50		249	244	250	234	1027	160	35
Oct-16	74	60	50	247	230	240	248	1075	160	35
Oct-17	76	80	60	228	228	226	238	1060	160	37
Oct-18	70	80	80	230	210	224	224	1048	160	37
Oct-19	64	80	80	223	212	207	222	1024	160	34
									Build-out	598

Notes:

60% Confidence Intervals:
 1 year (±) 80
 10 year (±) #REF!

Portable Classrooms:
 0



SCH AREA FROM	Curent 9-12	Projected 7th & 8th
Catalina Magnet	44	14
Cholla Magnet	1	0
Palo Verde Magnet	59	19
Pueblo Magnet	6	2
Rincon	35	12
Sabino	479	158
Sahuaro	151	50
Santa Rita	73	24
Tucson Magnet	3	1
From TUSD Schools	851	280

EXHIBIT 6



MEETING OF: February 10, 2015

TITLE: Consideration of K-6 Component at Fruchthendler Elementary School and a 7th - 8th Grade Component at Sabino High School

ITEM #: 14

Information:

Study: X

Action: X

PURPOSE:

To provide additional information, as requested by the Governing Board, pertaining to the possible development of a K-6 component at Fruchthendler Elementary School and a 7th-8th grade component at Sabino High School, so the Board may consider this as a school-choice option for parents.

DESCRIPTION AND JUSTIFICATION:

Summary of considerations:

1. This option would be by choice versus by assignment.
2. An estimated 40-50 students would be added to Fruchthendler. There is a potential to add an additional 60 students per grade by attracting TUSD students in the Fruchthendler Area who do not currently attend TUSD schools.
3. There is little data with which to make projections for Sabino. It is expected that virtually all of the Fruchthendler 6th graders would transition to Sabino and there is a potential to add an additional 150 students per grade by attracting TUSD students in the Sabino Area who do not currently attend TUSD schools.
4. Fruchthendler and Sabino have capacity to accept these additional students.
5. The enrollment impacts on Magee are expected to be minimal. There are currently about 30 students from the Fruchthendler Area at Magee Middle School. It is expected that some of the Fruchthendler students (about 10 each year) will continue to matriculate to Magee and some 7th graders from Magee will select the Sabino option.
6. Recruitment efforts will be aimed at attracting students who do not attend TUSD schools rather than transferring students between TUSD schools.
7. The impacts on racial-ethnic composition will be minimal because all of the affected populations have similar compositions.

H.T. Sanchez, Bryant Nodine, Mary Anderson and Matt Munger will be present to respond to questions.

BOARD POLICY CONSIDERATIONS:

LEGAL CONSIDERATIONS:

For all Intergovernmental Agreements (IGAs), Initiator of Agenda Item provides the name of the agency responsible for recording the Agreement after approval:

For amendments to current IGAs, Initiator provides original IGA recording number:

Legal Advisor Signature (if applicable)

BUDGET CONSIDERATIONS:

_____ District Budget
 _____ State/Federal Funds
 _____ Other
Budget Cost Budget Code

Budget Certification (for use by Office of Financial Services only):

Date
 I certify that funds for this expenditure in the amount of \$ are available and may be:
 Authorized from current year budget
 Authorized with School Board approval
 Code: Fund:

INITIATOR(S):

Bryant Nodine, Acting Director of Planning and Student Assignment	2/3/15
Name	Date
	Title

DOCUMENTS ATTACHED/ ON FILE IN BOARD OFFICE:

ATTACHMENTS:
Click to download
No Attachments Available

TUCSON UNIFIED SCHOOL DISTRICT

BOARD AGENDA ITEM
CONTINUATION SHEET

Fruchthendler-Sabino Option

Governing Board

Presentation

February 10, 2015

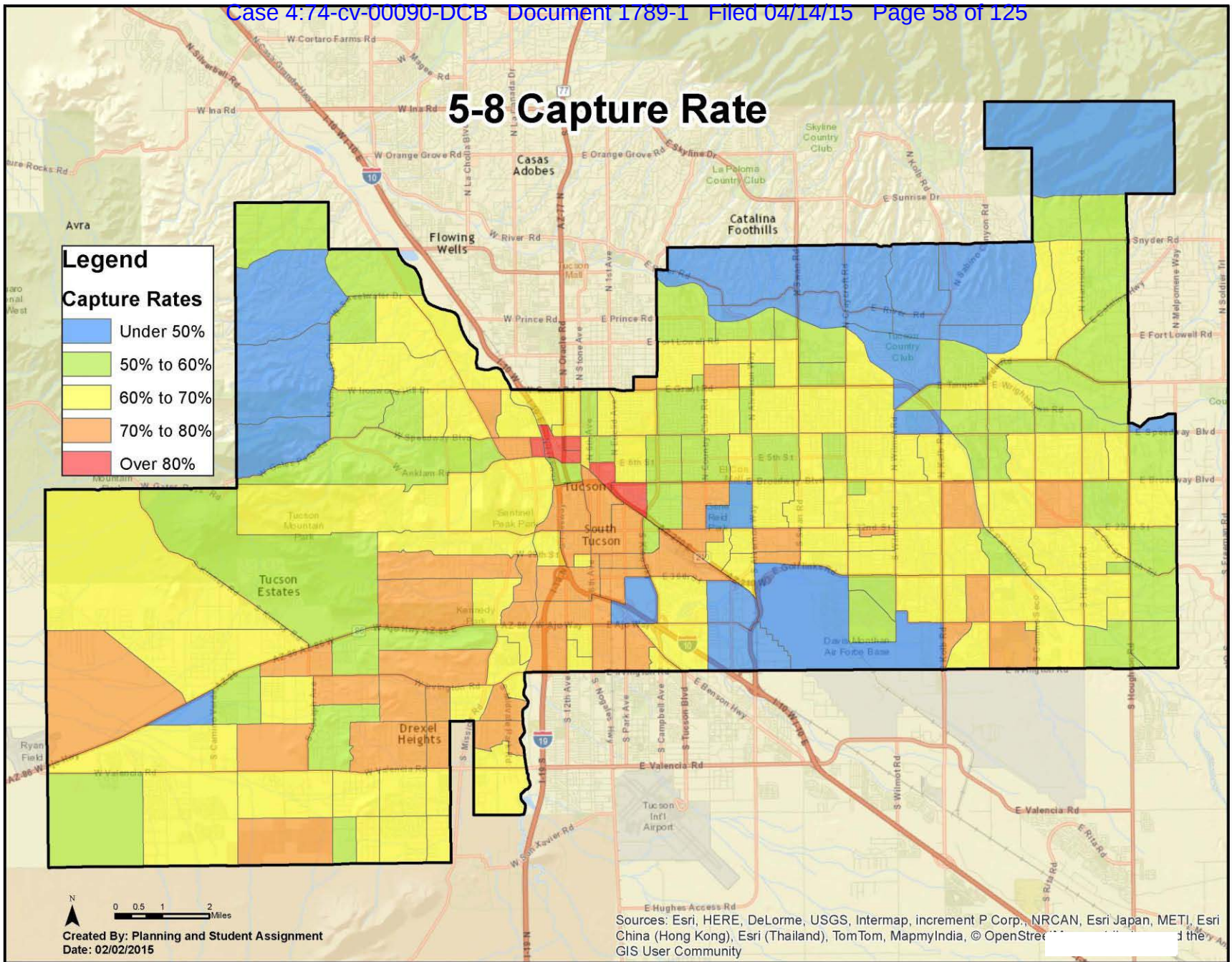
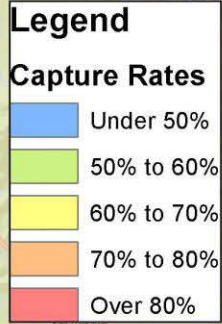


Demographics and Impacts

- Demographic Context
- Area Orientation
- Impact on the Schools
 - Enrollment
 - Utilization
 - Diversity



5-8 Capture Rate

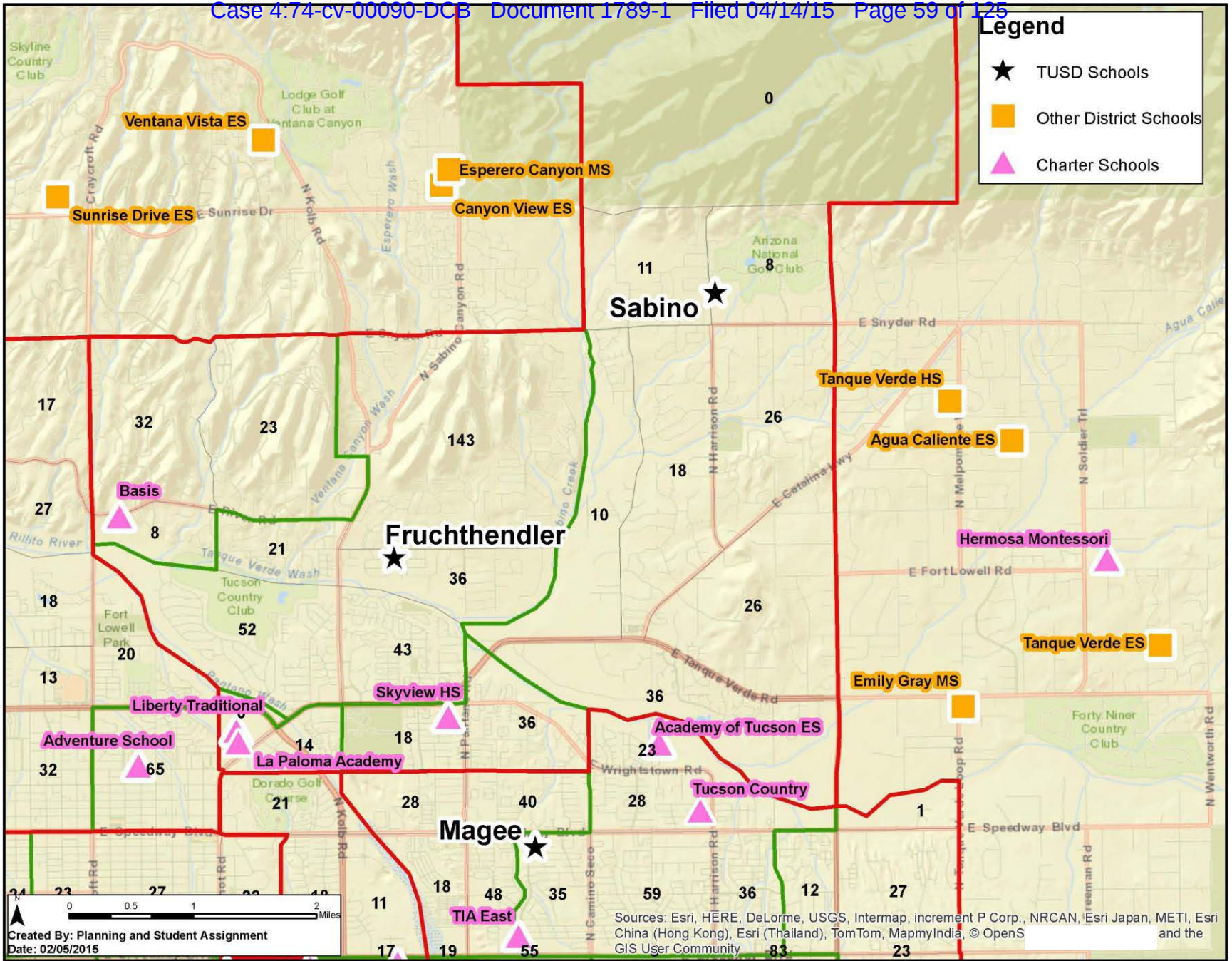


Created By: Planning and Student Assignment
Date: 02/02/2015

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Legend

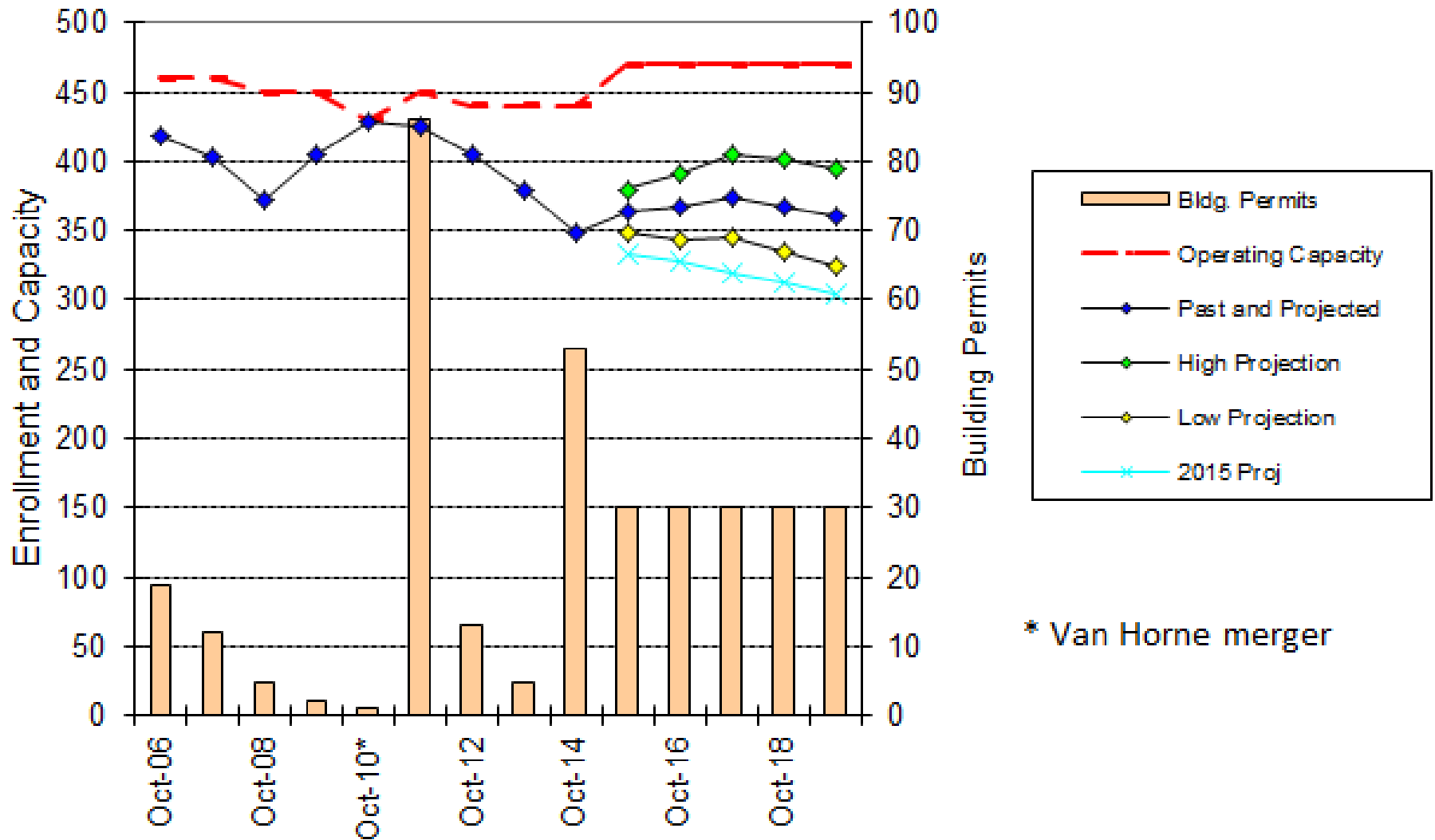
- ★ TUSD Schools
- Other District Schools
- ▲ Charter Schools



Created By: Planning and Student Assignment
 Date: 02/05/2015

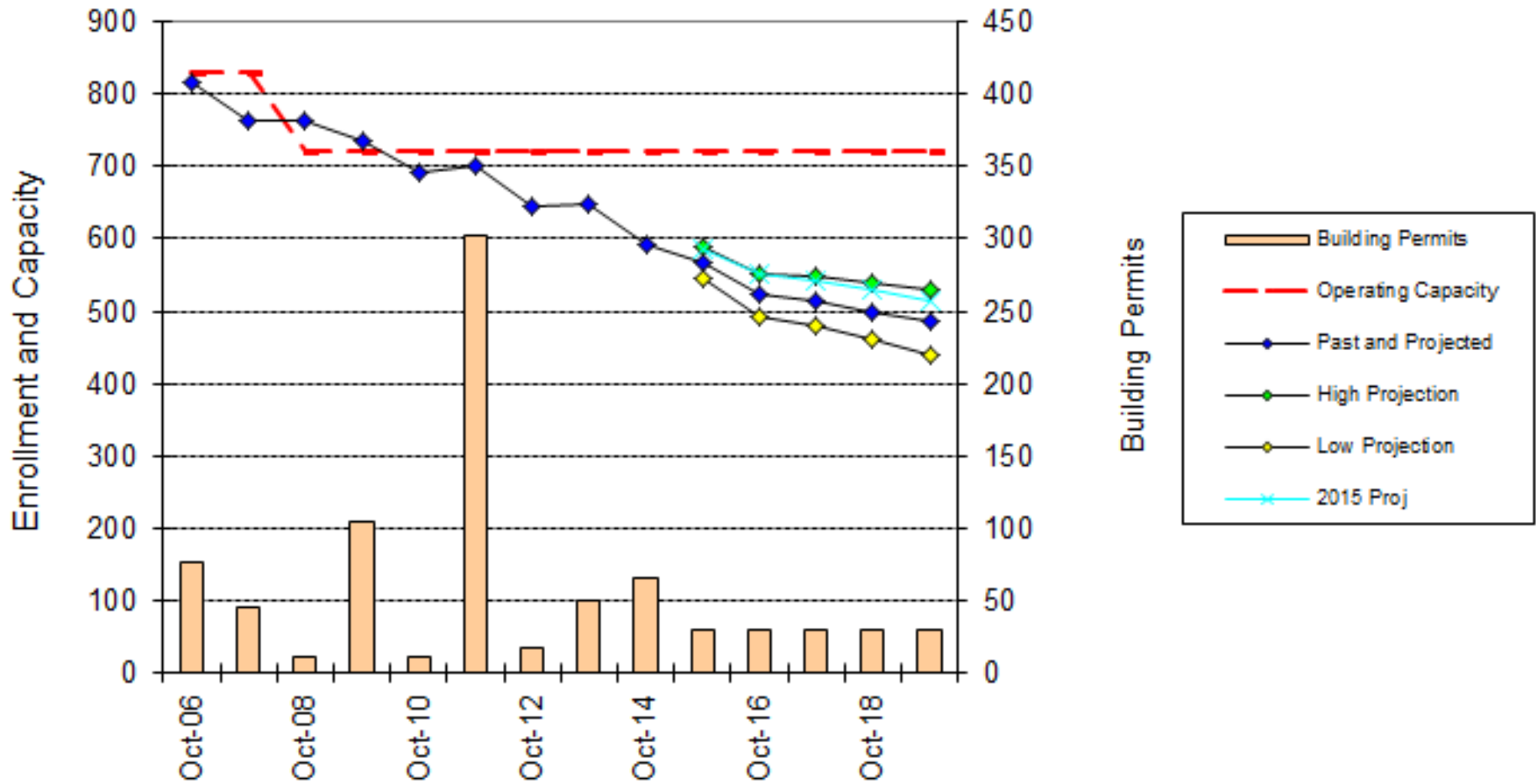
Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Enrollments, Capacity and Development: Fruchthendler

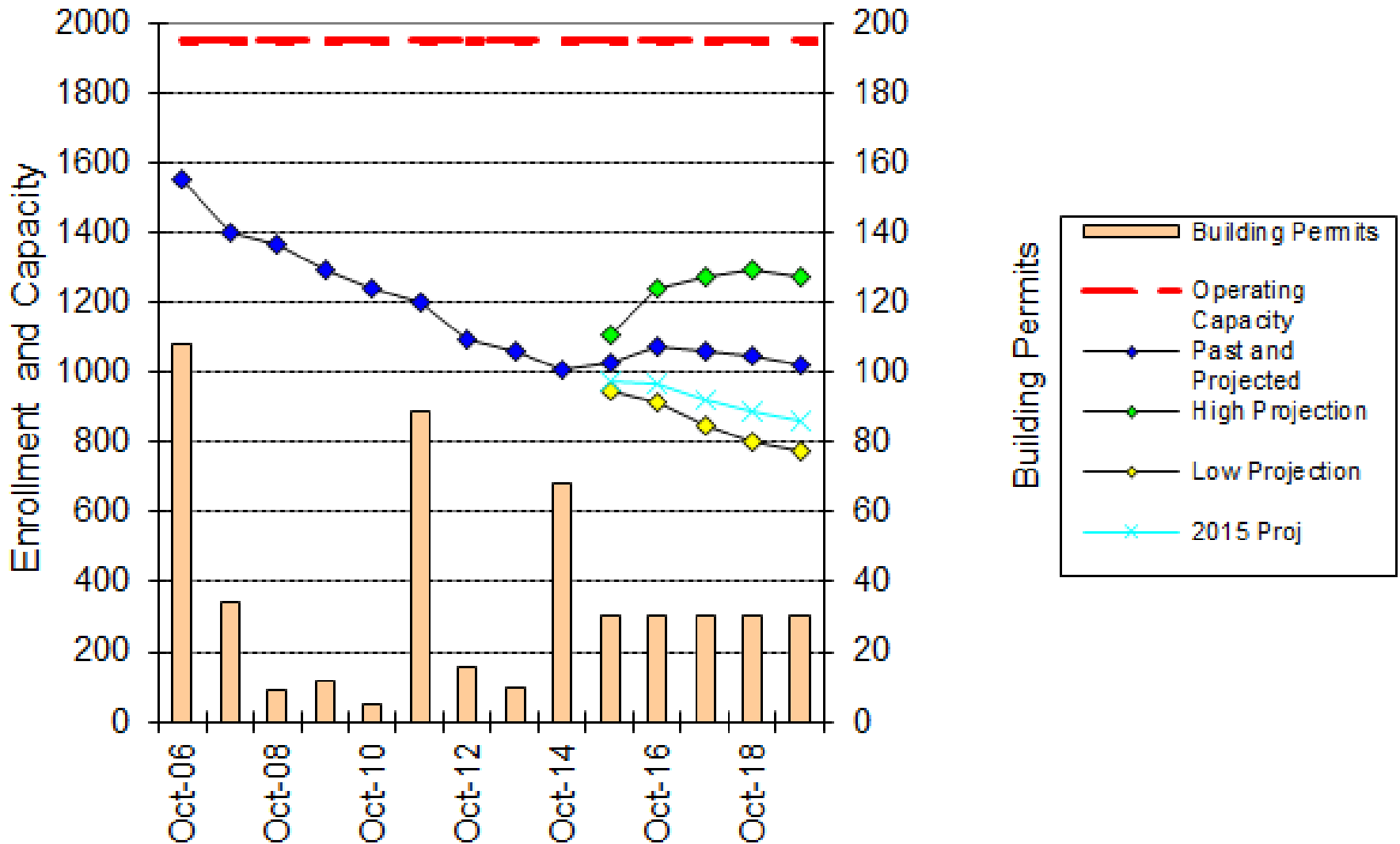


* Van Horne merger

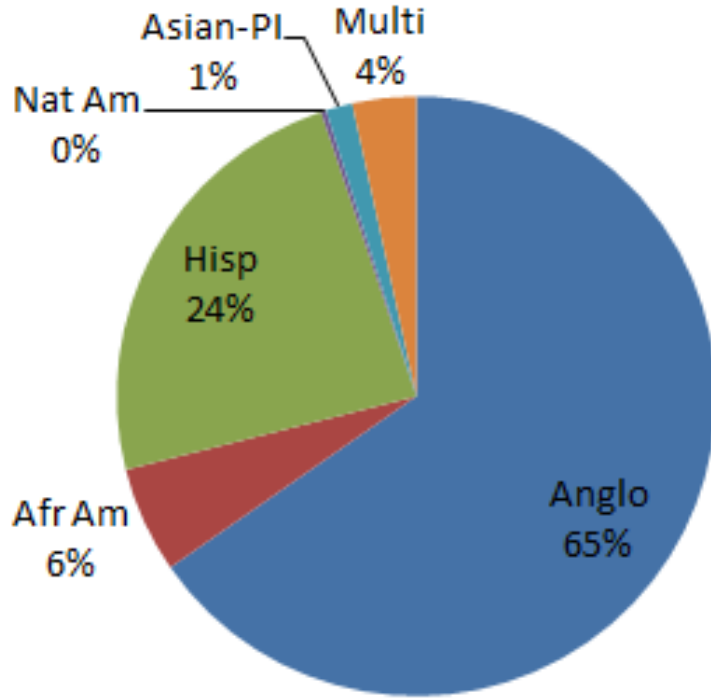
Enrollments, Capacity and Development: Magee



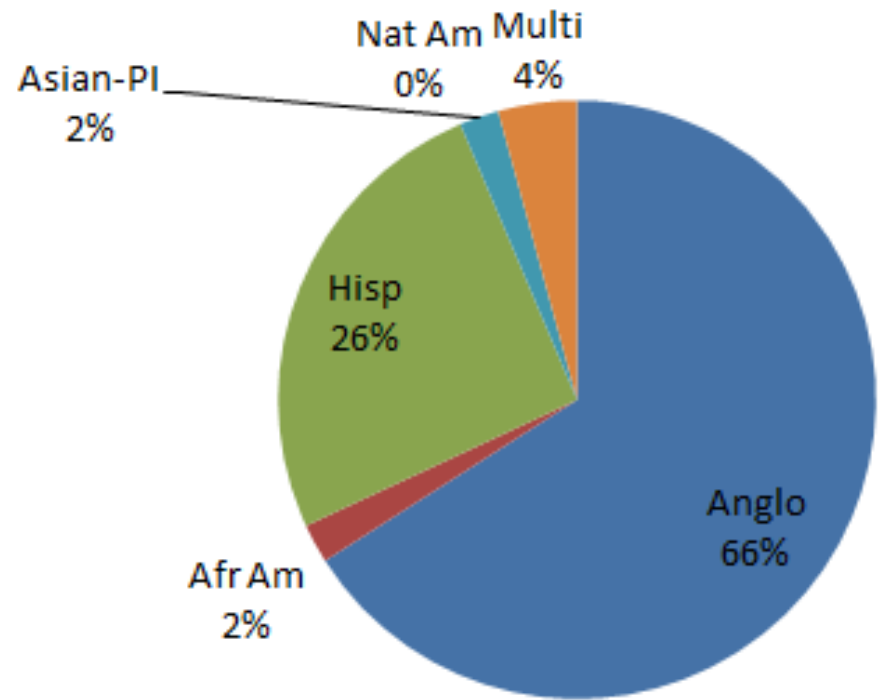
Enrollments, Capacity and Development: Sabino



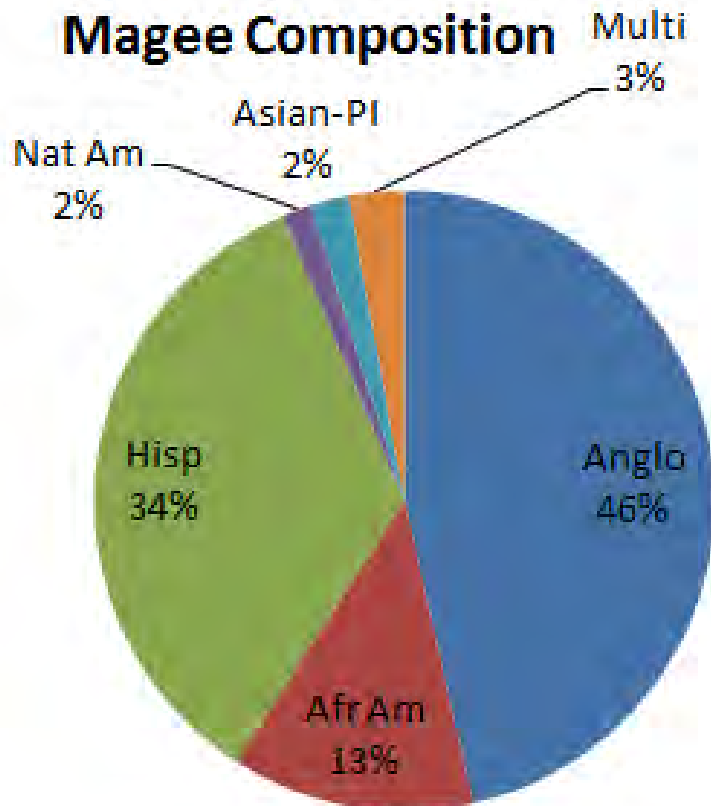
Fruchthendler Composition



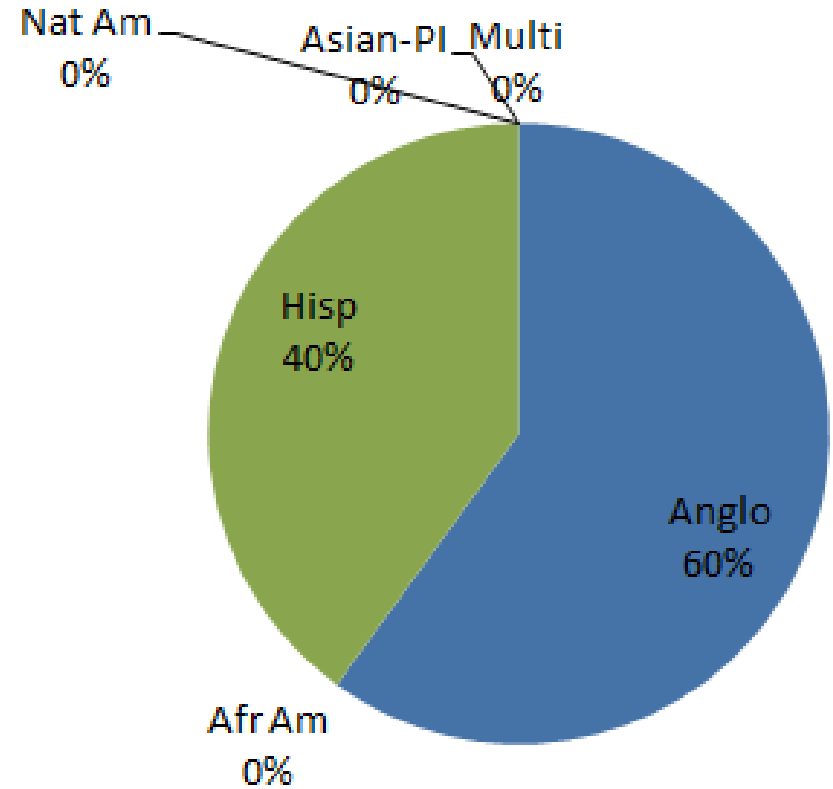
Fruchthendler 6th Grade Composition



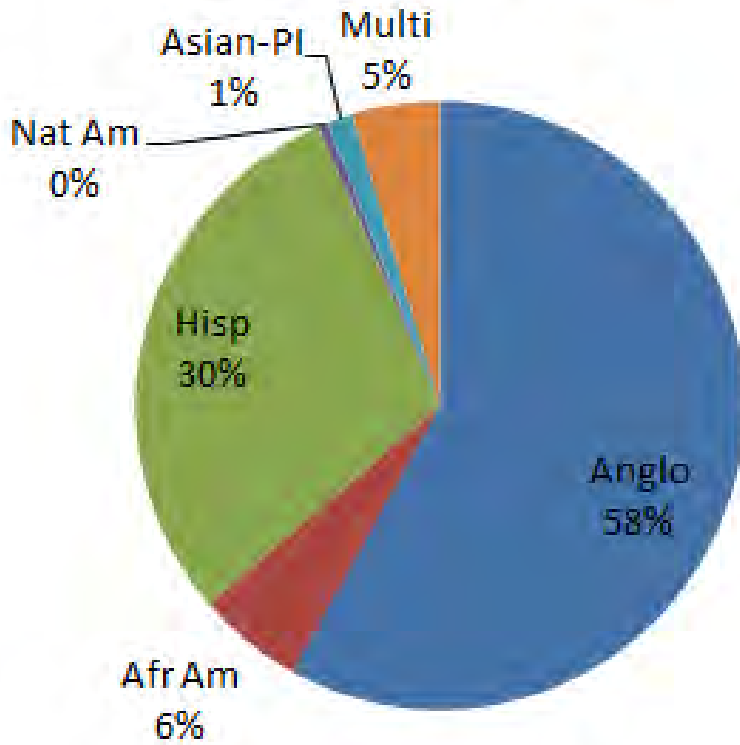
Magee Composition



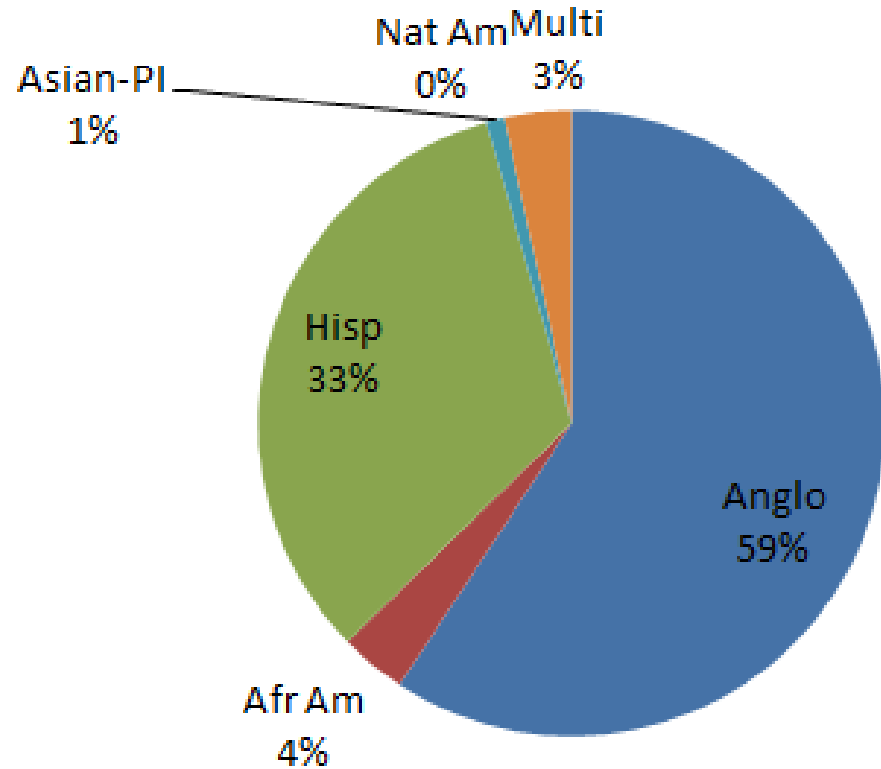
From Magee Composition



Sabino Composition



Sabino 7th and 8th Composition



Questions



EXHIBIT 7

Brown, Samuel

From: "Willis D. Hawley" <wdh@umd.edu>
Date: February 13, 2015 at 12:55:55 PM MST
To: "Rubin Salter, Jr." <rsjr3@aol.com>, "Martha.Taylor@tusd1.org" <Martha.Taylor@tusd1.org>, "anurima.bhargava@usdoj.gov" <anurima.bhargava@usdoj.gov>, "james.eichner@usdoj.gov" <james.eichner@usdoj.gov>, "jrodriguez@maldef.org" <jrodriguez@maldef.org>, "lthompson@proskauer.com" <lthompson@proskauer.com>, "zoe.savitsky@usdoj.gov" <zoe.savitsky@usdoj.gov>
Cc: "HT.Sanchez@tusd1.org" <HT.Sanchez@tusd1.org>, "Adrian.Vega@tusd1.org" <Adrian.Vega@tusd1.org>, "Steven.Holmes@tusd1.org" <Steven.Holmes@tusd1.org>, "Mary.Anderson@tusd1.org" <Mary.Anderson@tusd1.org>, "Matthew.Munger@tusd1.org" <Matthew.Munger@tusd1.org>, "Bryant.Nodine@tusd1.org" <Bryant.Nodine@tusd1.org>
Subject: RE: Impact Analysis-Sabino HS & Fruchthendler ES

Will do

From: Rubin Salter, Jr. [<mailto:rsjr3@aol.com>]
Sent: Friday, February 13, 2015 12:15 PM
To: Willis D. Hawley; Martha.Taylor@tusd1.org; anurima.bhargava@usdoj.gov; james.eichner@usdoj.gov; jrodriguez@maldef.org; lthompson@proskauer.com; zoe.savitsky@usdoj.gov
Cc: HT.Sanchez@tusd1.org; Adrian.Vega@tusd1.org; Steven.Holmes@tusd1.org; Mary.Anderson@tusd1.org; Matthew.Munger@tusd1.org; Bryant.Nodine@tusd1.org; rsjr3@aol.com
Subject: Re: Impact Analysis-Sabino HS & Fruchthendler ES

Dear Dr. Hawley:

Yes, please consider the email dated February 12, 2015 at 5:12pm to be the Fisher Plaintiffs' formal objection.

Rubin

Rubin Salter, Jr.
Attorney
The Law Office of Rubin Salter, Jr.
177 N. Church Avenue
Suite 903
Tucson, AZ 85701
(520) 623-5706
(520) 623-1716 fax
rsjr3@aol.com

The information contained in this email is intended only for the use of the individual or entity named above and is strictly confidential. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any reproduction, dissemination, distribution, or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify our office by telephone at (520) 623-5706 and delete this message. Your cooperation is appreciated.

-----Original Message-----

From: Willis D. Hawley <wdh@umd.edu>
To: Rubin Salter, Jr. <rsjr3@aol.com>; Martha.Taylor <Martha.Taylor@tusd1.org>; anurima.bhargava <anurima.bhargava@usdoj.gov>; james.eichner <james.eichner@usdoj.gov>; jrodriguez <jrodriguez@maldef.org>; lthompson <lthompson@proskauer.com>; zoe.savitsky <zoe.savitsky@usdoj.gov>
Cc: HT.Sanchez <HT.Sanchez@tusd1.org>; Adrian.Vega <Adrian.Vega@tusd1.org>; Steven.Holmes <Steven.Holmes@tusd1.org>; Mary.Anderson <Mary.Anderson@tusd1.org>; Matthew.Munger <Matthew.Munger@tusd1.org>; Bryant.Nodine <Bryant.Nodine@tusd1.org>
Sent: Thu, Feb 12, 2015 6:03 pm
Subject: RE: Impact Analysis-Sabino HS & Fruchthendler ES

The USP refers to the appointment order (1/6/12) for the process for objections (see pp.3-4). The district need not consult prior to making any proposal although it is desirable that it should do so. Once the district makes a proposal, plaintiffs may file objections within 20 days of receipt of the notice and the district has 20 days from receipt of the objections to respond. Following that, the special master shall make a report to the court setting forth proposed findings of fact and conclusions with respect to said notice no later than 30 days after the objections and the district response to objections.

So, I take it that this is your formal objection and the district has 20 days to respond. We have not yet heard from the Mendoza and plaintiffs and DOJ; that may affect the actual schedule of my response. I will do what I can to expedite this matter once I hear from all of the parties.

Bill

From: Rubin Salter, Jr. [<mailto:rsjr3@aol.com>]
Sent: Thursday, February 12, 2015 7:12 PM
To: Willis D. Hawley; Martha.Taylor@tusd1.org; anurima.bhargava@usdoj.gov; james.eichner@usdoj.gov; jrodriguez@maldef.org; lthompson@proskauer.com; zoe.savitsky@usdoj.gov
Cc: HT.Sanchez@tusd1.org; Adrian.Vega@tusd1.org; Steven.Holmes@tusd1.org;

Mary.Anderson@tusd1.org; Matthew.Munger@tusd1.org; Bryant.Nodine@tusd1.org

Subject: Re: Impact Analysis-Sabino HS & Fruchthendler ES

Special Master Hawley and counsel:

The Fisher Plaintiffs are extremely concerned by the Tucson Unified School District (TUSD) Governing Board (GB)'s reported approval of the plan to change the grade levels at Fruchthendler Elementary School (ES) and Sabino High School (HS).

The Fisher Plaintiffs' concerns are motivated in equal parts by the District's failure to involve the plaintiffs and the Special Master in the early stages of the proposal and the District's tacit assertion that it is somehow freed from its obligation under the Unitary Status Plan (USP) to maintain diverse enrollment at its schools whenever a group of White parents threatens to (or does in fact) pull its children out of TUSD schools.

The Fisher Plaintiffs are categorically opposed to the District's plan to gerrymander grade levels and feeder patterns at two high-performing schools (each with a high percentage of White enrollment) to allow (mostly high-performing and White) students to bypass a lower-performing middle school with a lower percentage of White enrollment.

A comparison of percentage enrollment by race and ethnicity at the three schools at issue at instructional day 40 of the 2014-15 school year shows the following profiles:

Sabino = 58.1 White, 3.5 Black and 30.9 Hispanic (see attached)

Fruchthendler = 65.3 White, 2.0 Black and 25.2 Hispanic (see attached)

Magee = 46.2 White, 7.3 Black and 36.9 Hispanic (see attached)

The District's projected increase in (mostly White) enrollment otherwise lost to neighboring districts and charter schools (primarily during the middle school years) promises to aggravate (or at least further insulate) the already high degree of racial and ethnic isolation present in Fruchthendler and Sabino. That outcome cannot be reconciled with the District's obligations under the USP.

It is extremely unsettling that the TUSD GB has voted to approve a proposal to alleviate White flight from the District by endorsing White flight within the District. The Fisher Plaintiffs believe that the District's desegregation impact analysis (DIA) and its claim that the changes will have "minimal impact on the racial ethnic composition of Magee" are flawed by the District's reliance on "current patterns of choice" (patterns of White flight). An analysis of the potential (as opposed to current) enrollment at Magee would show a significant and segregative impact on racial and ethnic enrollment at the middle school.

The Fisher Plaintiffs are extremely disappointed that the District, rather than exploring ways to realize the potential racial and ethnic diversity at Magee (potential currently unrealized as a consequence of White flight within and without the District), has instead approved a plan that promises to reinforce the current lack of racial and ethnic diversity at Sabino and Fruchthendler (effectively promoting intradistrict White flight as way to recapture enrollment currently lost to interdistrict White flight).

While the Fisher Plaintiffs would have much preferred to resolve their concerns collaboratively and without recourse to judicial review, the District's decision to exclude

the plaintiffs from the early stages of the development of its proposal* leaves us with no other option. This would not be the first time the District has presented a proposal to the public as a fait accompli without first soliciting the plaintiff and Special Master feedback sought by the Court.

Please let me know how you would like to proceed, knowing that the Fisher Plaintiffs are categorically opposed to the proposal and are prepared to seek judicial relief should collaborative resolution of their concerns prove unsuccessful.

Thank you,

Rubin Salter, Jr.

* At 25:15 into Part 1 of the video footage of the TUSD GB presentation on the proposal, Sabino HS Principal Munger explained that he approached Superintendent Sanchez with the proposal last year:

<http://tusd1.org/contents/govboard/gbvideo012715.html>

Rubin Salter, Jr.
Attorney
The Law Office of Rubin Salter, Jr.
177 N. Church Avenue
Suite 903
Tucson, AZ 85701
(520) 623-5706
(520) 623-1716 fax
rsjr3@aol.com

The information contained in this email is intended only for the use of the individual or entity named above and is strictly confidential. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any reproduction, dissemination, distribution, or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify our office by telephone at (520) 623-5706 and delete this message. Your cooperation is appreciated.

-----Original Message-----

From: Willis D. Hawley <wdh@umd.edu>

To: Taylor, Martha <Martha.Taylor@tusd1.org>; Anurima Bhargava <anurima.bhargava@usdoj.gov>; James Eichner <james.eichner@usdoj.gov>; Juan Rodriguez <jrodriguez@maldef.org>; Lois Thompson <lthompson@proskauer.com>; Rubin Salter <rsjr3@aol.com>; Zoe Savitsky <zoe.savitsky@usdoj.gov>

Cc: Sanchez, HT <HT.Sanchez@tusd1.org>; Vega, Adrian <Adrian.Vega@tusd1.org>; Holmes, Steven <Steven.Holmes@tusd1.org>; Anderson, Mary <Mary.Anderson@tusd1.org>; Munger, Matthew <Matthew.Munger@tusd1.org>; Nodine, Bryant <Bryant.Nodine@tusd1.org>

Sent: Mon, Feb 9, 2015 9:58 am

Subject: RE: Impact Analysis-Sabino HS & Fruchthendler ES

Let me add that when I consult with the District on matters like this, I do so in order to bring attention to issues that might delay or complicate action. I also emphasize that the plaintiffs may see issues I did not and that my comments could change should such issues emerge.

Bill

From: Taylor, Martha [<mailto:Martha.Taylor@tusd1.org>]

Sent: Monday, February 09, 2015 10:50 AM

To: Anurima Bhargava; James Eichner; Juan Rodriguez; Lois Thompson; Rubin Salter; Willis D. Hawley; Zoe Savitsky

Cc: Sanchez, HT; Vega, Adrian; Holmes, Steven; Anderson, Mary; Munger, Matthew; Nodine, Bryant

Subject: Impact Analysis-Sabino HS & Fruchthendler ES

Plaintiffs: Attached please find the Impact Analysis information for the proposed grade-level changes to Fruchthendler ES and Sabino HS. Dr. Hawley finds no problem regarding integration with these changes and there are no 910(G)funds that will be expended. The District will be sharing this information with the Governing Board in the Spring. We are happy to answer any questions you may have.

Thank you.

Martha G. Taylor MA, JD

Interim Sr. Director of Desegregation

Tucson Unified School District

520-225-3200

martha.taylor@tusd1.org

EXHIBIT 8

Brown, Samuel

From: Thompson, Lois D. <lthompson@proskauer.com>
Sent: Tuesday, February 17, 2015 4:50 PM
To: wdh@umd.edu; Taylor, Martha; Brown, Samuel; wbrammer@rllaz.com; TUSD (TUSD@rllaz.com); rsjr3@aol.com; Tolleson, Julie; Bhargava, Anurima (CRT); zoe.savitsky@usdoj.gov; Eichner, James (CRT) (James.Eichner@usdoj.gov)
Cc: Juan Rodriguez (jrodriguez@MALDEF.org)
Subject: Impact Analysis-Sabino HS & Fruchthendler ES
Attachments: FacilityData with highlights_3_21_2014.pdf

Dr. Hawley, Ms. Taylor, and Others:

The Mendoza Plaintiffs join in the Fisher Plaintiffs' objection to the proposal to change the grade levels at Fruchthendler Elementary School and Sabino High School.

In addition to the specific bases for objection articulated by the Fisher Plaintiffs, the Mendoza Plaintiffs add the following:

As a preliminary matter, they are very concerned that this proposal was not shared with the Boundary Committee during the period of time that the Committee was doing its work, particularly given the statement in the recent Governing Board presentation that the proposal has been under consideration for some time.

Had it been presented to the Boundary Committee, it likely would have been subjected to much greater analysis from a much broader perspective than appears to have been the case to date. The absence of that needed and relevant broader analysis is one of the reasons for Mendoza Plaintiffs' current objection.

In particular, Mendoza Plaintiffs believe that in a District like TUSD where there is great student mobility, it was erroneous to have limited the desegregation impact analysis (or indeed, the overall analysis of impacts) to only Fruchthendler, Magee, and Sabino.

For example, has the District considered the feeder patterns for Palo Verde and Santa Rita and whether parents will prefer the proposed new Sabino configuration with the consequence that students may leave magnet Booth-Fickett for the reconfigured Sabino, and, if so, what the impact will be on the Booth-Fickett magnet?

Will the option that the District is posing lead parents at underutilized magnet Palo Verde to move their families to Sabino? And, if so, what will be the implications for the magnet programs and integration efforts at Palo Verde?

Mendoza Plaintiffs also seek to understand on what basis the District concluded that only 18 students would move from Magee.

Further, has the District considered the impact of the proposal on low enrollment schools Collier and Dunham? (Mendoza Plaintiffs also seek to understand how proposals to address underutilization come forward for consideration given their understanding that the principals at both Collier and Dunham have made such proposals in the past. They therefore seek to understand why the suggestion by the principal of Sabino is apparently going forward while others are not and whether and to what extent the District considers effect on integration in deciding which proposals to pursue.)

Mendoza Plaintiffs also are concerned about the failure to flesh out the programmatic and cost consequences of adding 7th and 8th graders to the Sabino campus. Mendoza Plaintiffs have heard that the District plans to separate the 7th and

8th graders from the high school students but this is not made clear in the proposal the District has provided. If this is the plan, how is it to be accomplished and at what expense? How will school nurses, counselors, and monitors be staffed and assigned? Will the library collection be expanded to address the requirements of 7th and 8th graders and how will access to the library be managed if the student populations are to be kept separate? How will the playing fields and gyms be used by two distinct school populations and age groups? How will music, performance and auditorium facilities be utilized? Will the school be on a single bell system? How will discipline be implemented and enforced given the differences in the student populations? Is the plan ultimately to have two comprehensive schools on one single campus (with distinctive separation) or to have a blended 7th-12th grade junior/high school hybrid? What are the instructional and social implications for each? Absent answers to these questions, Mendoza Plaintiffs do not believe the full impact of the District's proposal can be assessed and that the proffered desegregation impact analysis therefore is of limited value.

Mendoza Plaintiffs attach some of the District data they reviewed in considering TUSD's Sabino/Fruchthendler proposal.

40th day enrollment 2014-15

Location		White/ Anglo	African American	Hispanic	Native American	Asian American	Multi Racial	Total
Catalina Magnet	N	211	129	403	14	74	44	875
	%	24.1	14.7	46.1	1.6	8.5	5.0	
Cholla Magnet	N	134	78	1358	113	11	26	1720
	%	7.8	4.5	79.0	6.6	0.6	1.5	
Palo Verde Magnet	N	283	142	537	21	21	61	1065
	%	26.6	13.3	50.4	2.0	2.0	5.7	
Pueblo Magnet	N	52	24	1383	66	4	8	1537
	%	3.4	1.6	90.0	4.3	0.3	0.5	
Rincon	N	257	148	551	16	62	52	1086
	%	23.7	13.6	50.7	1.5	5.7	4.8	
Sabino	N	584	35	310	5	14	57	1005
	%	58.1	3.5	30.8	0.5	1.4	5.7	
Sahuaro	N	805	99	672	14	46	89	1725
	%	46.7	5.7	39.0	0.8	2.7	5.2	
Santa Rita	N	272	62	270	5	20	41	670
	%	40.6	9.3	40.3	0.7	3.0	6.1	

<u>Tucson Magnet</u>	N	394	142	2542	119	42	75	3314
	%	11.9	4.3	76.7	3.6	1.3	2.3	
<u>Project MORE</u>	N	7	6	57	3	1	1	75
	%	9.3	8.0	76.0	4.0	1.3	1.3	
<u>University</u>	N	520	15	339	4	89	68	1035
	%	50.2	1.4	32.8	0.4	8.6	6.6	
<u>TAPP</u>	N	7	6	46	6	0	2	67
	%	10.4	9.0	68.7	9.0	0.0	3.0	
<u>District</u>	N	3526	886	8468	386	384	524	14174
	%	24.9	6.3	59.7	2.7	2.7		

Lois D. Thompson

From: Taylor, Martha [<mailto:Martha.Taylor@tusd1.org>]

Sent: Monday, February 09, 2015 10:50 AM

To: Anurima Bhargava; James Eichner; Juan Rodriguez; Lois Thompson; Rubin Salter; Willis D. Hawley; Zoe Savitsky

Cc: Sanchez, HT; Vega, Adrian; Holmes, Steven; Anderson, Mary; Munger, Matthew; Nodine, Bryant

Subject: Impact Analysis-Sabino HS & Fruchthendler ES

Plaintiffs: Attached please find the Impact Analysis information for the proposed grade-level changes to Fruchthendler ES and Sabino HS. Dr. Hawley finds no problem regarding integration with these changes and there are no 910(G)funds that will be expended. The District will be sharing this information with the Governing Board in the Spring. We are happy to answer any questions you may have.

Thank you.

TUCSON UNIFIED SCHOOL DISTRICT / FACILITY PLANNING DATABASE / MARCH 21, 2014

School Number / Name	District	Type	Status	Site Acres	Facility Condition	Avg. Year Blt.	Capacity					Bond \$ 08-13	Average Util. PSF
							Operate	Utilize	Av. Seats	TempCap	Portables		
ELEMENTARY SCHOOLS													
120 Banks	D1	E	Open	10.3	3.33	2002	500	73.0%	135	0	0	\$715,770.50	\$2.61
125 Blenman	D2	E	Open	7	2.46	1968	640	77.5%	144	50	2	\$2,766,897.86	\$1.96
128 Bloom	D3	E	Open	9.3	3.11	1972	440	89.3%	47	50	2	\$1,761,179.17	\$2.64
131 Bonillas	D4	E	Open	11	2.07	1959	470	92.8%	34	75	3	\$476,159.08	\$2.55
140 Borman	D5	E	Open	10.3	2.97	1976	620	80.3%	122	0	0	\$1,098,094.82	\$2.40
143 Borton	D6	E	Open	7.7	2.94	1957	470	88.9%	52	0	0	\$1,785,261.07	\$2.69
161 Carrillo	D7	E	Open	3.5	2.92	1950	320	95.9%	13	0	0	\$95,396.15	\$1.49
167 Cavett	D8	E	Open	8.9	2.85	1966	530	57.0%	228	150	6	\$263,533.46	\$2.04
170 Collier	D9	E	Open	9.2	3.11	1973	360	58.9%	148	75	3	\$468,810.66	\$3.09
179 Cragin	D10	E	Open	9	2.46	1961	500	71.6%	142	150	6	\$321,807.36	\$1.68
185 Davidson	D11	E	Open	10	3.37	1972	440	76.8%	102	0	0	\$406,877.25	\$3.34
191 Davis	D12	E	Open	3.4	2.77	1961	320	108.4%	-27	50	2	\$237,582.56	\$2.36
203 Drachman	D7	E	Open	8.6	2.89	1996	420	72.4%	116	150	6	\$519,338.51	\$1.99
211 Dunham	D14	E	Open	9.9	2.41	1974	350	59.1%	143	75	3	\$6,920.97	\$2.86
215 Erickson	D15	E	Open	7.7	2.71	1969	620	96.3%	23	0	0	\$488,416.51	\$1.83
218 Ford	D16/31	E	Open	9.9	2.42	1974	430	92.1%	34	0	0	\$435,794.34	\$2.05
225 Fruchthendler	D17	E	Open	8.9	2.45	1973	420	90.2%	41	50	2	\$383,889.28	\$2.16
228 Gale	D18	E	Open	9.3	2.37	1970	390	105.9%	-23	0	0	\$811,986.43	\$3.64
231 Grijalva	D19	E	Open	9.9	3.03	1990	620	117.3%	-107	275	11	\$1,521,359.99	\$2.88
238 Henry	D21	E	Open	9.5	2.37	1971	390	101.3%	-5	50	2	\$912,997.69	\$2.45
239 Holladay	D22	E	Open	6	2.42	1966	350	74.6%	89	0	0	\$13,848.83	\$2.10
245 Howell	D23	E	Open	8.2	2.56	1954	400	89.5%	42	100	4	\$265,389.95	\$2.53
251 Hudlow	D24	E	Open	8.4	2.96	1964	370	81.6%	68	125	5	\$1,353,511.61	\$2.17
257 Hughes	D25	E	Open	3.6	2.95	1938	340	103.2%	-11	50	2	\$1,477,093.19	\$2.65
266 Johnson	D26	E	Open	9.4	3.07	1991	490	74.3%	126	50	2	\$570,780.83	\$1.82
275 Kellond	D27	E	Open	8.6	2.46	1960	640	90.3%	62	0	0	\$752,902.45	\$1.87
277 Lawrence	D28	E	Open	9.2	2.56	1995	420	96.7%	14	0	0	\$531,589.89	\$2.12
281 Lineweaver	D29	E	Open	7.6	2.24	1963	420	132.6%	-137	200	8	\$172,359.33	\$2.29
287 Lynn/Urquides	D30	E	Open	14.7	3.10	1967	700	88.6%	80	525	21	\$1,236,780.32	\$2.19
290 Maldonado	D32	E	Open	9.9	2.97	1988	640	65.6%	220	125	5	\$1,457,697.54	\$2.77
293 Manzo	D33	E	Open	5.4	2.54	1956	350	101.4%	-5	50	2	\$203,343.78	\$2.17
295 Marshall	D34	E	Open	9.6	3.05	1966	460	75.0%	115	0	0	\$1,025,575.69	\$1.77
308 Miller	D35	E	Open	10	2.56	1981	550	110.2%	-56	325	13	\$1,665,071.71	\$2.86
311 Mission View	D36	E	Open	4	2.92	1955	360	74.7%	91	200	8	\$559,289.42	\$1.92
317 Myers/Ganoung	D37	E	Open	10	2.31	1967	640	67.0%	211	150	6	\$548,009.10	\$1.93
323 Ochoa	D38	E	Open	5.1	3.03	1945	330	68.5%	104	50	2	\$813,060.84	\$2.01

TUCSON UNIFIED SCHOOL DISTRICT / FACILITY PLANNING DATABASE / MARCH 21, 2014

School Number / Name	District	Type	Status	Site Acres	Facility Condition	Avg. Year Blt.	Capacity					Bond \$ 08-13	Average Util. PSF	
							Operate	Utilize	Av. Seats	TempCap	Portables			
327 Oyama	D39	E	Open	10.1	3.29	2002	520	80.6%	101	100	4	\$634,080.70	\$2.20	
353 Robison	D42	E	Open	8.2	2.59	1956	400	90.5%	38	0	0	\$287,229.21	\$2.47	
395 Sewell	D44	E	Open	9.2	2.71	1959	330	94.5%	18	50	2	\$332,878.99	\$2.22	
410 Soleng Tom	D45	E	Open	9.9	2.90	1987	520	89.2%	56	75	3	\$1,194,829.17	\$2.15	
413 Steele	D46	E	Open	9.9	2.88	1961	490	73.9%	128	50	2	\$388,316.60	\$2.23	
417 Tolson	D47	E	Open	10	2.78	1976	520	70.6%	153	50	2	\$380,017.27	\$2.40	
419 Tully	D48	E	Open	11.8	2.85	1968	540	78.1%	118	100	4	\$686,507.32	\$2.18	
431 Van Buskirk	D49	E	Open	9.6	2.47	1962	500	77.0%	115	100	4	\$500,715.68	\$2.23	
435 Vesey	D50	E	Open	10	3.16	1979	580	105.3%	-31	500	20	\$2,219,832.32	\$2.30	
440 Warren	D51	E	Open	8.2	2.93	1978	380	69.7%	115	75	3	\$646,013.35	\$2.72	
443 Wheeler	D52	E	Open	8	2.67	1961	580	87.9%	70	0	0	\$24,253.09	\$2.02	
449 White	D53	E	Open	10.2	2.97	1977	650	109.2%	-60	350	14	\$3,051,464.37	\$1.98	
455 Whitmore	D54	E	Open	10.3	3.00	1965	490	73.5%	130	0	0	\$413,373.32	\$1.37	
461 Wright	D55	E	Open	8.5	2.88	1964	490	84.1%	78	175	7	\$684,908.00	\$2.28	
197 Dietz K-8	D13	EK8	Open	8.5	2.66	1965	520	80.6%	101	50	2	\$372,057.20	\$1.64	
233 Hollinger K-8	D20	EK8	Open	9.4	2.63	1966	810	67.5%	263	75	3	\$341,000.62	\$2.32	
351 Robins K-8	D41	EK8	Open	16.7	2.96	1995	680	84.9%	103	50	2	\$1,914,737.26	\$1.44	
371 Rose K-8	D43	EK8	Open	13.3	2.49	1993	770	101.3%	-10	25	1	\$416,936.37	\$1.98	
ELEMENTARY TOTALS				484.8				26,480		3,861	4,975	199	\$42,613,528.98	
MIDDLE SCHOOLS														
502 Dodge	NA	M	Open	10.2	2.90	1970	345	121.7%	-75	0	0	\$1,013,132.98	\$2.33	
505 Doolen	D1	M	Open	19.8	3.08	1972	1,140	69.8%	344	0	0	\$4,972,578.25	\$2.76	
511 Gridley	D2	M	Open	27.4	2.36	1977	790	92.7%	58	50	2	\$836,739.51	\$2.58	
515 Magee	D3	M	Open	18.5	2.61	1972	720	90.1%	71	150	6	\$1,198,796.58	\$1.77	
520 Mansfeld	D4/14	M	Open	6.6	2.37	1962	810	99.6%	3	0	0	\$3,224,778.77	\$1.55	
527 Pistor	D5	M	Open	17.4	2.49	1978	830	115.9%	-132	325	13	\$1,716,744.70	\$1.95	
537 Secrist	D6	M	Open	18.4	2.48	1973	650	98.2%	12	0	0	\$688,761.26	\$2.48	
550 Utterback	D7	M	Open	15.8	2.43	1976	880	78.8%	187	175	7	\$585,449.22	\$1.74	
555 Vail	D8	M	Open	18	2.39	1965	730	92.1%	58	200	8	\$795,353.90	\$2.57	
557 Valencia	D9	M	Open	30.7	3.11	1993	1,075	90.3%	104	0	0	\$4,909,505.13	\$3.34	
305 Miles - E. L. C. K-8	NA	MK8	Open	5.5	3.01	1946	370	86.2%	51	75	3	\$171,890.10	\$2.48	
329 Pueblo Gardens K-	D59/12	MK8	Open	9.8	2.41	1957	530	86.2%	73	125	5	\$1,665,968.82	\$2.40	
510 Booth-Fickett K-8	D56/10	MK8	Open	28.2	2.85	1970	1,210	106.2%	-75	75	3	\$748,490.42	\$1.87	
521 Morgan Maxwell K	D57	MK8	Open	18	2.53	1978	650	62.6%	243	25	1	\$369,530.17	\$2.04	
523 McCorkle K-8	D58/11	MK8	Open	10	3.70	2011	950	89.6%	99	0	0	\$23,308,805.17	\$1.75	
525 Roberts-Naylor K-	8 D59/12	MK8	Open	18.7	2.55	1970	830	72.2%	231	0	0	\$1,116,733.36	\$1.88	

TUCSON UNIFIED SCHOOL DISTRICT / FACILITY PLANNING DATABASE / MARCH 21, 2014

School Number / Name	District	Type	Status	Site Acres	Facility Condition	Avg. Year Blt.	Capacity					Bond \$ 08-13	Average Util. PSF
							Operate	Utilize	Av. Seats	TempCap	Portables		
535 Safford K-8	D60/13	MK8	Open	4.4	2.65	1956	980	88.7%	111	0	0	\$1,374,574.85	\$2.40
595 Roskruge K-8	D61	MK8	Open	4.4	2.48	1920	670	102.8%	-19	0	0	\$2,068,539.94	\$2.06
MIDDLE SCHOOL TOTALS				281.8			14,160		1,344	1,200	48	\$50,766,373.13	
HIGH SCHOOLS													
610 Catalina	D1	H	Open	35.8	2.73	1962	1,500	68.1%	479	0	0	\$5,653,031.24	\$1.66
615 Cholla	D2	H	Open	33.4	2.89	1964	1,650	101.8%	-30	125	5	\$10,058,465.94	\$1.99
620 Palo Verde	D3	H	Open	35.5	2.35	1961	2,070	46.0%	1,117	0	0	\$6,907,058.34	\$1.86
630 Pueblo	D4	H	Open	37.7	2.46	1966	1,900	79.5%	390	250	10	\$7,837,474.20	\$1.68
640 Rincon	D5	H	Open	35.1	2.56	1964	1,070	105.1%	-55	75	3	\$8,641,560.90	\$1.56
645 Sabino	D6	H	Open	37.2	2.56	1975	1,950	54.4%	890	0	0	\$12,554,380.67	\$1.69
650 Sahuaro	D7	H	Open	37.4	2.82	1969	1,950	94.1%	116	0	0	\$12,477,386.66	\$2.28
655 Santa Rita	D8	H	Open	44.8	2.60	1971	2,070	44.8%	1,143	0	0	\$8,198,419.60	\$1.82
660 Tucson	D9	H	Open	27	2.80	1958	2,900	111.2%	-326	0	0	\$13,861,036.47	\$1.80
675 University	NA	H	Open	35.1	2.56	1964	900	112.1%	-109	0	0		
HIGH SCHOOL TOTALS				359.0			17,960		3,615	450	18	\$86,188,814.02	
ALTERNATIVE SCHOOLS													
195 Meredith K-12	NA	A	Open	4	3.50	2008	0		-59	0	0	\$4,439,448.82	\$2.43
602 Direct Link II	NA	A	Open				0		-36	0	0	\$17,756.88	
674 Project MORE	NA	A	Open	2.2	2.79	1994	220		145	0	0	\$67,756.79	\$2.03
676 Teenage Parent Pr	NA	A	Open	1.7	2.77	1954	180		117	0	0	\$78,921.72	\$2.59

TUCSON UNIFIED SCHOOL DISTRICT / FACILITY PLANNING DATABASE / MARCH 21, 2014

School Number / Name	District	Type	Status	Site Acres	Facility Condition	Avg. Year Blt.	Capacity					Bond \$ 08-13	Average Util. PSF
							Operate	Utilize	Av. Seats	TempCap	Portables		
CLOSED SCHOOLS													
149 Brichta	NA	E	Closed	11.7	2.05	1973	280	0.0%	290	125	5	\$438,912.36	\$1.87
173 Corbett	NA	E	Closed	6.9	2.38	1958	600	0.0%	650	0	0	\$220,787.76	\$2.11
209 Duffy	NA	E	Closed	11.7	2.70								
221 Fort Lowell	NA	E	Closed	8.5	2.30								
263 Jefferson Park	NA	E	Closed	2.9	2.60								
288 Lyons	NA	E	Closed	10	2.67	1975	340	0.0%	360	50	2	\$737,413.80	\$2.58
299 Menlo Park	NA	E	Closed	6.3	2.30	1959	350	0.0%	370	150	6	\$380,350.72	\$2.34
338 Reynolds	NA	E	Closed	9.4	2.50								
341 Richey	NA	E	Closed	7.8	2.80								
347 Roberts	NA	E	Closed	8.7	2.60								
359 Rogers	NA	E	Closed	12.4	2.60								
389 Schumaker	NA	E	Closed	9.5	2.43	1964	380	0.0%	410	0	0	\$341,951.68	\$2.39
433 Van Horne	NA	E	Closed	9	3.10								
467 Wrightstown	NA	E	Closed	9.2	2.20								
503 Carson	NA	M	Closed	17.7	2.70	1973	830	0.0%	830	0	0	\$286,760.72	\$2.15
513 Hohokam	NA	M	Closed	27.6	3.03	1990	700	0.0%	700	75	3	\$502,294.42	\$1.62
545 Fort Lowell-Town	NA	M	Closed	19.5	2.74	1965	650	0.0%	650	75	3	\$1,544,461.33	\$2.54
560 Wakefield	NA	M	Closed	9.3	2.87	1967	610	0.0%	610	0	0	\$580,170.08	\$1.84
680 Howenstine	NA	H	Closed	6.4	2.48	1975	130	0.0%	130	300	12	\$448,202.33	\$4.12
671 PASS Alternative	NA	A	Closed	0.3	2.70	1970	250	0.0%	250	0	0		\$0.74
672 PACE Alternative	NA	A	Closed	0.2	2.90	1987	0		0	0	0	\$48,773.36	\$1.24
681 Broadway Bridge	NA	A	Closed	0.4			0		0	0	0		\$0.40

EXHIBIT 9

Brown, Samuel

From: Taylor, Martha
Sent: Wednesday, March 4, 2015 4:27 PM
To: 'Willis D. Hawley'; Anurima Bhargava; Brown, Samuel; James Eichner; Juan Rodriguez; Lois Thompson; RLL; Rubin Salter; Tolleson, Julie; Zoe Savitsky
Cc: Holmes, Steven
Subject: Fruchthendler/Sabino NARA
Attachments: 20150304 Ltr to SMP re FruchtSabino NARA.pdf

Dr. Hawley and Counsel: Please find attached the District's request for approval and response to the Fisher and Mendoza objections related to the NARA for grade expansions at Fruchthendler ES and Sabino HS.

Martha G. Taylor MA, JD

Interim Sr. Director of Desegregation
Tucson Unified School District
520-225-3200
martha.taylor@tusd1.org

To: Dr. Hawley, Special Master
From: Tucson Unified School District
Re: Fruchthendler/Sabino: Response to Objections and Request for Approval
Date: March 4, 2015
Cc: Plaintiffs

INTRODUCTION

On January 27th, 2015, the TUSD Governing Board studied a proposal to add a sixth grade component to Fruchthendler Elementary School and a seventh-eighth grade component to Sabino High School, both located in the District's northeast quadrant. *See Attachment 1, 1/27/15 Governing Board Agenda Item # 3.* Although the board took no formal action at that time, the proposal generated substantial public interest and – more specific to this case – inquiries from the plaintiffs and Special Master.¹ On February 6th, the Director of Student Assignment, Bryant Nodine, along with other key District personnel, met with the Special Master to discuss our initial analysis regarding the potential impact of the Fruchthendler/Sabino plan on the desegregation of District schools. On February 9th, Martha Taylor shared the same analysis and information with the plaintiffs. *See Attachment 2, 2/9/15 from M. Taylor to parties.*

At its regular meeting on February 10th, 2015, the Governing Board considered the proposal and approved the change for the upcoming school year (hereafter referred to as “the Plan”). *See Attachment 3, Board agenda and presentation; see also Attachment 4, map of eastside schools.* The Plan seeks both to retain students who have been choosing non-TUSD options (such as adjacent districts and charter schools) and to attract new entrants to TUSD from nearby non-District schools. The District's analysis, discussed in greater detail below, indicates that the Plan will generate new ADM revenue for the District as a result of retained/recruited students without causing an adverse impact on desegregation.

On February 12, 2015, counsel for the Fisher plaintiffs submitted an objection to the Fruchthendler/Sabino plan. On February 13, 2015, Fisher plaintiffs clarified their objection as a “formal” objection operating as a request to the Special Master to tender an R&R to Judge Bury rejecting the change. Because the District had not yet submitted a formal NARA, an email discussion ensued about the procedural posture and timing. The parties agreed that Martha Taylor's February 9, 2015 email sufficiently triggered the objection period, and that the District would respond to the Fisher objection within the timeline allowed by the NARA process (20 days from February 12, no later than March 4). On February 17, 2015, the Mendoza plaintiffs tendered an objection to the proposal, the response to which is due 20 days later (no later than March 9).

¹ Although the plan does not include any revision to boundaries (that is, no changes to what constitutes the “neighborhood” for any district school), it does involve a change in student assignment and thus is subject to the USP's Notice And Request for Approval (NARA) requirements.

This document both contains additional information that would have traditionally accompanied a formal DIA/NARA submission, and constitutes TUSD's response to the objections lodged by the Fisher and Mendoza plaintiffs. TUSD requests the prompt approval of the Special Master and the Court because: 1) there is no reasonable basis by which the Court can conclude that the Plan will have an adverse impact on the District's desegregation efforts; and 2) the plan does not include the expenditure of 910(G) funds,

THE FRUCHTHENDLER-SABINO PLAN – AN ANALYSIS

The Plan is designed to attract students to TUSD who typically chose to leave TUSD schools, especially during the middle-school grades. The Plan uses three approaches to help attract and retain students that are otherwise choosing other options, thereby frustrating TUSD's desegregation efforts:

1. Minimize transitions so parents need only make a single choice (only a 6th to 7th grade transition versus the normal 5th to 6th followed by an 8th to 9th);
2. Provide options for parents that they are already choosing to use at other grade levels (they already choose Fruchthendler and Sabino.); and
3. Provide options for parents that are relatively accessible, especially as they may already have other children in these schools (Sabino and Fruchthendler are close to the areas that we propose to draw students from).

As clearly delineated in the original analysis, the objective is to attract and retain mostly Anglo students who typically leave TUSD schools; it does not endorse or encourage the movement of Anglo students from other TUSD schools. TUSD has analyzed the Plan's potential impacts on the racial composition at both schools. The projected racial composition at each school is so similar to their existing composition that the changes will be virtually non-existent.

School	Anglo	Af Am	Hisp	Nat Am	Asian-PI	Multi
Fruchthendler (K-5)	65%	6%	24%	0%	1%	3%
Fruchthendler (new 6th)	66%	2%	26%	0%	2%	4%
Total	66%	5%	24%	0%	1%	3%
Sabino (9-12)	58%	6%	30%	0%	1%	5%
Sabino (new 7 th & 8th)	59%	3%	33%	0%	1%	3%
Total	58%	5%	30%	0%	1%	4%

Impact on Fruchthendler Elementary School

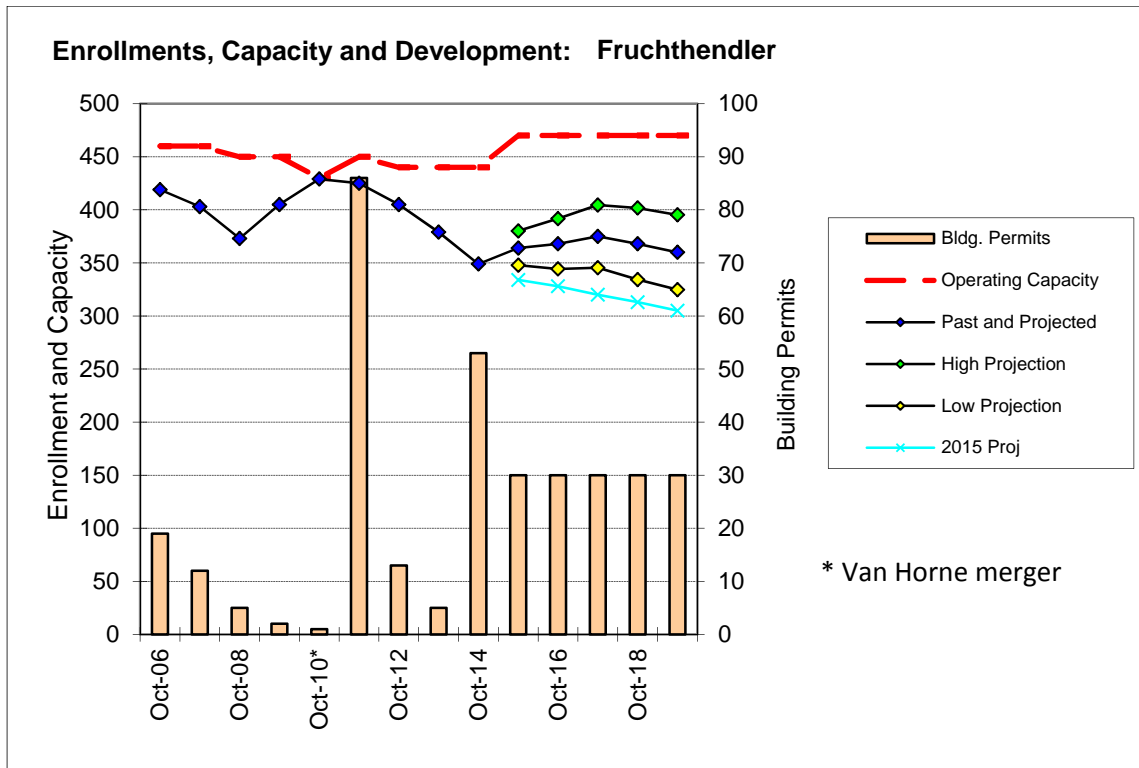
As reflected in the attached DIA Tables (see below, pages 15-16), which are based on typical transition rates from 5th grade to 6th grade for K-8 and K-6 schools, the addition of a sixth grade component to Fruchthendler would add approximately 40 to 50 students, resulting in 2 small 6th-grade classes or 1 6th-grade class and a combo (5th- & 6th-grade) class. However, in this instance, due to the large number of students that could be retained as a result of the Plan, the potential 6th grade enrollment could be much greater.

The Fruchthendler area reflects a higher-than-average rate of loss of school-age District residents to non-District schools. Based on 2010 census data for the area, there are more than 40 students per grade at the K-5 level who do not attend TUSD schools. That number doubles when students reach middle school: over 80 students residing within the Fruchthendler attendance zone do not attend TUSD schools in the 6th grade (see Map 1, page 12 below). Thus, the projected change of forty students (based on District averages) could easily increase to 55 students (two classes) if the Plan operates to successfully retain students.

Both anecdotal evidence gleaned by Fruchthendler principal Mary Anderson, as well as a review of an area map, suggest that geography/travel time play a role in the accelerated loss of students at 6th grade. That evidence suggests that many Fruchthendler families choose to go outside of TUSD for middle school because there are two competitive middle school options within a few miles of Fruchthendler (Esperero to the north and Basis to the west, as shown on Map 1 below). In contrast, the TUSD middle school (Magee) into which Fruchthendler feeds is four miles away and in the opposite direction that many parents travel to get to work. Ms. Anderson reports that once a TUSD family transfers a middle-school-age student into adjacent Catalina Foothills, the parents are more likely to then take their younger children out of Fruchthendler and enroll them into the adjoining elementary school in an effort to have all family members on the same district calendar. Every student for whom a transfer is avoided results in increased ADM to the District and, potentially, greater diversity.

In addition, the Plan would provide the most efficient and effective utilization of the Fruchthendler site. Fruchthendler currently has two resource rooms (used for Speech, GATE, Special Ed and ELD resource programs), one vacant (extra) classroom, two portables, and a computer room. Not counting the portables, the school has a current capacity of 440, but the capacity could be increased to 470 by scheduling resource programs to share rooms and portables. With 350 students, Fruchthendler is currently at 80% utilization. With the projected additional students, and revised scheduling, utilization would increase to 85%, an ideal utilization rate. The graph below illustrates how the new projection, including a 6th grade, compares to the capacity of the school and the projection without the change (the 2015 projection in light blue).

On the graph below, the term “Building Permits” refers to residential housing starts (the extent of new housing going up in the area).



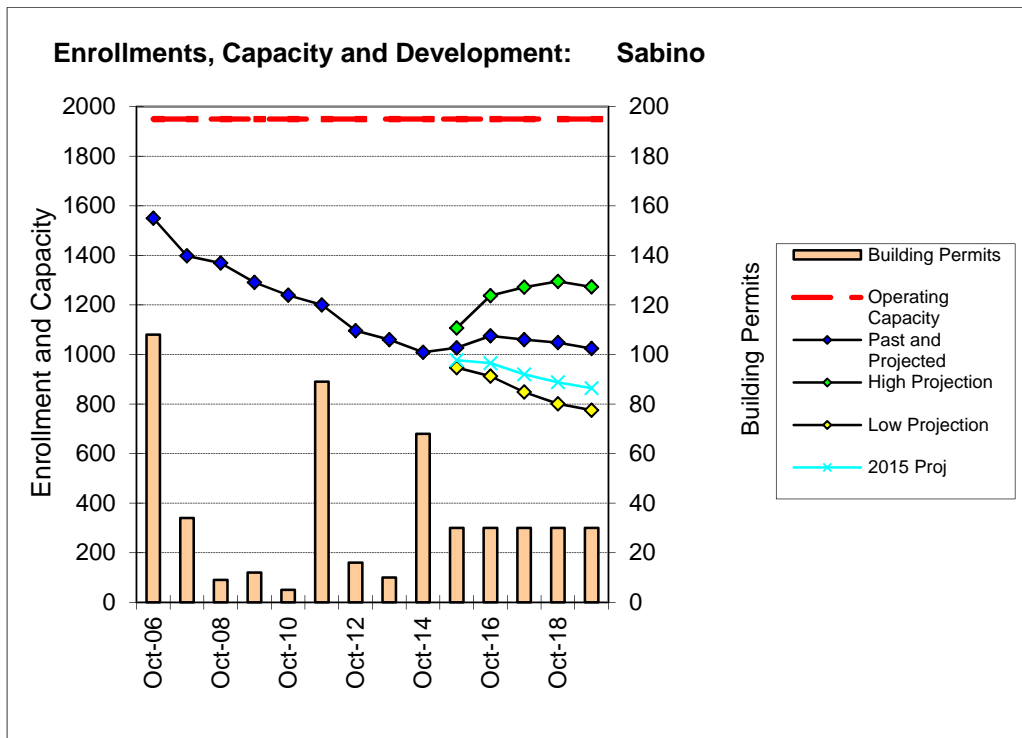
As shown in the DIA Table following this section, the change is expected to have very little impact on the racial ethnic composition of Fruchthendler because the population that would attend the 6th grade has essentially the same composition as the current K-5 population. Moreover, to the extent that the parties’ objections are the product of assumptions based on long-outdated demographics of the school,² over the past five years, the Anglo student percentage has decreased from 74.4% in 2009-10. So, the data confirms that both for the short term (i.e., in the immediate retention of students) and for the long-term (based on Fruchthendler’s trend of decreasing Anglo enrollment) that the addition of sixth grade will not compromise the school’s integration status.

² In particular, the Fisher plaintiffs’ objection suggests that expansion of Fruchthendler is catering to a form of intra-district “white flight.”

Impact on Sabino High School

While there is little data to project the impact of the plan on Sabino High School, , the District anticipates that almost all of the Fruchthendler 6th graders would transition to 7th grade at Sabino and largely remain there through the completion of high school. In addition, the District anticipates that the Sabino 7th and 8th grade option (and the transportation available to it) will appeal to families within the Sabino attendance area that are presently choosing non-District options. Based on the 2010 census, there are 190 middle-school-age students per grade (580 6th-8th graders total) in the Sabino area who are not attending TUSD schools (see Map 1 below). Thus the District projects increases to Sabino enrollment between 80 to 110 students (the Fruchthendler transition only), and there is a strong potential to increase that enrollment by attracting some of the remaining students in the Sabino area not already attending TUSD schools. The goal is an ambitious one: the District seeks to add more students (up to 330 total) by recruiting students who are not currently attending TUSD schools.

As shown in the graph below, Sabino’s current capacity is 1950 students, but at its current numbers (approximately 1000 students) it is at 52% utilization. The projected changes resulting from the Plan would increase utilization to 60% to 70%.



For the purposes of this document, of course, the most salient inquiry is whether the addition of 7th and 8th grade at Sabino will have an adverse impact on desegregation. The data confirms that it will not. As shown in the DIA Tables below (pages 15-16), the changes are expected to have very little impact on the racial ethnic composition of

Sabino because the population that would attend the 7th and 8th grades has essentially the same composition as the current 9-12 population.

As with Fruchthendler, assumptions about the demographics of Sabino are often incorrect. Although there is a perception of Sabino High School as being composed largely of Anglo students the reality is much different and is changing rapidly. In just the last 5 years the entering freshman class has increased from 20% Hispanic students to 33%. Some of the increase is due to open-enrollment, but as shown in Table 3 below (Sabino HS Ninth Grade Enrollment), the Sabino neighborhood has also shown a dramatic increase in Hispanic students (from 19% to 29%). Anglo students now comprise less than 55% of the students at Sabino.

In their objections, the Fisher plaintiffs observe that based on current demographics, the recouped/recruited students are likely to be majority Anglo. However, consistent with the overall trends in the Sabino area noted above, it is uncertain how long that Sabino will retain a white majority. Moreover, the USP directed that the District prepare a transfer report and evaluate possible ways to address the exodus of school-aged students (without tying those efforts to any particular racial or ethnic group). See USP §II(H)(1). The Plan is consistent with that goal.

The Mendoza plaintiffs express concern that parents of students at Palo Verde Magnet High School may move their students to Sabino as a result of the plan. The District submits that there is simply not a data-based reason to reach this conclusion. In Arizona's open enrollment environment, Palo Verde families are already able to enroll their students at Sabino. This proposal does not change the arrangement between the two high schools (both of which are "A" schools). In addition, the two schools are separated by more than nine travel miles – further indication that a mass exodus from Palo Verde is unlikely.

Impact on Magee Middle School

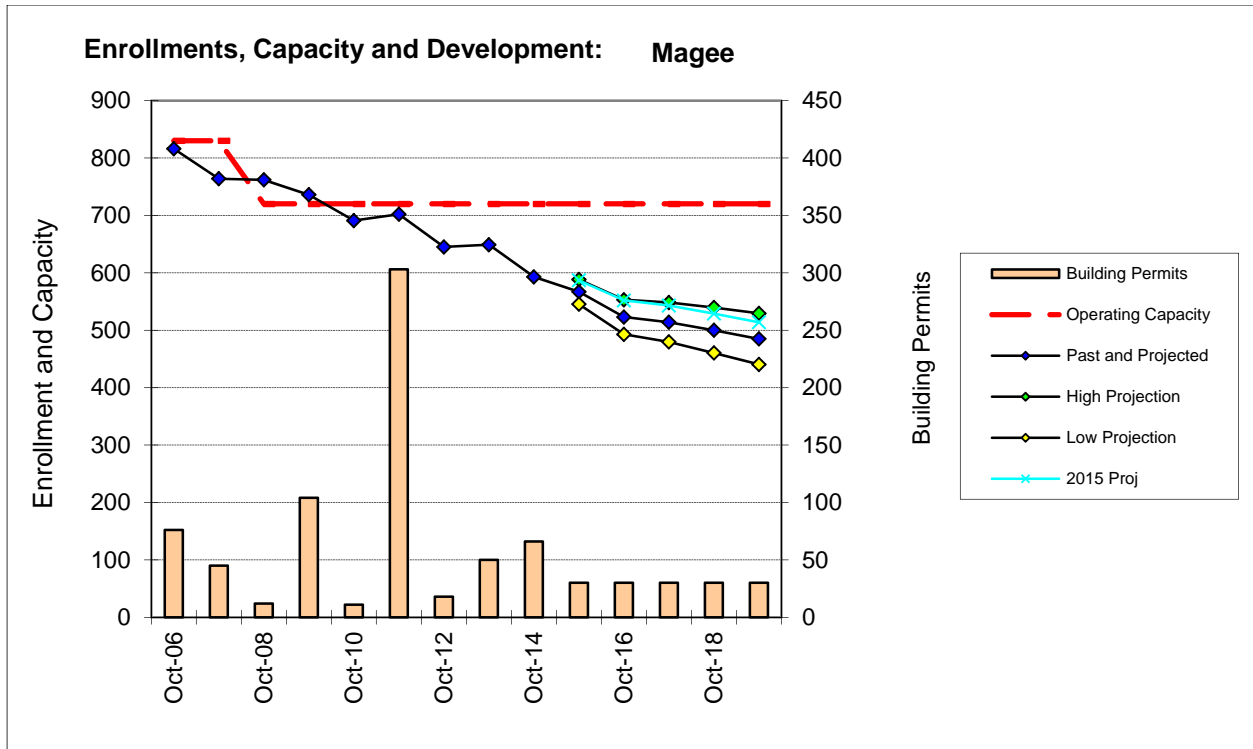
Both Fisher and Mendoza plaintiffs express concern regarding the impact these new options for 6th, 7th, and 8th graders may have on Magee Middle School, which is presently integrated. Data analysis suggests that the change would, at most, reduce the enrollment of Magee by 30 students because the feeder site most impacted (Fruchthendler) sends precious few students to Magee. Of the 55-60 students in the Fruchthendler 5th grade, only about 10 transition into the Magee 6th grade. The majority of the remaining students (approximately 50 sixth graders) attend non-TUSD schools as discussed above. Of course, some Fruchthendler families may prefer a traditional middle school model and continue to choose Magee. The District expects that some of the Fruchthendler students (about 10 each year based on the transition rates typical of situations where students have a choice between K-8/K-6 programs or a middle school) will continue to matriculate to Magee and some 7th graders from Magee

will select the Sabino option. The District's analysis does not indicate that the Plan is likely to have a significant impact on overall enrollment at Magee, or a significant impact on the racial/ethnic composition of Magee.

The Mendoza Plaintiffs objections indicate that they "seek to understand on what basis the District concluded that only 18 students would move from Magee." The original analysis estimates a loss of up to 30 (not 18) students from Magee. Presently, approximately 10 students each year from the Fruchthendler area choose to attend Magee and, presumably, each group of ten will remain for three years. Some of these would be attracted to stay at Fruchthendler for the sixth grade and then transition to the seventh and eighth grade at Sabino. At typical rates (as explained in the "Notes" section below), this would be 6 to 7 students per grade or about 20 students. The District's estimate also recognizes that some students, especially if they live close to Sabino, may choose to attend Magee for just one year and then apply to attend Sabino for the seventh and eighth grade. Yet other Fruchthendler families may prefer a traditional middle school model for the 6th, 7th, and 8th grade years. As noted above, there is no current or historic attendance data to allow us to estimate the number of students who might opt to transition out of a middle school into the seventh grade at a high school.

Of course, the question presented for court inquiry is not about overall enrollment but about integration. How will the availability of 6th, 7th, and 8th grade options at Fruchthendler/Sabino impact demographics at Magee? As shown in the DIA Tables below (see pages 15-16), the changes are expected to have a minimal impact on the racial ethnic composition of Magee because, although the population that would attend the Fruchthendler-Sabino option, does have a slightly different racial-ethnic composition than the remainder of the Magee population, the number choosing that option is expected to be relatively small.

As shown in the graph below, with the focus on attracting students currently not in TUSD middle schools, the impact of this option on the enrollment of Magee is expected to be small (compare the projection with the change [past and projected] versus the 2015 projection before the change).



Impact on Other Middle Schools

The original analysis provided to the Special Master, Plaintiffs and the Governing Board outlines five potential sources of student movement into the new grades at Fruchthendler and Sabino:

1. Students who will transition from the 5th grade into the 6th grade at Fruchthendler;
2. Students who will transition from the 6th grade at Fruchthendler to the 7th and 8th grades at Sabino;
3. Students who currently live in the Sabino Area and attend Magee Middle School who may be attracted to move to Sabino for the 7th and 8th grades;
4. Students who currently live in the Sabino Area and attend Sabino in the high-school grades who may be attracted to move from a non-TUSD middle school to Sabino for the 7th and 8th grades; and
5. Students who currently live outside TUSD who may be attracted to move to Sabino for the 7th and 8th grades.

There is attendance data to support a projection for the first source of students. As noted in the original analysis, fifth-to-sixth-grade transition rates for K-8 schools range from 50% to 80% and for Drachman K-6 the transition rate has ranged from 60% to 80%. Accordingly, the analyses use a transition rate of 70%. The analyses assume that

almost all of these students will then transition into the seventh and eighth grade at Sabino (the second source of students).

Estimating the other sources of students who may attend the seventh and eighth grades at Sabino is more problematic. As there is no current or historic attendance data to facilitate accurate estimates of the number of students who might opt to transition out of a middle school into the seventh grade at a high school, the estimates for sources three through five above need to be considered one scenario. This scenario is based on TUSD's objective to attract students to TUSD who leave during the middle-school grades.

The Mendoza plaintiffs raise a concern based on a suspicion that the proposal will have an adverse impact on Booth-Fickett K-8. However, the District finds no evidence (either anecdotal or drawing on specific data) suggesting that families will leave Booth-Fickett for either Fruchthendler or Sabino. There are two factors to consider in this regard: 1) we would expect the impact on Booth-Fickett to be less than 15 students (based on a "worst-case" scenario, as shown below); and 2) Booth-Fickett is over-capacity by about 50 students.

The "worst-case" scenario suggested by the Mendoza Plaintiffs is based on the suspicion that the 7th and 8th grades at Sabino are more likely to be filled by students already within TUSD schools. Specifically, they suggest that groups #3-#5 above (220 students) would be filled from the enrollment of current middle schools. This position illustrates another potential scenario to the proposal and, because it takes an opposing viewpoint, it is on the opposite end of the full range of scenarios. This position is therefore worth considering as it assists in determining the potential range of impacts if the proposed, targeted recruitment of non-TUSD students is not successful.

To consider the Mendoza plaintiffs' scenario, without wildly speculating who will be attracted Sabino, it is necessary to use existing attendance patterns. Thus, the following analysis is based on high school students who currently attend Sabino allocated to the TUSD middle school areas they live in. The current residential locations of current Sabino High School students and the resultant projected attendance of the 220 students who might attend Sabino in this scenario are shown below.

MS Area	SY2014-15 Enrollment	Mendoza Objection Scenario
Outside TUSD	156	34
Doolen	31	7
Booth-Fickett	63	14
Gridley	84	18
Magee	537	117

Mansfeld	4	1
Roberts-Naylor	15	3
Pistor	5	1
Secrist	90	20
Utterback	3	1
Vail	19	4
Total	1007	220

The racial ethnic composition of the high school students attending Sabino from these areas is different (more Anglo) than the racial-ethnic composition of the identified middle schools, so the movement of these students will have some impact. Using the ethnic-racial composition of the high school students attending Sabino from these areas, the table on the following page shows the impact of this scenario on the schools sending more than 10 students each to Sabino.

Under this scenario (a worst-case situation), only Magee Middle School would be impacted. The negative impact on Magee is the loss of 118 students; the ethnic-racial composition of Magee is altered by only 2% to 3%, even in this extreme situation.

Potential Impacts of the Option on Sending Middle Schools

(An evaluation of the "Mendoza Objection Scenario")

School	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Booth-Fickett							
Current Enrollment	286	199	664	20	35	54	1258
%	23%	16%	53%	2%	3%	4%	
Students to Sabino	8	1	4	0	1	0	14
%	54%	5%	29%	2%	8%	3%	
New Enrollment	278	198	660	20	34	54	1244
%	22%	16%	53%	2%	3%	4%	
Gridley							
Current Enrollment	373	58	263	5	26	26	751
%	50%	8%	35%	1%	3%	3%	
Students to Sabino	11	1	6	0	0	0	18
%	60%	4%	35%	0%	1%	1%	
New Enrollment	362	57	257	5	26	26	733
%	49%	8%	35%	1%	4%	4%	

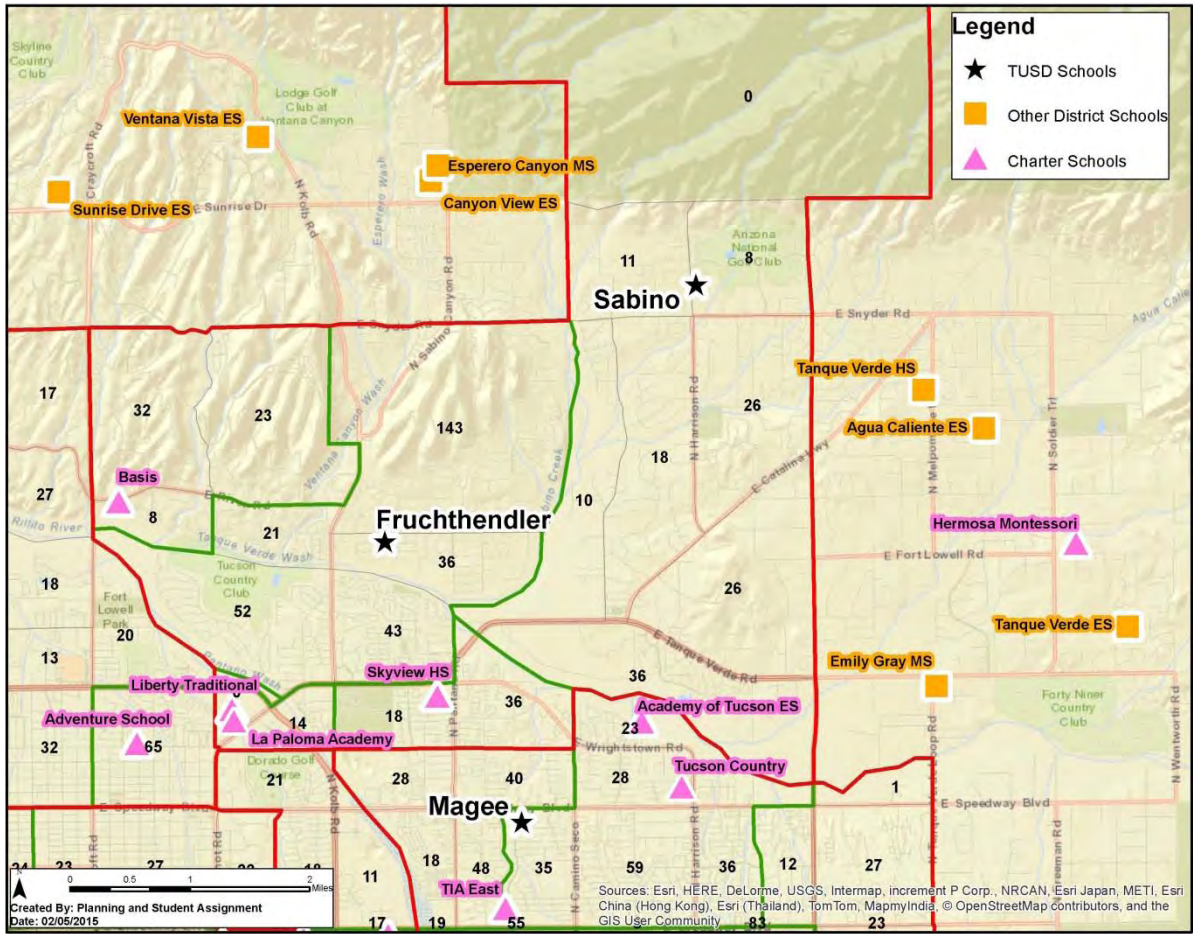
Magee							
Current Enrollment	274	75	203	9	12	17	590
%	46%	13%	34%	2%	2%	3%	
Students to Sabino	71	7	31	0	2	7	118
%	61%	6%	26%	0%	1%	6%	
New Enrollment	203	68	172	9	10	10	472
%	43%	14%	36%	2%	2%	2%	
Secrist							
Current Enrollment	212	92	255	5	11	27	602
%	35%	15%	42%	1%	2%	4%	
Students to Sabino	10	2	5	0	0	2	19
%	51%	12%	27%	0%	1%	9%	
New Enrollment	202	90	250	5	11	25	583
%	35%	15%	43%	1%	2%	4%	

Recruitment efforts will be aimed at attracting students who do not attend TUSD schools rather than transferring students between TUSD schools. The impacts on other schools are expected to be minimal (less than a few students, as substantiated by attendance data provided in the Notes section below). In addition to the data identified above, the District also notes that some of the schools specifically referenced in plaintiffs' objections are simply too far away to anticipate that either the 6th grade at Fruchthendler or the 7th-8th grade at Sabino will be a significant draw. For example, Booth-Fickett is 4.5 miles away from Fruchthendler and 8.2 miles from Sabino; Magee is 4.9 miles from Fruchthendler and 6.7 miles from Sabino.

MAP OF THE AREA

Map 1 below shows the Sabino Area, outlined in red, and within it, the Fruchthendler Area, in green. The Fruchthendler K-5 Area is wholly within the Sabino HS Area. The Sabino HS Area also includes the Collier K-5 Area and portions of Bloom, Hudlow, and Whitmore Elementary Schools. At the middle school level, it includes a large portion of Magee and, to a much lesser extent, Booth-Fickett K-8. The numbers show the total number of middle-school-age students in 2010 who did not attend TUSD schools. The largest such number is in the area directly north of Fruchthendler.

Map 1: Surrounding Area



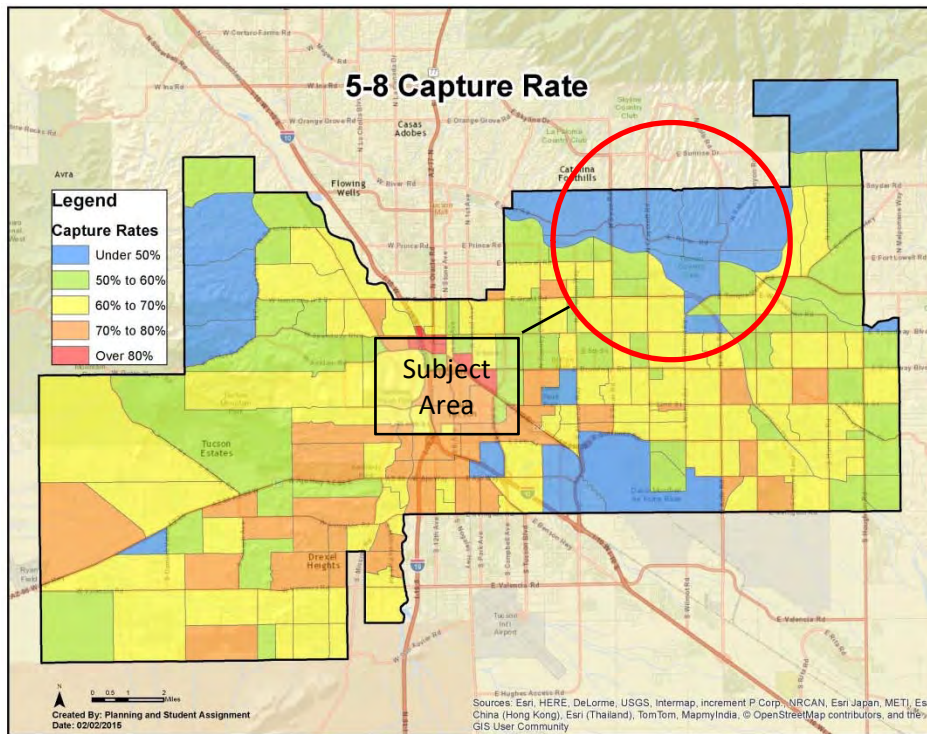
NOTES ON THE ABOVE DEMOGRAPHIC ANALYSIS

- All of the projections are estimates based on current patterns of choice. There is no current data on 7th and 8th grade preference for a high school and little data on preferences for 6th grades in an elementary school. The exception is Drachman K-6 which has a 5th to 6th grade transition of 60% to 80%—in line with the 70% used in this analysis. The 5th to 6th transition rates at K-8 schools (50% to 80%) also support the estimate.
- The above estimates are based on current TUSD students. Because k-8 capture rates (TUSD students/total school age population) are less than 60% in the subject areas, there is a potential to attract students who do not currently attend TUSD schools and there is potential to attract students from outside TUSD. For example, as shown in the table below, 75% of the Fruchthendler 5th graders in SY2013-14 did not attend TUSD schools in 6th grade the following year.

Transition of Fruchthendler 5 th Graders into 6 th Grade	
School	Enrollment
Not in TUSD	47
Dodge Magnet	4
Doolen	1
Fickett Magnet	1
Gridley	1
Magee	9

This pattern has been consistent for the last three years, and is consistent with the data shown in Map 1 (showing 143 students in the area north of Fruchthendler do not attend TUSD middle schools). This number is twice as high as any such area in TUSD and, as shown below in Map 2, this area, overall, loses many students to other educational options in the middle school level.

Map 2: 5-8 Capture Rate



- The Fruchthendler to Sabino transition would, conservatively, add 80-110 students to Sabino. To reach the goals set by the school, without impacting other TUSD schools, Sabino will need to recruit students who live in the Sabino area but do not attend TUSD schools and, to a lesser extent, recruit students from outside TUSD. The potential benefits of this approach are indicated in the table

below, which shows that 82 students entering the Sabino 9th grade this year did not attend TUSD schools last year. This pattern has been consistent for the last three years and it is supported by 2010 Census data that shows 580 middle-school-age students in the Sabino area do not attend TUSD middle schools.

Transition of 8th Graders into the 9 th Grade at Sabino	
School	Enroll
TUSD Area students not in TUSD middle schools	82
TUSD Area students in TUSD middle schools	138
Amphitheater SD	1
Catalina Foothills SD	3
Sunnyside SD	5
Tanque Verde SD	33

RENOVATION COSTS

Renovation costs are estimated at \$230,000; TUSD is not seeking to use 910(G) funds in connection with the Plan. TUSD anticipates that as a result of retained or recaptured ADM, the Plan will quickly generate more revenue than the costs associated with it. There are no known associated renovation costs to Fruchthendler.

TRANSPORTATION COSTS

The transportation analysis is based on a projection of 160 students utilizing transportation from the northern Sabino attendance area. Bus-riding students would be transported separately from the high school routes already serving Sabino. As the routing structure and availability within tiers for school year 2015/16 will not be known until June 2015, the current year availability was used to project costs. In order to accommodate the maximum projected need, up to four buses may be required. The fully loaded cost of each added bus is approximately \$65,000.00 per bus, per year. The total maximum cost of \$260,000 per year assumes buses dedicated to Sabino 7th and 8th grade students with no “tiering”³ opportunities. If tiering opportunities are found, or age-groups are combined, the cost would be reduced accordingly. The District is not seeking to use 910(G) funds in connection with transportation related to the Plan.

³ “Tiering” occurs where TUSD is able to add a route before or after an existing route already assigned to a bus and driver, thus reducing the need for an additional bus and driver.

DESEGREGATION IMPACT ANALYSIS (DIA) TABLES**TABLE 1: Students Who May Elect the Fruchthendler-Sabino Option (based on an enrollment goal of 320 students)**

School (grades)	Anglo	African American	Hispanic/Latino	Native American	Asian/Pac Islander	Multi-racial	Total
Continue at Fruchthendler	36 (66%)	1 (2%)	14 (26%)	0 (0%)	1 (2%)	2 (4%)	54
These students are added to the Fruchthendler K-5 below; their racial/ethnic composition is almost identical to the current racial/ethnic makeup of Fruchthendler students.							
Fruchthendler to Sabino	66 (66%)	2 (2%)	26 (26%)	0 (0%)	2 (2%)	4 (4%)	100
6th graders from Fruchthendler who will transition to Sabino; added to Sabino. These students, if added to the existing Sabino population, would cause an increase to the Anglo student population percentage of less than 1% ($586 + 66 / 1,109 = .588$, or 58.8%), a decrease to the African American student population percentage of less than 1% ($57 + 2 / 1,109 = .053$, or 5.3%), and a decrease to the Hispanic student population of less than 1% ($300 + 26 / 1,109 = .294$, or 29.4%).							
No Longer at Magee	18 (60%)	0 (0%)	12 (40%)	0 (0%)	0 (0%)	0 (0%)	30
Sabino will likely pick up some Magee students especially those close to Sabino; added to Sabino, subtracted from Magee. These students, if added to the existing Sabino population, would increase diversity slightly. The ethnicity of the students who may no longer attend Magee is based primarily on the students who attend Magee from the Fruchthendler Area (56% Anglo and 44% Hispanic) and to a lesser extent on the students around Sabino High School (64% Anglo and 24% Hispanic).							
New from Sabino Area	80 (54%)	9 (6%)	53 (35%)	0 (0%)	0 (0%)	7 (5%)	149
Students from a non-TUSD school 6th grade who transition to 7th grade at Sabino; added to Sabino. These students, if added to the existing Sabino population, would increase diversity slightly. The ethnicity of the new students is based on the ethnicity of Sabino Area students not in TUSD schools in 8th grades who enroll in Sabino in the 9th grade.							
New from Other Districts	25 (63%)	0 (0%)	14 (35%)	0 (0%)	1 (2%)	0 (0%)	40
Students from outside the district (primarily TVSD's Emily Gray 7 th -8 th); added to Sabino. These students, if added to the existing Sabino population, would increase diversity slightly.							
Total Sabino 7th and 8th	189 (59%)	11 (3%)	105 (33%)	0 (0%)	3 (1%)	11 (3%)	319
The total of all students added to Sabino. These students, if added to the existing Sabino population, would increase the percentages of Hispanic students at Sabino.							

TABLE 2: Current Enrollment; and Projected Enrollment with the Changes Described in Table 1

School (grades)	Anglo	African American	Hispanic/Latino	Native American	Asian/Pacific Islander	Multi-racial	Total
Fruchthendler (Current K-5)	228 (65%)	20 (6%)	83 (24%)	1 (0%)	5 (1%)	12 (3%)	349
Fruchthendler (Projected K-6)	264 (66%)	21 (5%)	97 (24%)	1 (0%)	6 (1%)	14 (3%)	403
Magee (Current 6-8)	274 (46%)	75 (13%)	203 (34%)	9 (2%)	12 (2%)	17 (3%)	590
Magee (Projected 6-8)	256 (46%)	75 (13%)	191 (34%)	9 (2%)	12 (2%)	17 (3%)	560
Sabino (Current 9-12)	586 (58%)	57 (6%)	300 (30%)	5 (0%)	14 (1%)	47 (5%)	1009
Sabino (Projected 7-12)	775 (58%)	68 (5%)	405 (30%)	5 (0%)	17 (1%)	58 (4%)	1328

TABLE 3: Sabino HS Ninth Grade Enrollment (40th day) by USP Ethnicity, School Year, and Neighborhood Residency

	Anglo	African American	Hispanic/Latino	Native American	Asian/Pacific Islander	Multi-racial	Total	% of Enr
2014-15	143 (54%)	21 (8%)	86 (33%)	1 (0%)	1 (0%)	11 (4%)	263	
Neighborhood	56 (53%)	10 (10%)	30 (29%)	1 (1%)	1 (1%)	7 (7%)	105	40%
Non-Neighborhood	87 (55%)	11 (7%)	56 (35%)	0 (0%)	0 (0%)	4 (3%)	158	60%
2013-14	153 (56%)	21 (8%)	80 (29%)	3 (1%)	7 (3%)	8 (3%)	272	
Neighborhood	79 (65%)	8 (7%)	26 (21%)	2 (2%)	2 (2%)	5 (4%)	122	45%
Non-Neighborhood	74 (49%)	13 (9%)	54 (36%)	1 (1%)	5 (3%)	3 (2%)	150	55%
2012-13	148 (61%)	9 (4%)	69 (28%)	1 (0%)	2 (1%)	14 (6%)	243	
Neighborhood	82 (65%)	6 (5%)	30 (24%)	0 (0%)	0 (0%)	9 (7%)	127	52%
Non-Neighborhood	66 (57%)	3 (3%)	39 (34%)	1 (1%)	2 (2%)	5 (4%)	116	48%
2011-12	194 (66%)	15 (5%)	70 (24%)	4 (1%)	1 (0%)	12 (4%)	296	
Neighborhood	99 (64%)	8 (5%)	35 (23%)	3 (2%)	1 (1%)	8 (5%)	154	52%
Non-Neighborhood	95 (67%)	7 (5%)	35 (25%)	1 (1%)	0 (0%)	4 (3%)	142	48%
2010-11	217 (67%)	16 (5%)	76 (23%)	3 (1%)	3 (1%)	9 (3%)	324	
Neighborhood	109 (67%)	6 (4%)	40 (25%)	1 (1%)	2 (1%)	4 (2%)	162	50%
Non-Neighborhood	108 (67%)	10 (6%)	36 (22%)	2 (1%)	1 (1%)	5 (3%)	162	50%
2009-10	224 (71%)	12 (4%)	62 (20%)	1 (0%)	8 (3%)	7 (2%)	314	
Neighborhood	121 (75%)	5 (3%)	30 (19%)	0 (0%)	2 (1%)	4 (2%)	162	52%
Non-Neighborhood	103 (68%)	7 (5%)	32 (21%)	1 (1%)	6 (4%)	3 (2%)	152	48%

TUCSON UNIFIED SCHOOL DISTRICT
GOVERNING BOARD
AGENDA FOR SPECIAL MEETING*

TIME: January 27, 2015
5:00 p.m.

PLACE: Duffy Community Center
5145 E. Fifth Street
Tucson, Arizona

5:00 p.m. CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

INFORMATION ITEMS

1. Superintendent's Report
2. Second Semester Update on the Superintendent's Goals for 2014-2015 School Year – Curriculum
3. Consideration of K-6 Component at Fruchthendler Elementary School and a 7th-8th Grade Component at Sabino High School

BREAKOUT SESSION

4. Review of Charters/Structures for Board Committees – Audit Committee, Technology Oversight Committee, Employee Benefits Trust Board and School Community Partnership Council
5. Board Policy on Shared Governance – Requested by Governing Board Member Michael Hicks

10:00 p.m. ADJOURNMENT

ADJOURNMENT

- One or more Governing Board members will/may participate by telephonic or video communications.
- Names and details, including available support documents, may be obtained during regular business hours at the TUSD Governing Board Office.
- Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Translations/Interpretations Services at 225-4672. Requests should be made as early as possible to arrange the accommodation.
- Upon request, TUSD will provide a certified interpreter to interpret Governing Board meetings whenever possible. Please contact Translations/Interpretations Services at 225-4672 at least 72 hours prior to the event. Every effort will be made to honor requests for interpretation services made with less than 72 hours' notice.
- Previa petición, TUSD proporcionará un intérprete certificado para interpretar la agenda de las reuniones de la Mesa Directiva o de proporcionar los servicios de interpretación en la reuniones de la Mesa Directiva cuando sea posible. Favor de contactar los Servicios de Traducción/Interpretación al teléfono 225-4672 cuando menos 72 horas antes del evento. Se hará todo lo posible para proporcionar los servicios de interpretación realizados con menos de 72 horas de anticipación.
- If authorized by a majority vote of the members of the Governing Board, any matter on the open meeting agenda may be discussed in executive session for the purpose of obtaining legal advice thereon, pursuant to A.R.S. 38-431.03 (A)(3). The executive session will be held immediately after the vote and will not be open to the public.

Brown, Samuel

From: Taylor, Martha [<mailto:Martha.Taylor@tusd1.org>]

Sent: Monday, February 09, 2015 10:50 AM

To: Anurima Bhargava; James Eichner; Juan Rodriguez; Lois Thompson; Rubin Salter; Willis D. Hawley; Zoe Savitsky

Cc: Sanchez, HT; Vega, Adrian; Holmes, Steven; Anderson, Mary; Munger, Matthew; Nodine, Bryant

Subject: Impact Analysis-Sabino HS & Fruchthendler ES

Plaintiffs: Attached please find the Impact Analysis information for the proposed grade-level changes to Fruchthendler ES and Sabino HS. Dr. Hawley finds no problem regarding integration with these changes and there are no 910(G)funds that will be expended. The District will be sharing this information with the Governing Board in the Spring. We are happy to answer any questions you may have.

Thank you.

Martha G. Taylor MA, JD

Interim Sr. Director of Desegregation

Tucson Unified School District

520-225-3200

martha.taylor@tusd1.org

Fruchthendler-Sabino Option Analysis

Fruchthendler Impacts

Based on typical transition rates from 5th grade to 6th grade for K-8 and K-6 schools, the change would add approximately 40 to 50 students to Fruchthendler, resulting in 2 small classes or 1 class and a combo class. However, in this instance, the potential 6th grade enrollment could be much larger.

Based on 2010 census data, for the Fruchthendler Area, there are over 40 students per grade in the K-5 level who do not attend TUSD schools and over 80 who do not attend TUSD schools in the 6th grade (see the map below). Thus, the projected change could easily increase to 55 students (two classes) based on successfully attracting students to stay in TUSD schools.

According to the current principal, the vast majority of Fruchthendler families choose to go outside of TUSD for middle school because there are two competitive middle school options within a mile of Fruchthendler (Esperero to the north and Basis to the west) and that the TUSD middle school (Magee) that TUSD feeds into is four miles away and the opposite direction most parents travel to get to work. Once this change happens, parents also tend to take their younger children from Fruchthendler to the adjoining elementary school in an effort to have all family members on the same district calendar.

The school has two resource rooms (Speech, GATE, Special Ed and ELD), 1 classroom, two portables and a computer room. Not counting the portables, the school has a capacity of 440 as currently used and the capacity could be increased to 470 by scheduling resource programs to share rooms and the portables. Now, with 350 students, Fruchthendler is at 80% utilization; with the additional students and revised scheduling, it would increase to 85% utilization, an ideal utilization rate.

The change is expected to have very little impact on the racial ethnic composition of Fruchthendler because the population that would attend the 6th grade has essentially the same composition as the current K-5 population.

Sabino HS Impacts

While there is little data to project Sabino impacts, it is expected that all of the Fruchthendler 6th graders would transition to Sabino. Based on the 2010 census, there are 190 middle-school-age students per grade (580 6th-8th graders total) in the Sabino Area who are not attending TUSD schools (see the map below). Thus the enrollment at Sabino would be at least 80 to 110 (the Fruchthendler transition only) and there is a strong potential to increase that enrollment by attracting some of the remaining students in the Sabino Area not already attending TUSD schools. The goal would be to add more students (up to 330 total) by recruiting students who don't now attend TUSD schools.

Sabino has a capacity of 1950; with approximately 1000 students it is at 52% utilization. With the changes it would increase to 60% to 70% utilization.

The change is expected to have very little impact on the racial ethnic composition of Sabino because the population that would attend the 7th and 8th grades has essentially the same composition as the current 9-12 population.

Magee MS Impacts

The change would, at most, reduce the enrollment of Magee by 30 students. Of the 55-60 students in the Fruchthendler 5th grade, approximately 10 transition into the Magee 6th grade (see the Notes section below); most of the rest (approximately 50) attend non-TUSD schools. It is expected that some of the Fruchthendler students (about 10 each year) will continue to matriculate to Magee and some 7th graders from Magee will select the Sabino option.

The change is expected to have a minimal impact on the racial ethnic composition of Magee because, although the population that would attend the Fruchthendler-Sabino option, does have a slightly different racial-ethnic composition than the remainder of the Magee population, the number choosing that option is relatively small. The table below shows a preliminary analysis of the racial-ethnic impacts on Magee.

Current SY14-15

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Magee (6-8)	274	75	203	9	12	17	590
%	46%	13%	34%	2%	2%	3%	

Students Who May Elect the Fruchthendler-Sabino Option

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Not Attending Magee	18	0	12	0	0	0	30
Ethnicity*	60%	0%	40%	0%	0%	0%	

* Based on students in the Fruchthendler and Sabino areas currently attending Magee

Projected Impact

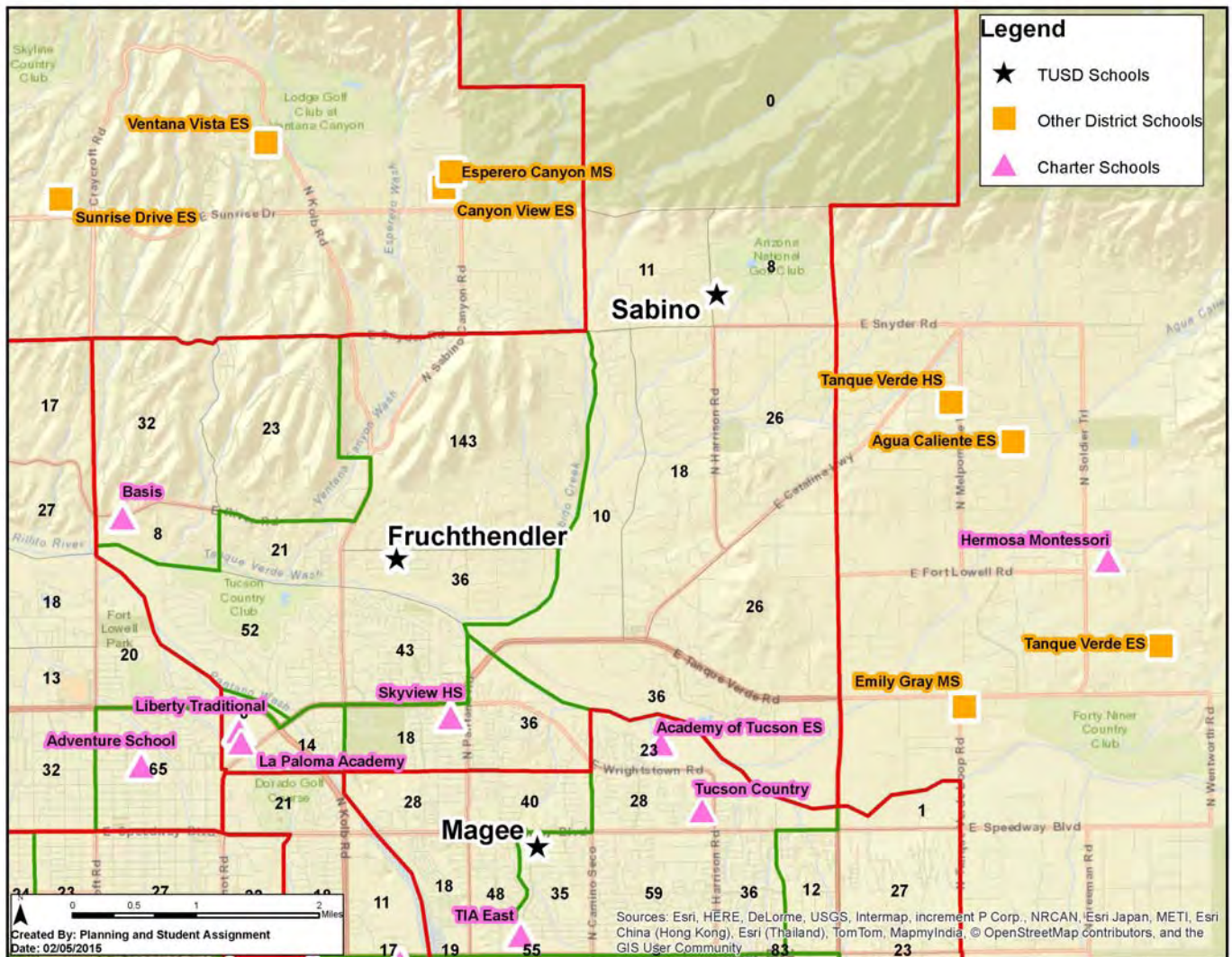
School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Magee (6-8)	256	75	191	9	12	17	560
%	46%	13%	34%	2%	2%	3%	

Impacts on Other Middle Schools

Recruitment efforts will be aimed at attracting students who do not attend TUSD schools rather than transferring students between TUSD schools. The impacts on other schools are expected to be minimal (less than a few students, as substantiated by attendance data provided in the Notes section below.)

Map of the Area

The following shows the Sabino Area, outlined in red, and within it, the Fruchthendler Area, in green. The Fruchthendler K-5 Area is wholly within the Sabino HS Area. The Sabino HS Area also includes the Collier K-5 Area and portions of Bloom, Hudlow, and Whitmore. At the middle school level, it includes a large portion of Magee and, to a much lesser extent, Booth-Fickett.



The numbers show the total number of middle-school-age students in 2010 who did not attend TUSD schools. The largest such number is in the area directly north of Fruchthendler.

Notes on the Above Demographic Analysis

- All of the projections are estimates based on current patterns of choice. There is no current data on 7th and 8th grade preference for a high school and little data on preferences for 6th grades in an elementary school. The exception is Drachman K-6 which has a 5th to

6th grade transition of 60 to 80%—in line with the 70% used in this analysis. The 5th to 6th transition rates at K-8 schools (50% to 80%) also support the estimate.

- The above estimates are based on current TUSD students. Because k-8 capture rates (TUSD students/total school age population) are less than 60% in the subject areas, there is a potential to attract students who do not currently attend TUSD schools and there is potential to attract students from outside TUSD. For example, as shown in the table below, 75% of the Fruchthendler 5th graders in SY2013-14 did not attend TUSD schools in 6th grade the following year.

Transition of Fruchthendler 5 th Graders into 6 th Grade	
School	Enrollment
Not in TUSD	47
Dodge Magnet	4
Doolen	1
Fickett Magnet	1
Gridley	1
Magee	9

- The Fruchthendler to Sabino transition would, conservatively, add 80-110 students to Sabino. To reach the goals set by the school, without impacting other TUSD schools, Sabino will need to recruit students who live in the Sabino Area but do not attend TUSD schools and, to a lesser extent, recruit students from outside TUSD. The potential of this approach is indicated in the table below, which shows that 82 students entering the Sabino 9th grade this year did not attend TUSD schools last year. This is supported by 2010 Census data that shows 580 middle-school-age students in the Sabino Area do not attend TUSD middle schools.

Transition of 8th Graders into the 9 th Grade at Sabino	
School	Enroll
TUSD Area students not in TUSD middle schools	82
TUSD Area students in TUSD middle schools	138
Amphitheater SD	1
Catalina Foothills SD	3
Sunnyside SD	5
Tanque Verde SD	33

Renovation Costs

To be provided separately.

Transportation Costs

The transportation analysis is based on a projection of 160 bus-riding students from the Fruchthendler and Collier areas. School leadership has proposed AM drop time of 8:30 and PM

dismissal at 3:55. These students would be transported separately from the high school routes already serving Sabino.

In a review of the current routing structure there are no available slots in the AM and PM time tiers requested. As the routing structure and availability within tiers for school year 2015/16 will not be known until June, the current year availability was used to project cost for the proposed option.

In order to accommodate the maximum projected need, up to four buses could be required. The fully loaded cost of each added bus is approximately \$65,000.00. The total cost of \$260,000 is a maximum that assumes buses dedicated to Sabino 7th and 8th grade students with no tiering opportunities (i.e. no bus and driver will be able to add a route before or after their existing route). If tiering opportunities are found or age-groups are combined the cost would reduce accordingly.

Transition from SY2013-14 Fruchthendler 5th Grade to 6th Grade in SY2014-15

School in SY2014-15	White/						Total
	Cauc	Afr Am	Hispanic	Nat Am	Asian-PI	Multiracial	
Not in TUSD School	31	1	12	0	1	2	47
%	66%	2%	26%	0%	2%	4%	
In TUSD School	11	0	5	0	0	0	16
%	69%	0%	31%	0%	0%	0%	
Dodge Magnet	4						4
Doolen	1						1
Fickett Magnet	1						1
Gridley			1				1
Magee	5		4				9
%	56%	0%	44%	0%	0%	0%	

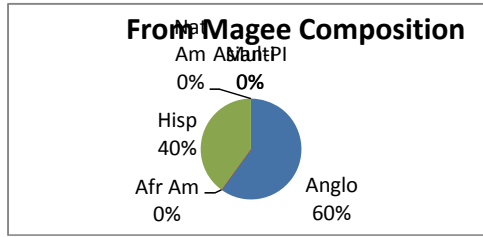
Transition to SY2014-15 Sabino 9th Grade from 8th Grade in SY2014-15

School in SY2014-15	White/						Total
	Cauc	Afr Am	Hispanic	Nat Am	Asian-PI	Multiracial	
TUSD Area Students							
Not in TUSD School	44	5	29			4	82
%	54%	6%	35%	0%	0%	5%	
In TUSD School	72	9	48	1	1	7	138
%	52%	7%	35%	1%	1%	5%	
Dodge Magnet	2		8				10
Doolen	2	1					3
Fickett Magnet	4	3	3			1	11
Gridley	13		5	1		1	20
Magee	49	3	21		1	5	79
%	62%	4%	27%	0%	1%	6%	
Mansfeld			2				2
Pueblo Gardens			1				1
Safford Magnet			2				2
Secrist		2	4				6
Vail	2		2				4
Students from Other School Districts							
Total	27		15		1		43
%	63%	0%	35%	0%	2%	0%	

Fruchthendler-Sabino Option Desegregation Impact Analysis

Current Enrollment SY14-15

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Fruchthendler (K-5)	228	20	83	1	5	12	349
%	65%	6%	24%	0%	1%	3%	
Magee (6-8)	274	75	203	9	12	17	590
%	46%	13%	34%	2%	2%	3%	
Sabino (9-12)	586	57	300	5	14	47	1009
%	58%	6%	30%	0%	1%	5%	



Students Who May Elect the Fruchthendler-Sabino Option (based on 320-student enrollment goal)

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total	
Continue at Fruchthendler	36	1	14	0	1	2	54	these are added to the Fruchthendler K-5 below
Ethnicity	66%	2%	26%	0%	2%	4%		55
Fruchthendler to Sabino	66	2	26	0	2	4	100	these are the Fruchthendler 6th graders who will transition to Sabino; added to Sabino
Ethnicity	66%	2%	26%	0%	2%	4%		100
No Longer at Magee	18	0	12	0	0	0	30	Sabino is likely to pick up some Magee students especially those close to Sabino; added to Sabino, subtracted from Magee
Ethnicity	60%	0%	40%	0%	0%	0%		30
New from Sabino Area	80	9	53	0	0	7	149	these are students from a non-TUSD school 6th grade who transition to 7th grade at Sabino; added to Sabino
Ethnicity	54%	6%	35%	0%	0%	5%		150
New from Other District	25	0	14	0	1	0	40	these are students from outside the district--primarily the Emily Gray 7-8 school in TVSD; added
Ethnicity	63%	0%	35%	0%	2%	0%		40
Total Sabino 7th and 8th	189	11	105	0	3	11	319	these are students from outside the district--primarily the Emily Gray 7-8 school in TVSD; added
Ethnicity	59%	3%	33%	0%	1%	3%		40
								320

Projected Enrollment with the Changes Above

School (grades)	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Fruchthendler (K-5)	264	21	97	1	6	14	403
%	66%	5%	24%	0%	1%	3%	
Magee (6-8)	256	75	191	9	12	17	560
%	46%	13%	34%	2%	2%	3%	
Sabino (9-12)	775	68	405	5	17	58	1328
%	58%	5%	30%	0%	1%	4%	

Elementary School Enrollment Projections: Fruchthendler

Enrollment History

Mo-Year	pre-K	K	1st	2nd	3rd	4th	5th	6th	Total 1 - 6	Total w/o pK	Enr w/ pK	Non-Neigh. K	Births	Bldg. Permits
Oct-06	0	69	66	69	75	75	65	0	350	419	419	15	92	19
Oct-07	1	61	75	54	73	74	65	0	341	402	403	10	99	12
Oct-08	2	63	53	71	53	65	66	0	308	371	373	20	100	5
Oct-09	0	71	67	62	82	58	65	0	334	405	405	22	102	2
Oct-10*	0	62	79	73	70	88	57	0	367	429	429	17	94	1
Oct-11	2	56	61	80	72	67	87	0	367	423	425	13	101	86
Oct-12	1	72	64	65	82	69	52	0	332	404	405	17	109	13
Oct-13	0	71	62	58	53	72	63	0	308	379	379	28	125	5
Oct-14	0	51	69	64	57	49	59	0	298	349	349	22	129	53

* Van Horne merger

34

Enrollment Projections

0.677

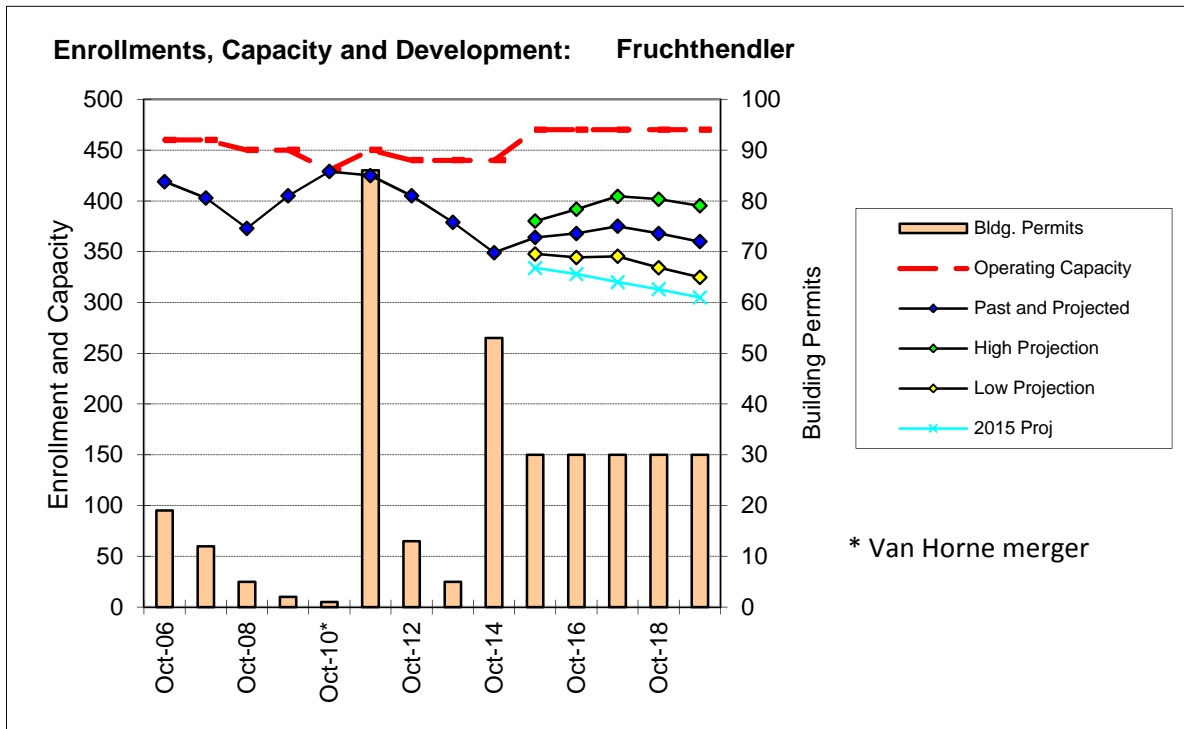
Mo-Year	pre-K	K	1st	2nd	3rd	4th	5th	6th	Total 1 - 6	Total w/o pK	Enr w/ pK	Non-Neigh. K	Births	Bldg. Permits
Oct-15	0	52	52	70	63	54	43	30	312	364	364	22	133	30
Oct-16	0	51	52	52	68	59	46	40	317	368	368	22	137	30
Oct-17	0	53	51	52	50	63	51	55	322	375	375	22	141	30
Oct-18	0	57	53	51	51	47	54	55	311	368	368	22	145	30
Oct-19	0	59	56	53	50	47	40	55	301	360	360	22	149	30
Oct-20	0	60	58	56	51	47	40	55	307	367	367	22	154	10
Oct-21	0	61	58	57	53	46	39	55	308	369	369	22	158	5
Oct-22	0	62	59	57	54	48	38	55	311	373	373	22	163	5
Oct-23	0	63	60	58	54	49	40	55	316	379	379	22	168	5
Oct-24	0	65	61	59	55	49	41	55	320	385	385	22	173	5

Build-out 150

Notes:

60% Confidence Interval:
 1 year (±) 16
 5 year (±) 35

Portable Classrooms:
 2



Middle School Enrollment Projections: Magee

Enrollment History

Mo-Year	Feeders		Middle School			Total
	5th	6th	6th	7th	8th	
Oct-06	246	5	232	272	312	816
Oct-07	242	0	252	238	274	764
Oct-08	171	1	253	266	243	762
Oct-09	189	2	219	253	264	736
Oct-10	156	0	226	214	251	691
Oct-11	165	0	211	258	233	702
Oct-12	163	0	186	206	253	645
Oct-13*	211	1	207	214	228	649
Oct-14	211	2	187	208	198	593

* Boundary Change

Non-Neigh. 6th	Bldg. Permits
43	76
49	45
66	12
77	104
71	11
93	303
74	18
72	50
67	66

weighted avg: 89

Enrollment Projections

Mo-Year	Feeders		Middle School			Total
	5th	6th	6th	7th	8th	
Oct-15	183	2	193	171	203	567
Oct-16	181	2	174	184	165	523
Oct-17	184	2	171	166	177	514
Oct-18	161	2	177	163	160	500
Oct-19	162	2	159	169	157	485

Non-Neigh. 6th	Bldg. Permits
71	30
71	30
71	30
71	30
71	30

new dev students
-1
-2
-2
-2
-2

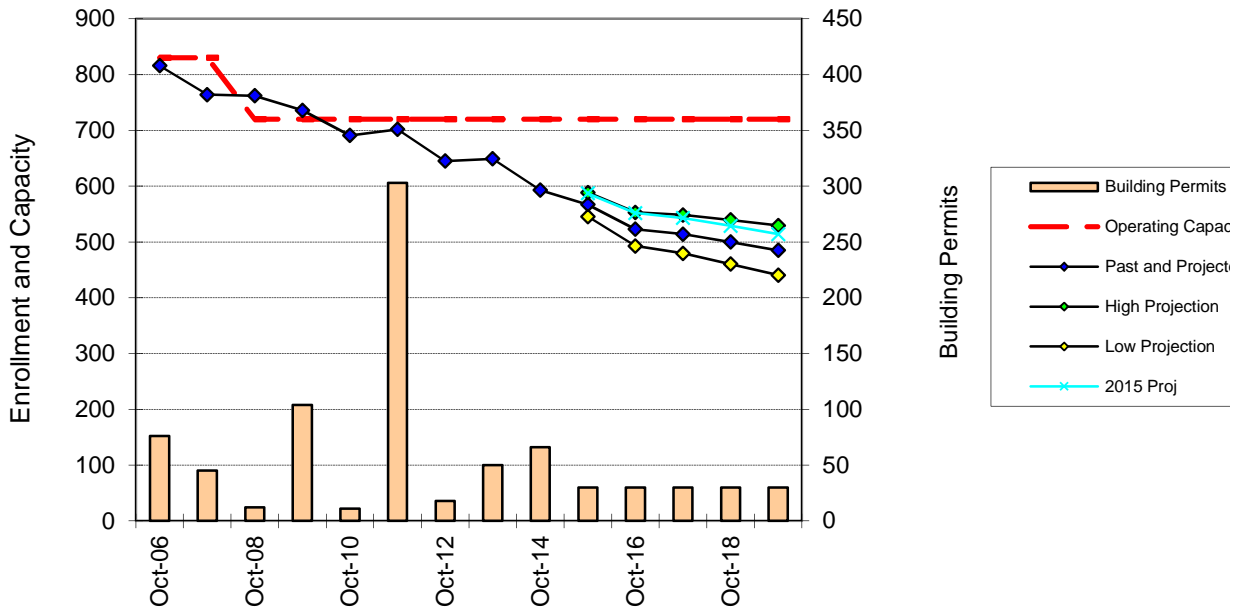
5 build out

Notes:

60% Confidence Intervals:
1 year (±)
10 year (±)

Portable Classrooms:

Enrollments, Capacity and Development: Magee



High School Enrollment Projections: Sabino

Enrollment Data

Mo-Year	Feeders		High School				Total
	8th		9th	10th	11th	12th	
Oct-06	242		383	366	394	407	1550
Oct-07	198		317	371	347	363	1398
Oct-08	161		333	322	386	328	1369
Oct-09	168		312	329	319	331	1291
Oct-10	149		326	284	327	302	1239
Oct-11	110		298	301	295	306	1200
Oct-12	122		243	270	294	289	1096
Oct-13	110		272	238	263	287	1060
Oct-14	91		263	254	235	257	1009

Non-neighborhood	
9th	TVSD 9th
141	76
108	62
140	75
151	60
161	78
141	40
114	21
149	19
157	33

Enrollment Projections

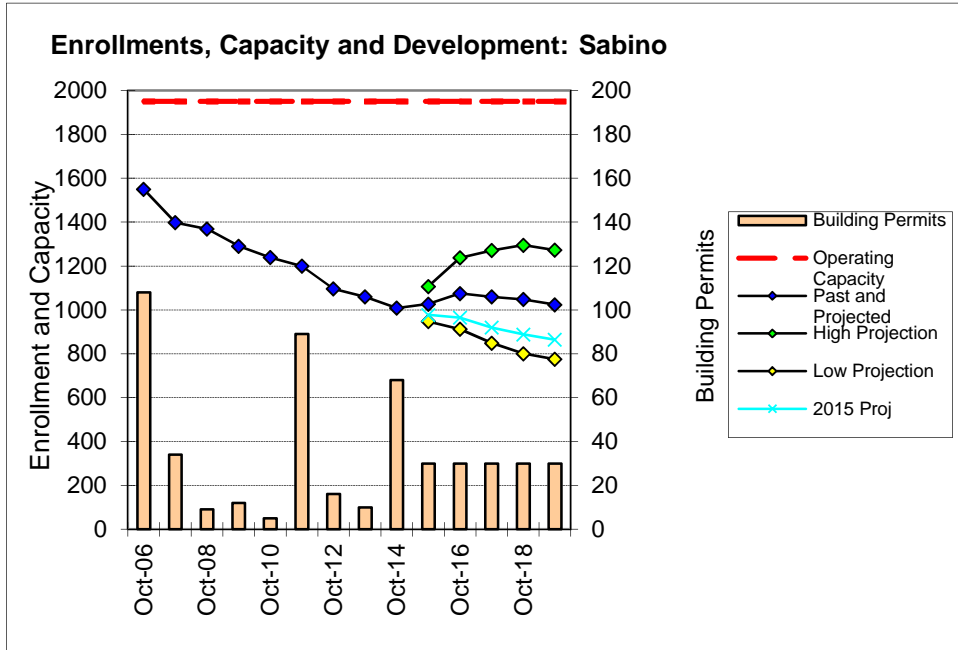
Mo-Year	Feeders		High School				Total	
	8th	7th	8th	9th	10th	11th		12th
Oct-15	93	50		249	244	250	234	1027
Oct-16	74	60	50	247	230	240	248	1075
Oct-17	76	80	60	228	228	226	238	1060
Oct-18	70	80	80	230	210	224	224	1048
Oct-19	64	80	80	223	212	207	222	1024

Non-neighborhood	
9th	TVSD 9th
160	35
160	35
160	37
160	37
160	34
Build-out	598

Notes:

60% Confidence Intervals:
 1 year (±) 80
 10 year (±) #REF!

Portable Classrooms:
 0



SCH AREA FROM	Curent 9-12	Projected 7th & 8th
Catalina Magnet	44	14
Cholla Magnet	1	0
Palo Verde Magnet	59	19
Pueblo Magnet	6	2
Rincon	35	12
Sabino	479	158
Sahuaro	151	50
Santa Rita	73	24
Tucson Magnet	3	1
From TUSD Schools	851	280



MEETING OF: February 10, 2015

TITLE: Consideration of K-6 Component at Fruchthendler Elementary School and a 7th - 8th Grade Component at Sabino High School

ITEM #: 14

Information:

Study: X

Action: X

PURPOSE:

To provide additional information, as requested by the Governing Board, pertaining to the possible development of a K-6 component at Fruchthendler Elementary School and a 7th-8th grade component at Sabino High School, so the Board may consider this as a school-choice option for parents.

DESCRIPTION AND JUSTIFICATION:

Summary of considerations:

1. This option would be by choice versus by assignment.
2. An estimated 40-50 students would be added to Fruchthendler. There is a potential to add an additional 60 students per grade by attracting TUSD students in the Fruchthendler Area who do not currently attend TUSD schools.
3. There is little data with which to make projections for Sabino. It is expected that virtually all of the Fruchthendler 6th graders would transition to Sabino and there is a potential to add an additional 150 students per grade by attracting TUSD students in the Sabino Area who do not currently attend TUSD schools.
4. Fruchthendler and Sabino have capacity to accept these additional students.
5. The enrollment impacts on Magee are expected to be minimal. There are currently about 30 students from the Fruchthendler Area at Magee Middle School. It is expected that some of the Fruchthendler students (about 10 each year) will continue to matriculate to Magee and some 7th graders from Magee will select the Sabino option.
6. Recruitment efforts will be aimed at attracting students who do not attend TUSD schools rather than transferring students between TUSD schools.
7. The impacts on racial-ethnic composition will be minimal because all of the affected populations have similar compositions.

H.T. Sanchez, Bryant Nodine, Mary Anderson and Matt Munger will be present to respond to questions.

BOARD POLICY CONSIDERATIONS:

LEGAL CONSIDERATIONS:

For all Intergovernmental Agreements (IGAs), Initiator of Agenda Item provides the name of the agency responsible for recording the Agreement after approval:

For amendments to current IGAs, Initiator provides original IGA recording number:

Legal Advisor Signature (if applicable)

BUDGET CONSIDERATIONS:

_____ District Budget
 _____ State/Federal Funds
 _____ Other
Budget Cost Budget Code

Budget Certification (for use by Office of Financial Services only):

Date

I certify that funds for this expenditure in the amount of \$ are available and may be:

Authorized from current year budget

Authorized with School Board approval

Code: Fund:

INITIATOR(S):

Bryant Nodine, Acting Director of Planning and Student
 Assignment

2/3/15

Name

Title

Date

DOCUMENTS ATTACHED/ ON FILE IN BOARD OFFICE:

ATTACHMENTS:
[Click to download](#)

No Attachments Available

TUCSON UNIFIED SCHOOL DISTRICT

BOARD AGENDA ITEM
CONTINUATION SHEET

Fruchthendler-Sabino Option

Governing Board

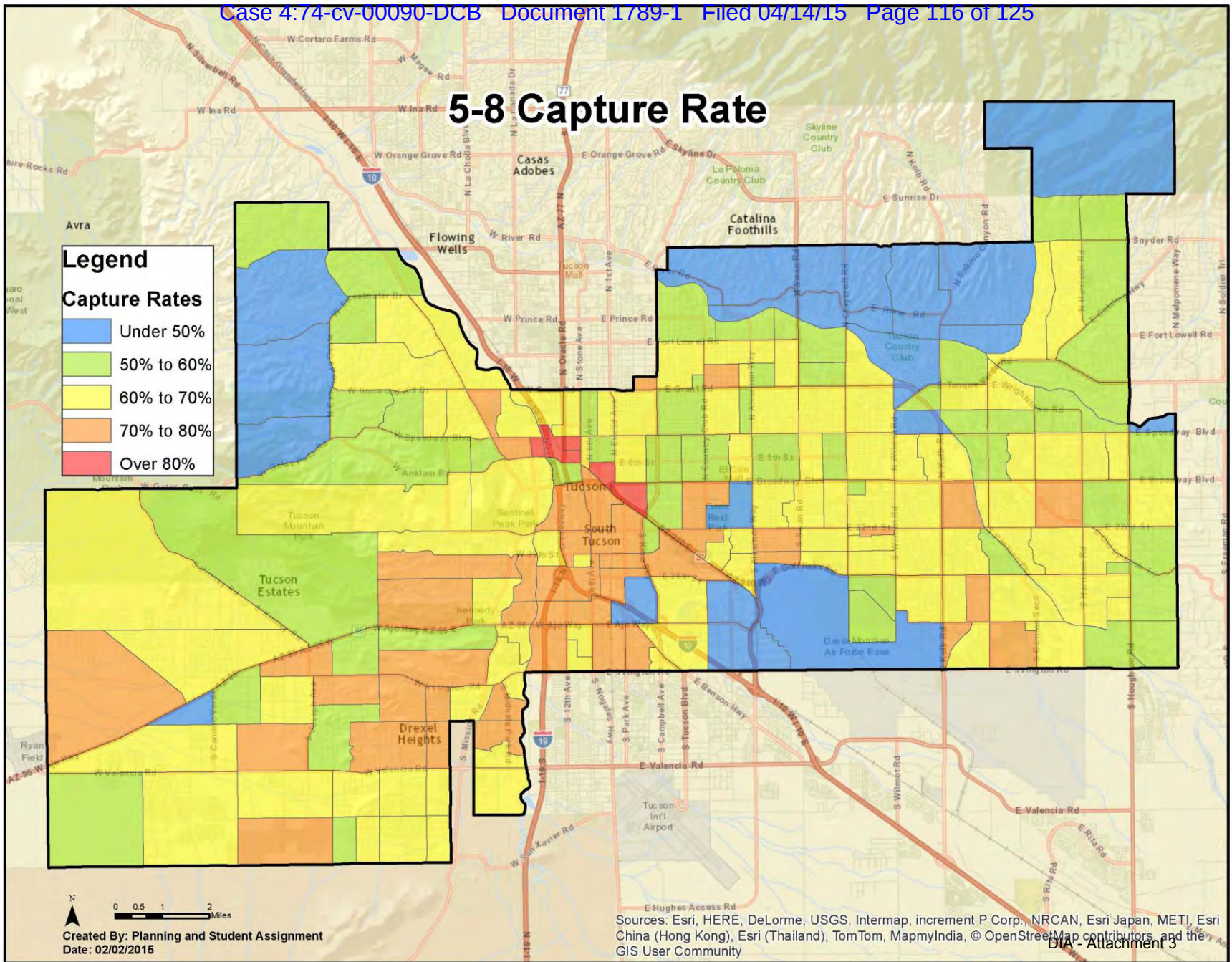
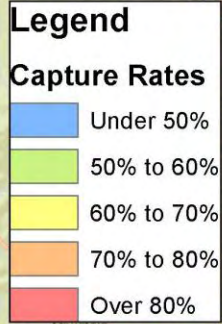
Presentation

February 10, 2015

Demographics and Impacts

- Demographic Context
- Area Orientation
- Impact on the Schools
 - Enrollment
 - Utilization
 - Diversity

5-8 Capture Rate

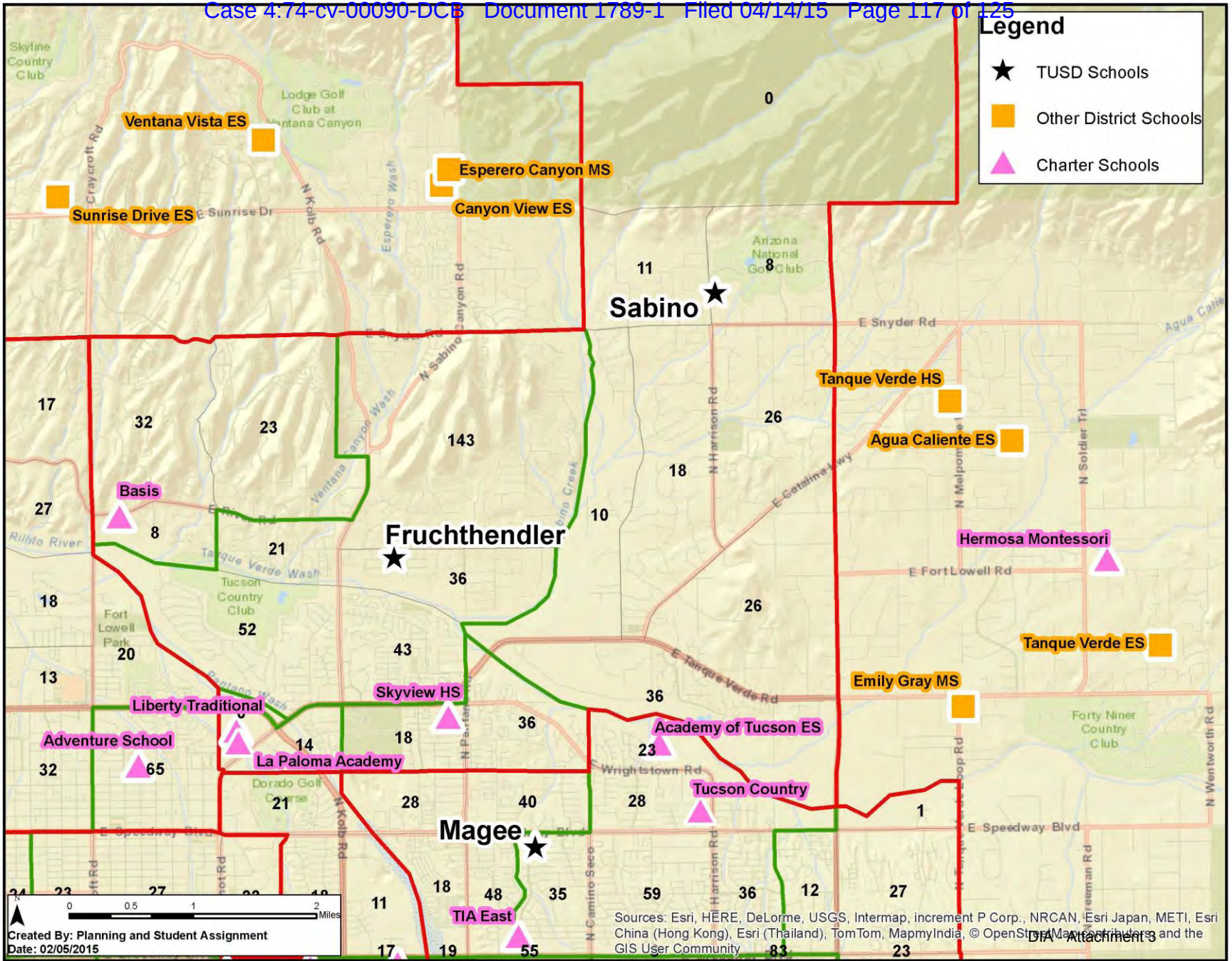


Created By: Planning and Student Assignment
 Date: 02/02/2015

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Legend

- ★ TUSD Schools
- Other District Schools
- ▲ Charter Schools

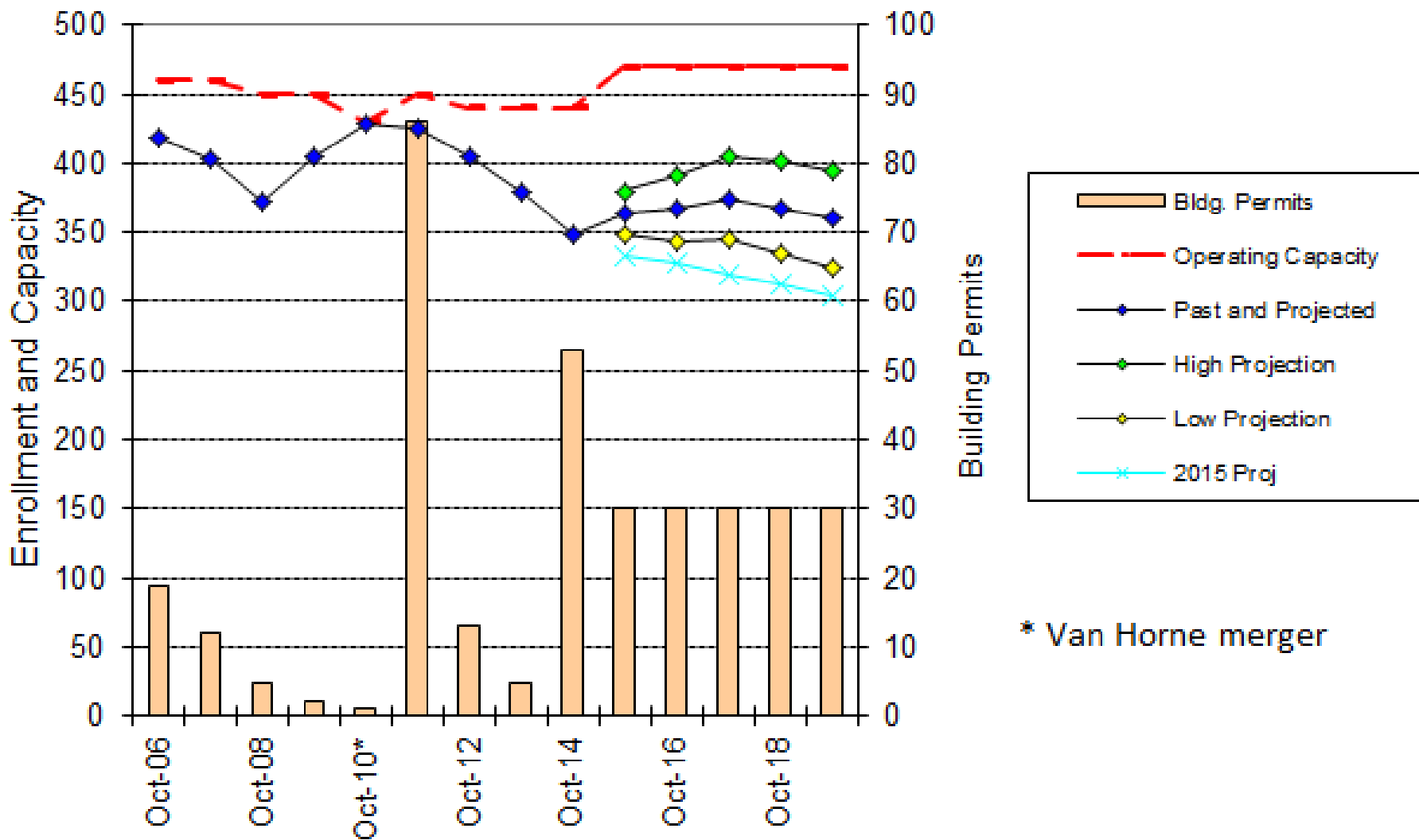


Created By: Planning and Student Assignment
 Date: 02/05/2015

0 0.5 1 2 Miles

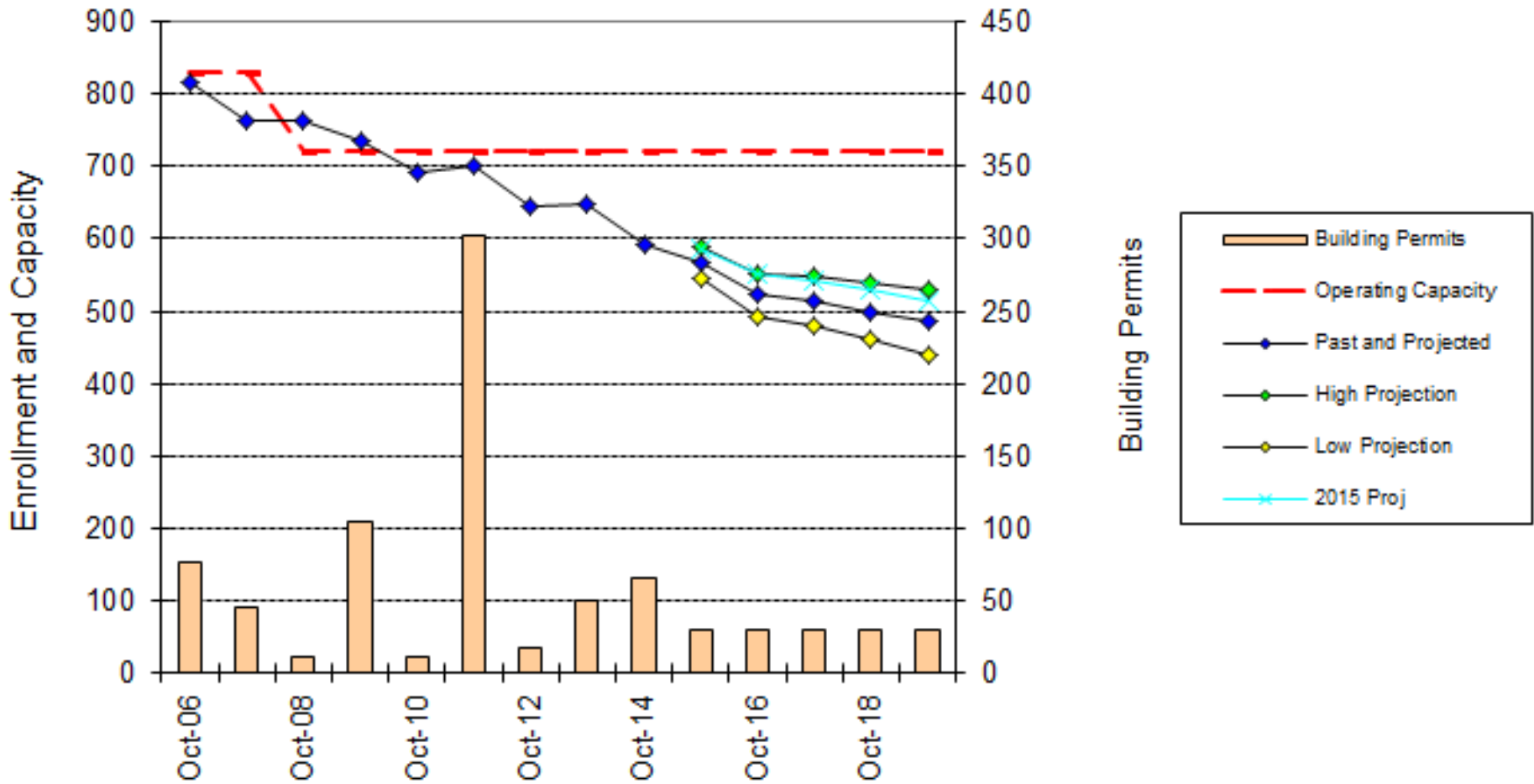
Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Enrollments, Capacity and Development: Fruchthendler

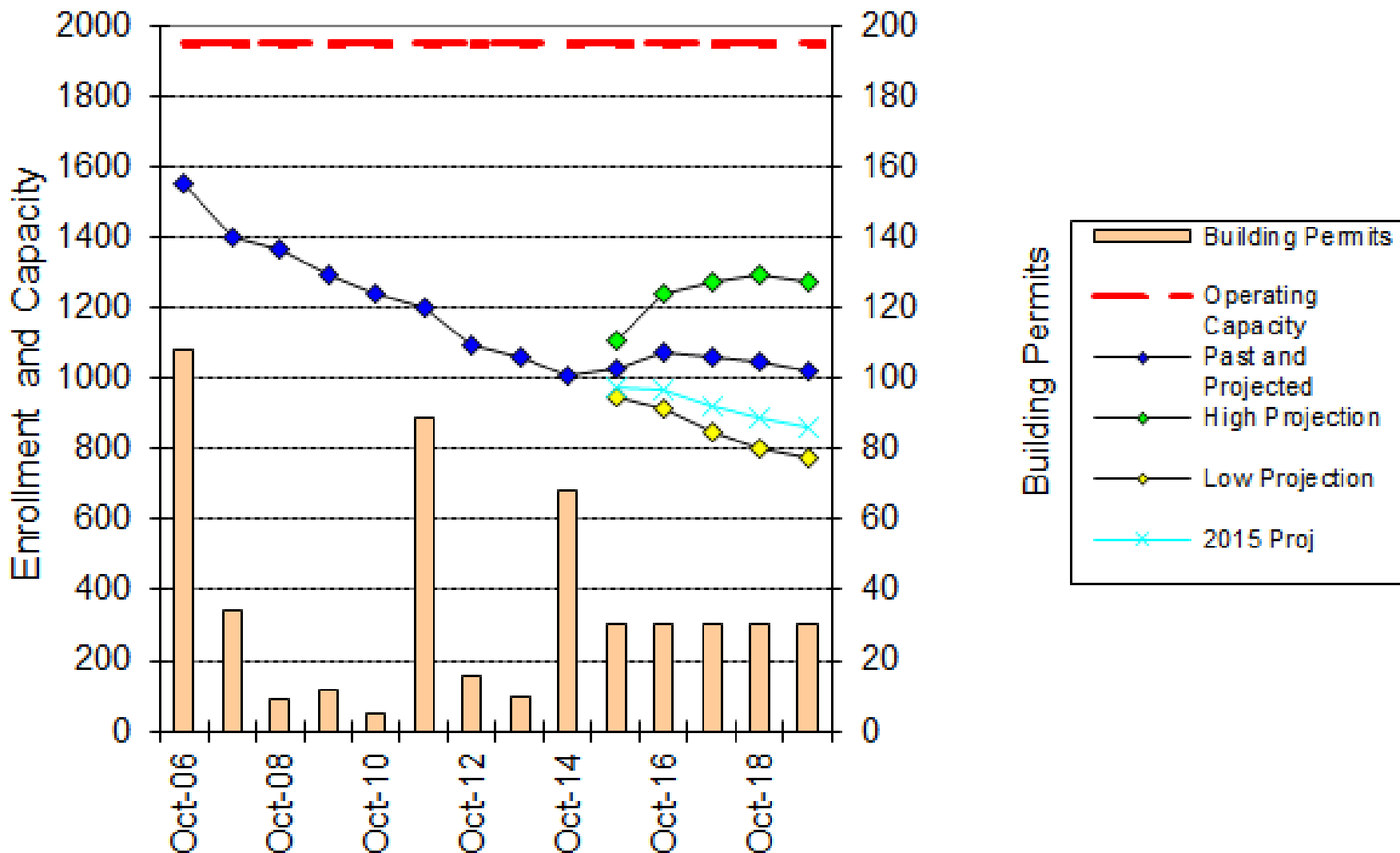


* Van Horne merger

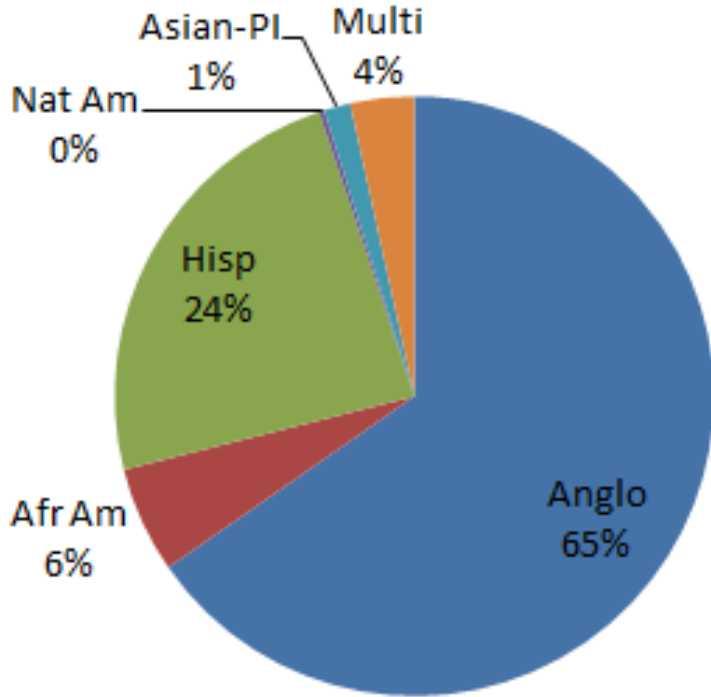
Enrollments, Capacity and Development: Magee



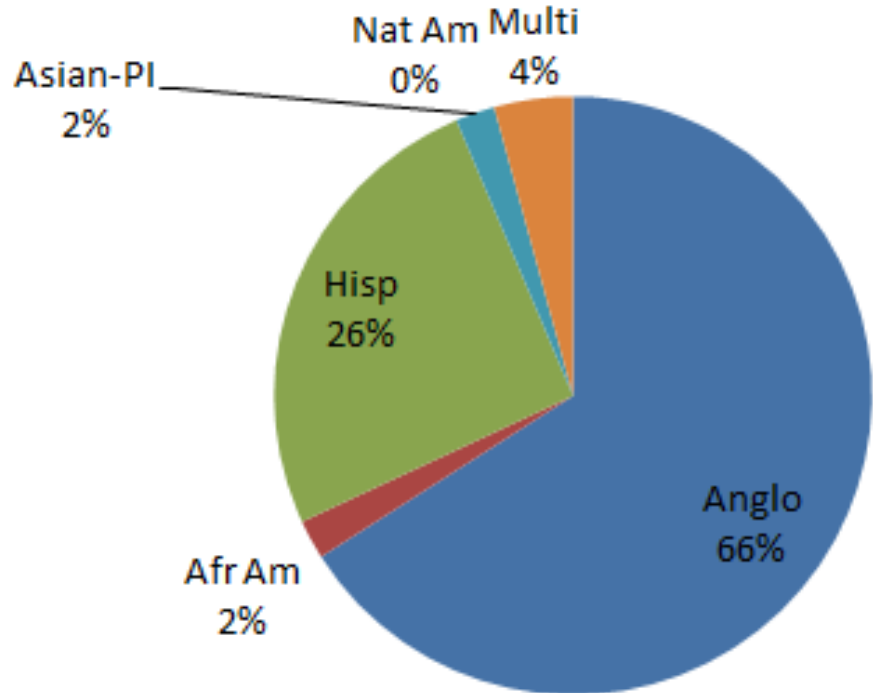
Enrollments, Capacity and Development: Sabino

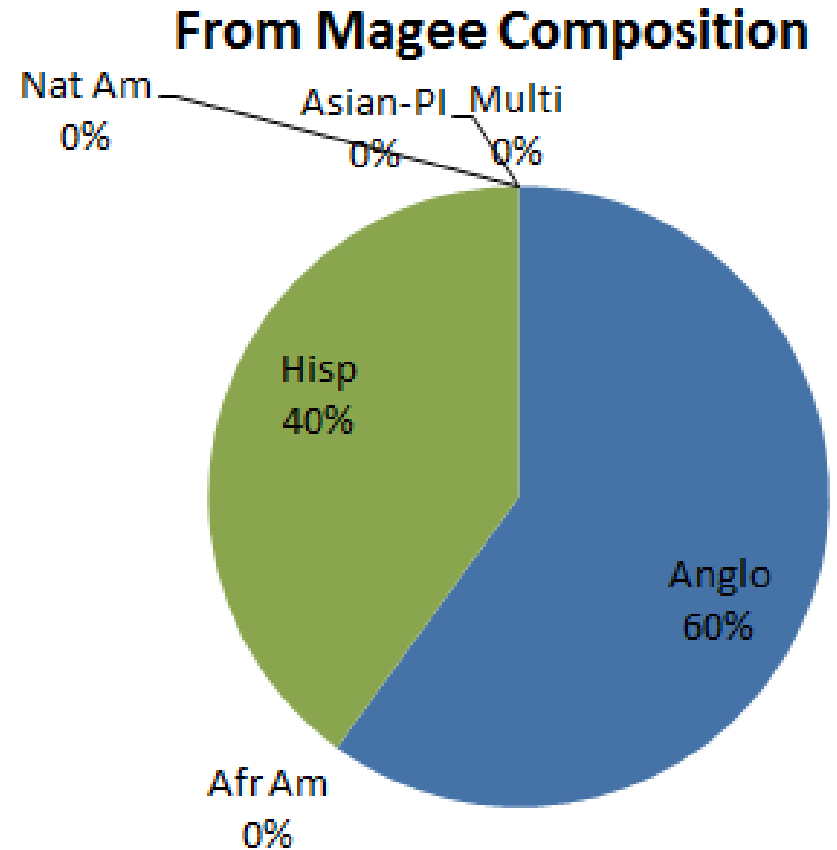
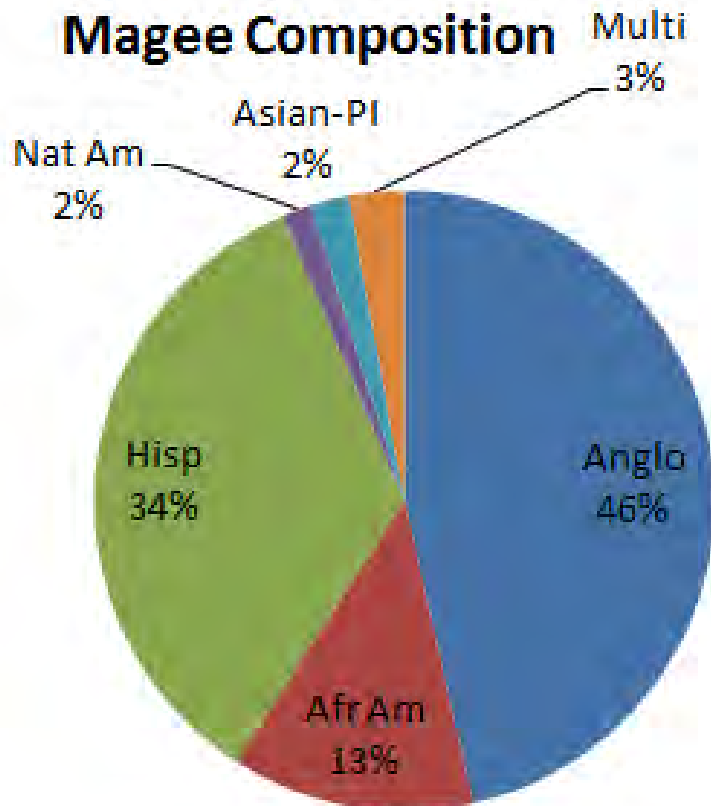


Fruchthendler Composition

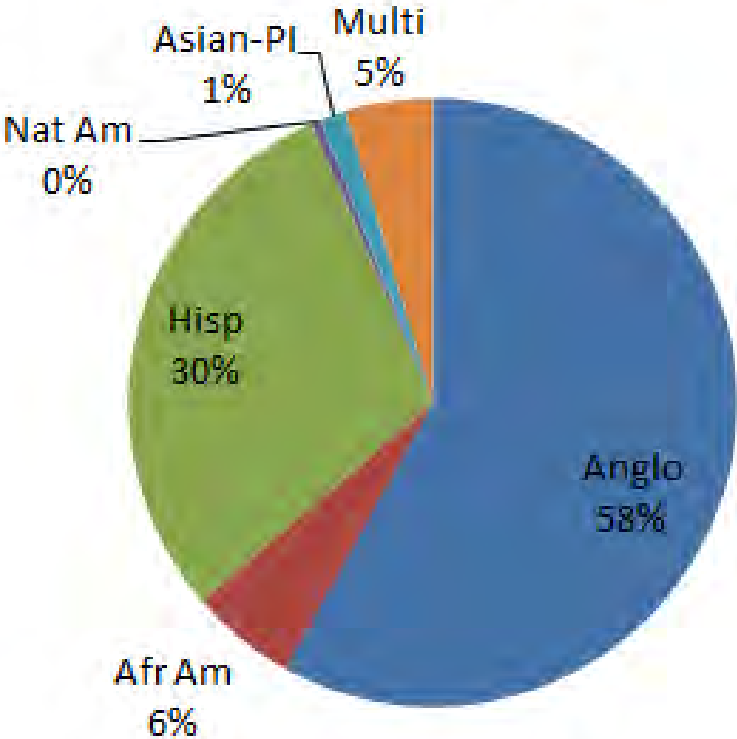


Fruchthendler 6th Grade Composition

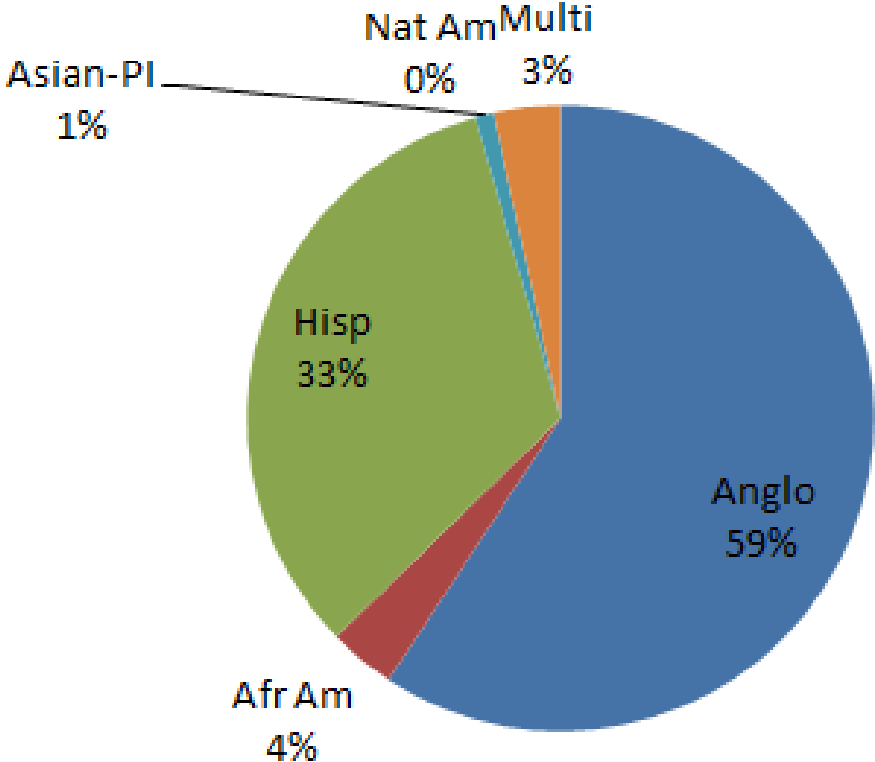




Sabino Composition



Sabino 7th and 8th Composition



Questions

