


# EXHIBIT 1

 <b>Tucson, Arizona</b>  <b>GOVERNING BOARD POLICY</b>	POLICY TITLE: Purchasing Procedures
	POLICY CODE: DJ

**Competitive Solicitation Threshold Requirements, Procurement Approval Levels, After-the Fact Transactions, and Various Procurement Policies**

The Tucson Unified School District No. 1 shall seek competitive bids, proposals or quotations for all purchases in accordance with the requirements of the appropriate sections of the Arizona Revised Statutes, the Arizona State Board of Education Administrative Rules, and the Uniform System of Financial Records.

Administrative regulations prescribing purchasing procedures for Tucson Unified School District No. 1 shall be consistent with this Governing Board Policy and with the appropriate sections of the Arizona Revised Statutes, the Arizona State Board of Education Administrative Code, and the Uniform System of Financial Records. District Regulation DJ-R, Procurement Procedures, is hereby incorporated into this Board Policy.

**Procurement Threshold Levels**

Purchases with an aggregated fiscal year value of less than \$10,000 shall be made in accordance with Regulation DJ-R. Such procurements are not subject to formal competitive purchasing requirements; however reasonable judgment should be used to ensure the purchases are advantageous to the District.

For purchase transactions with an aggregated fiscal year value of at least \$10,000, but less than \$50,000, a minimum of three vendors shall be solicited for verbal price quotations or, at the direction of the Purchasing Department, three written price quotations. For either verbal or written price quotations, documentation must be provided which specifies all vendors contacted, their respective contact information and quoted prices and terms, or an indication of their election to not quote.

For purchase transactions with an aggregated fiscal year value of at least \$50,000, but less than \$100,000, a minimum of three vendors shall be solicited for written price quotations. Documentation must be provided which shall specify all vendors contacted, their respective contact information and quoted prices and terms, or an indication of their election to not quote.

Except in the case of approved emergency or sole source procurements, all purchase transactions exceeding \$100,000 shall require a formal competitive sealed bid, competitive multistep sealed bid or competitive sealed bid or proposal process in accordance with the requirements of the Arizona State Board of Education Administrative Code and the Uniform System of Financial Records.

The Purchasing Department representative most closely involved in the procurement shall serve as the District representative for protests and claims on solicitations and contracts.

### **Procurement Approval Levels**

All procurements including all documented sole source and emergency procurements shall be approved by the Director of Purchasing or the Purchasing Manager when the transaction is less than \$150,000.

All procurements, including all documented sole source and emergency procurements between \$150,000 and \$250,000 shall require additional approval of the Deputy Superintendent of Operations, Chief Financial Officer, or the Superintendent.

All Procurements, including all documented sole source and emergency procurements that exceed \$250,000, and all consultant contracts that exceed \$100,000 shall require the approval of the Governing Board.

The Director of Purchasing or the Purchasing Manager may sign procurement agreements on behalf of Tucson Unified School District No. 1, when the agreements comply with applicable rules, regulations, statutes, and policies. The Purchasing Department shall prepare written determinations as required by the Arizona State Board of Education Administrative Code prior to issuing formal solicitations for multi-step sealed bidding, competitive sealed bids or proposals, multi-term contracts, or non-construction contracts requiring bid or contract security.

Construction-related professional services shall include, but are not limited to architects, engineers, geologists, surveyors, and applicable testing laboratories. The procurement officer for construction and construction-related services is authorized to develop, evaluate and recommend award of applicable solicitations, and to approve, sign and administer applicable contracts and change orders in accordance with this Governing Board Policy. The maximum dollar amount of an individual job order for a job-order-contracting construction service shall be one million dollars (\$1,000,000) or as determined by the Board.

### **After- the-Fact Procurement and Purchase Order Requirements**

A properly executed purchase order shall be issued for the acquisition of all goods, personal services and construction. If a school site or department orders materials, services or construction prior to a purchase order being issued, then an After-the-Fact

procurement has occurred. After-the-Fact procurements violate the Arizona Revised Statutes, Article 10 of the Arizona Board of Education Administrative Code and the Uniform System of Financial Records. School Sites or departments that violate statute and code will be required to follow certain District Regulations (see District Regulation DJ-R). Violation may be considered misappropriation of District funds, which will result in corrective action, up to and including termination of employment.

Purchase orders may be signed only by authorized staff, which includes the Director of Purchasing, Purchasing Manager, Purchasing Department Procurement Specialists, Deputy Superintendent of Operations, Chief Financial Officer or Superintendent. Purchasing Department Procurement Specialists are authorized to sign purchase orders for procurements up to \$100,000.

### **Selection of Architects, Engineers and other Professionals**

It is the policy of the Governing Board that architects, engineers and other professionals shall be selected through competitive practices and procedures, to the extent practicable for each transaction. Procurement of the services of architects, engineers and other professionals shall be in accordance with the requirements of the appropriate sections of the Arizona Revised Statutes, the Arizona Department of Education Administrative Code, and the Uniform System of Financial Records.

### **Selling or Purchasing for Personal Use**

No employee may purchase goods or services for personal use in the name of Tucson Unified School District No. 1.

No employee may sell goods or services for private gain to students or other employees on school premises or via District computer networks.

No employee may use his/her position with the District to solicit, directly or indirectly, the purchase of supplies, services or equipment at special discounts for private use from any school district vendor.

Any person using their employment position or influence at the District for the purpose of obtaining goods or services for personal benefit or the personal benefit of others shall be subject to disciplinary action up to and including dismissal and possible criminal charges. Such activities shall include, but are not limited to:

- A. Purchases at discounted rates not available to the general public; or
- B. Acceptance of goods and services at no or reduced cost; or
- C. Purchases with the intent of avoiding sales taxes.

It is permissible to obtain goods and services for personal use at discounted rates where suppliers typically offer educational discounts to employees of the District. Such discounts are characterized by being made available to all employees regardless of

position or influence. Employees are responsible for personal transactions with vendors, including sales tax, and purchase arrangements shall not be made through the use of District purchase orders or procurement cards.

### **Procurement Card**

The Governing Board acknowledges that instances occur when ready payment for goods or services is in the best interest of the District. The District defines Procurement Cards as a method of payment in lieu of cash or check and used in accordance with governing policies, laws or regulations pertaining to the District (see Policy Regulation DJ-R).

The Deputy Superintendent of Operations is responsible for the implementation of all aspects of the District Procurement Card Program also known as the "pCard" Program. The Governing Board authorizes the Superintendent to secure and assign controlled limit Procurement Cards to designated personnel. District assigned Procurement Cards may not be used for personal expenditures, cash withdrawals, alcoholic beverages, tobacco or any material or service that violates policy, law or regulations pertaining to the District. Misuse may be considered misappropriation of District funds, which will result in corrective action, up to and including termination of employment.

The use of Procurement Cards is to be closely monitored and payment of statements for authorized purchases and vendor payments are to be made as promptly as possible to avoid finance charges or late fees associated with the use of such cards.

### **Ethics and Professional Conduct**

The procurement activities of the Purchasing Department staff, shall be conducted on the highest level of ethical conduct. The activities of all staff involved in District procurement shall promote positive relationships through courtesy and impartiality in all phases of the purchasing cycle by providing prompt and courteous attention to all who call with a legitimate business mission. Furthermore, staff shall refrain from reciprocal agreements that limit or restrain fair competition for District business opportunities. District staff involved in procurement activities or decisions on behalf of the District are required to sign and adhere to a written Ethics Policy regarding procurement and vendor relations.

### **Registered Sex Offender Restriction**

All purchase orders, agreements to purchase, and contracts for services to be provided by personnel other than District employees will include the following statement:

Registered Sex Offender Restriction. The vendor/contractor agrees by acceptance of this purchase order and/or contract that no employee or subcontractor of the vendor, who is required to register as a sex offender pursuant to A.R.S. 13-3821, will perform work on District premises or

equipment at any time when a District student(s) is present or is reasonably expected to be present. The vendor/contractor further agrees by acceptance of a District purchase order and/or contract that a violation of this condition shall be considered a material contract breach and may, at the District's sole discretion, result in cancellation of the purchase order and/or contract.

### **Procurement from Arizona Industries for the Blind, Nonprofit Agencies serving the Disabled and Arizona Correctional Industries**

The District may, without a competitive solicitation process, purchase or contract for any products, materials or services directly from the Arizona Industries for the Blind, certified nonprofit agencies that serve individuals with disabilities and Arizona Correctional Industries if the delivery and quality of the goods, materials or services meet the District's reasonable requirements.

### **Intergovernmental Agreements**

Intergovernmental agreements and contracts between school districts or between the District and other governing bodies as provided in A.R.S. 11-952 are exempt from competitive bidding under the procurement rules adopted by the State Board of Education pursuant to A.R.S. 15-213.

### **District Participation in State Authorized Insurance Pools**

The District is not required to engage in competitive bidding to make a decision to participate in insurance programs authorized by A.R.S. 15-382

Adopted: January 21, 1986  
Revised: December 2, 1986  
Reviewed: June 14, 1988  
Reviewed: August 23, 1988  
Reviewed: January 24, 1989  
Reviewed: February 19, 1991  
Reviewed: May 7, 1991  
Reviewed: August 6, 1991  
Reviewed: January 19, 1999  
Revised: November 18, 2003  
Revised: November 9, 2004  
Revised: January 12, 2010  
Revised: December 10, 2013  
Affirmed: March 25, 2014

**Legal Reference:** A.R.S. 11-952, 15-213, 15-213.01, 15-213.02, 15-239, 15-323, 15-342, 15-382, 15-765, 15-910.02, 23-214, 34-101 *et seq.*, 35-391 *et seq.*, 35-393 *et seq.*, 38-503, 38-511, 38-621, 38-622, 38-623, 38-624, 38-625, 39-121, 41-2632, 41-2636, 41-4401

A.G.O. 183-136, 187-035, 106-002

A.A.C. R7-2-1001 *et seq.*

Uniform System of Financial Records for AZ School Districts

**Cross Reference:** DJ-R Purchasing Procedures  
BCB Board Member Conflict of Interest  
GBEAA Staff Conflict of Interest

# EXHIBIT 2





MEETING OF: April 14, 2015

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TITLE: Portable Relocation to Dietz K8 School

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ITEM #: 33

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Information:

Study:

Action: X

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PURPOSE:

Permission to proceed with contracts to Job-Order-Contractor, Kittle Design and Construction, to relocate existing portable classrooms to Dietz K-8 School to accommodate the increased number of classes with the added grade levels and increased enrollment at this campus.

Marcus E. Jones, R.A. Program Manager, Architecture and Engineering, will be present to answer questions.

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DESCRIPTION AND JUSTIFICATION:

Architecture and Engineering Staff have worked with Educational Leadership as well as Dietz K-8 School Leadership to develop the scope of the project. This project will provide two double classroom portables for a total of four classrooms, as needed to meet the added enrollment. As part of the Consolidation project, sixth grade was added during the 2013-2014 school year, seventh grade was added in the 2014-2015 school year, and eighth grade will be added for school year 2015-2016.

This overall project will include the work required to prepare the site to receive the portables, including utility location and relocation, excavation, and grading. The portables will be prepared, transported, and set per the plan that has been developed and approved by the school administrations. The area around the portables will have necessary walks, drainage and other improvements provided as required.

The project will be permitted and inspected by the Office of Manufactured Housing and the Office of the State Fire Marshall, with all construction work completed by TUSD's Job-Order-Contractors (RFQ 10-99-C15) Kittle Design and Construction, LLC.

The objective is to have the portables available for the 2015-2016 first semester, barring any delays in licensing and unforeseen conditions.

The Project Manager is Sue Heathcote.

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BOARD POLICY CONSIDERATIONS:

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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:

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Legal Advisor Signature (if applicable)

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**BUDGET CONSIDERATIONS:**

\_\_\_\_\_ District Budget  
 \_\_\_\_\_ State/Federal Funds  
 \_\_\_\_\_ Other  
Budget Cost      Budget Code  
 255,000.00      M and O Funding

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:

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**INITIATOR(S):**

**Marcus E. Jones, R.A., Program Manager Architecture and Engineering**      04/08/2015

Name	Title	Date
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**DOCUMENTS ATTACHED/ ON FILE IN BOARD OFFICE:**

<b><u>ATTACHMENTS:</u></b>
Click to download
No Attachments Available

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TUCSON UNIFIED SCHOOL DISTRICT

BOARD AGENDA ITEM  
CONTINUATION SHEET

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

TIME: April 14, 2015  
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](http://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: Grijalva; Seconded: Stegeman. Passed 3-0 (Voice Vote). Mr. Hicks and Mr. Juárez were not present to vote.**
    - A. Student matters pursuant to A.R.S. §§15-342, 15-521, and 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) Hearing Officers' Recommendations
    - B. Legal Advice/Instruction to Attorney pursuant to A.R.S. §38-431.03 (A)(3) and (A)(4)
      - 1) Fisher-Mendoza
    - C. 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) Van Horne
      - 2) Higher Ground – Wakefield
      - 3) 2102 and 2120 East Broadway Properties
    - D. Personnel issues pursuant to A.R.S. §38-431.03 (A)(1); legal advice/instruction to attorney pursuant to A.R.S. §38-421.03 (A)(3) and (A)(4)

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- 1) Non-renewal of Certificated Administrators in Accordance with Arizona Revised Statute 15-503 and Provisions Contained in the 2014-2015 Meet and Confer Agreement for ELI Administrators, Psychologists and Research Project Managers

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 Mya, Softball Student at Rincon/UHS

INFORMATION ITEMS

2. Superintendent's Student Advisory Council (SSAC) Report **INFORMATION ONLY** – Report presented by SSAC President Michelle Howard.
3. Superintendent's Report **INFORMATION ONLY** – Details of the Superintendent's Report regarding recognition of persons are available via the audio and video recordings posted on the TUSD web.
4. Board Member Activity Reports **INFORMATION ONLY** – Board Members reporting activities were Cam Juárez, Kristel Ann Foster and Adelita S. Grijalva.

Board President Adelita Grijalva asked if anyone needed the services of a Spanish Interpreter for the Call to the Audience. There being none, Mr. Oscar Corella, Spanish Interpreter, was excused.

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: Don Dugan re: Free tree removal at school sites; Lillian Fox re: Benefits; Anthony Tarantola, Bryan Welch, Sarah Russell, Tim Golloly, Cari Barros, Luis Rodriguez, Daryl Cole, Stephen Pringle, Hector Samaniego, Michael LaChapelle, Skip (Anthony) Hinds, Karin McDonald, Dylan Sanchez and Jaime Ledesm re: Mark Chandler, Sahuaro High School Baseball Coach, Jerry Peyton re: Human Trafficking Resolution, Vincent Romo re: Wages for Crossing Guards. Board Members commenting and/or asking questions were Michael Hicks (Sahuaro Baseball Coach) and Kristel Ann Foster (Crossing Guard Wages) Persons whose names were called but failed to appear were Jerry Pipes, Claudia Bustillos, Lorenzo Bustillos, Sylvia Murillo, Gary Clifford, Terri Montano, Brian Clifford, Alex Wood and Bo Bethhanger.

Adelita S. Grijalva requested that Call to the Audience be extended to allow all speakers, who completed a card to speak. **APPROVED.** Moved: Hicks; Seconded: Stegeman. Passed Unanimously (Voice Vote).

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Dr. Sánchez requested that item #17 be addressed after Call to the Audience. **APPROVED.** Motion: Juárez; Seconded: Stegeman. Approved 4-1. Mr. Hicks voted no. (Voice Vote).

See notation for items 16 and 17 addressed out of sequence.

### INFORMATION ITEMS

5. School Community Partnership Council (SCPC) Report **INFORMATION ONLY.** Report presented by SCPC Board Liaison Kristen Bury. Board member Cam Juárez commented.
6. Update on the Black College Cultural Tour **INFORMATION ONLY.** Eugene Butler introduced Tucson High Magnet School Students Dominique Aquilina, Tyana Bennett and Khori Wells who presented their experiences from the Black College Cultural Tour. Board members commenting and/or asking questions were Kristel Ann Foster and Cam Juárez.

Dr. Sánchez requested that item #16 be addressed after item #6. **APPROVED.** Motion: Juárez; Seconded: Foster. Passed Unanimously (Voice Vote).

7. Update on the Enterprise Resource Plan **INFORMATION ONLY.** Update presented by Dr. Sánchez and Renee La Chance. Board members commenting and/or asking questions were Kristel Ann Foster and Mark Stegeman.
8. Second Semester Update on the Superintendent's Goals for 2014-2015 School Year – Finance **INFORMATION ONLY.** Update presented by Dr. Sánchez and Karla Soto. Board members commenting and/or asking questions were Adelita S. Grijalva, Michael Hicks, Kristel Ann Foster and Cam Juárez.
9. FY 2015 Budget Update **INFORMATION ONLY.** Dr. Sánchez and Karla Soto presented the FY2015 Budget Update. Board member Kristel Ann Foster commented.

### CONSENT AGENDA\*\* [Items 10(a-am)]

**APPROVED.** Moved: Juárez; Seconded: Foster. Approved, 3-2. Mr. Hicks and Dr. Stegeman voted no. (Roll Call Vote). Dr. Sánchez recommended approval as submitted except 10(an) to be considered separately.

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

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- 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) Contracts for Certificated and Licensed Members of the Tucson Unified School District for the 2015-2016 School Year **APPROVED**
- j) Non-renewal of Certificated Administrators in Accordance with Arizona Revised Statute 15-503 and Provisions Contained in the 2014-2015 Meet and Confer Agreement for ELI Administrators, Psychologists and Research Project Managers **APPROVED**
- k) Memorandum of Agreement (MOA) 15-1 UVA Added Clause between Tucson Unified School District (TUSD) and Tucson Education Association (TEA) **APPROVED**
- l) Adoption of Supplementary Material for High Schools – *Vocabulary from Latin and Greek Roots: A Study of Word Families Book III, IV, V and VI* **APPROVED**
- m) Adoption of Supplementary Material for High Schools – *The Girl in the Green Sweater* **APPROVED**
- n) Adoption of Supplementary Material for High Schools – *The Earth and Its Peoples A Global History* **APPROVED**
- o) Approval of 2014-2015 Supplemental Materials for Mathematics **APPROVED**
- p) Approval of 2014-2015 Supplemental Materials for Elementary Schools **APPROVED**
- q) Approval of 2014-2015 Supplemental Materials for Middle Schools **APPROVED**
- r) Approval of 2014-2015 Supplemental Materials for High Schools **APPROVED**
- s) Partnership Agreement between Tucson Unified School District and United States Environmental Protection Agency (EPA) for Green Power **APPROVED**

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- t) Addendum to the current Intergovernmental Agreement between the Arizona Department of Education and Tucson Unified School District for Food Program Permanent Service Agreement, with Authorization for the Director of Food Services to Execute the Agreement **APPROVED**
- u) Intergovernmental Agreement between Pima County Health Department and Tucson Unified School District for the Provision Dental Screening and Sealant Services **APPROVED**
- v) Approval to Purchase Computer Equipment for Technology Services Using a Cooperative Contract (Mini Bid 15-85-15) **APPROVED**
- w) Approval to use World Wide Technology for a Single Transaction in Excess of \$250,000 **APPROVED**
- x) Authorization of Expense to not exceed 1.8 million for the Technology Plan using HP, Lenovo and/or Dell **APPROVED**
- y) Authorization of Expense to exceed 250K for vendor Barnes and Nobles, and Follett **APPROVED**
- z) Authorization of Expense to exceed 250K for the AVID Central **APPROVED**
- aa) Award Request for Proposals (RFP) 15-66-C19 – Transportation Routing Software **APPROVED – TYLER TECHNOLOGIES, INC.**
- ab) Award Request for Proposals (RFP) 15-79-C19 – Computerized Food Service Operations System **APPROVED – HORIZON SOFTWARE INTERNATIONAL**
- ac) Award Request for Proposals (RFP) 15-80-C19 – Point of Sale Student Finance Software **APPROVED – InTOUCH RECEIPTING SUITE**
- ad) Award Request for Proposals (RFP) No. 16-01-B20 – Group Medical, Dental, Vision, Pharmacy and EAP Insurance Programs **APPROVED**  
**Self-Insured Medical/Pharmacy – UNITED HEALTHCARE GROUP-UHC**  
**Dental PPO – DELTA DENTAL OF ARIZONA**  
**Dental Prepaid – EMPLOYERS DENTAL SERVICES (EDS)**  
**Vision – AVESIS**  
**EAP – JORGENSEN BROOKS**
- ae) Award Invitation for Bid (IFB) 15-84-15CN – Shelf Stable Fruits and Vegetables **APPROVED**

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- af) Lease Agreement between TUSD and Amazing Grace Tabernacle for the facilities located at 2102 and 2120 E Broadway Boulevard with Authorization for the Director of Planning and Student Assignment to Execute the Agreement **APPROVED**
- ag) Portable Relocation to Dietz K-8 **APPROVED**
- ah) Fee Settlement for Mendoza Plaintiffs **APPROVED**
- ai) Minutes of Tucson Unified School District Governing Board Meetings
  - 1) Regular Board Meeting, June 10, 2014 **APPROVED**
- aj) Fiscal Year 2014-2015 Public Gifts and Donations to Schools Quarterly Report (3<sup>rd</sup> Quarter) **APPROVED**
- ak) Acceptance of the Summary of Student Activity Funds for the Period of July 1, 2014 through February 28, 2015 **APPROVED**
- al) Ratification of salary and non-salary vouchers for the period beginning February 1, 2015 through February 28, 2015 and March 1, 2015 through March 31, 2015 **APPROVED**
- am) Change May 12, 2015 Regular Board Meeting to May 19, 2015 **APPROVED**
- an) Schedule a Special Board Meeting on May 12, 2015 **APPROVED**. Moved: Grijalva; Seconded: Juárez. Passed Unanimously (Voice Vote). Special Board meeting date was approved for May 5, 2015 instead of May 12, 2015 as submitted, to begin at 5:00 p.m.

ACTION ITEMS

- 11. Resolution to Declare Tucson Unified School District Schools a Zero Tolerance Human Trafficking Zone – Requested by Board Member Michael Hicks Board member Michael Hicks read the Resolution as a motion. **APPROVED**. Moved: Hicks; Seconded: Juárez. Passed Unanimously (Voice Vote). Board Members commenting and/or asking questions were Adelita S. Grijalva and Kristel Ann Foster.
- 12. Resolution in Opposition to the Proposed “Student Success Act” (H.R. 5) **APPROVED**. Moved: Foster; Seconded: Juárez. Approved 4-1. Mr. Hicks voted no. (Roll Call Vote). Superintendent Sánchez read the Resolution and recommended approval.

Adelita S. Grijalva requested item #14 be addressed before item #13. **APPROVED**. Moved: Stegeman; Seconded: Foster. Passed Unanimously (Voice Vote)



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13. Appointment of Governing Board Member to the Tucson Unified School District Governing Board Audit Committee **APPROVED. Adelita S. Grijalva appointed to the Audit Committee.** Moved: Juárez; Seconded: Foster. Approved 3-2. Mr. Hicks and Dr. Stegeman voted no. (Roll Call Vote). Board Member Mark Stegeman commented.

Item 13 addressed out of sequence after item 14.

14. Confirm Status of Current Non-Resident Members of the Tucson Unified School District Governing Board Audit Committee **APPROVED.** Moved: Grijalva; Seconded: Juárez. Approved 3-2. Mr. Hicks and Dr. Stegeman voted no. (Roll Call Vote). Terms of Current Non-Resident Members of the Tucson Unified School District Governing Board Audit Committee will end June 30, 2015. Dr. Sánchez commented. Board Members commenting and/or asking questions were Adelita S. Grijalva and Mark Stegeman.

Item 14 addressed out of sequence after Item 12.

Cam Juárez moved to extend the meeting until 11:30 p.m. Moved: Juárez; Seconded: Foster. **APPROVED** 4-0. Michael Hicks was not present for the vote. (Voice Vote)

#### STUDY/ACTION ITEMS

15. Employee Benefits Trust (EBT) Board Agreement (revised) **APPROVED.** Moved: Foster; Seconded: Juárez. Approved 3-2. Mr. Hicks and Dr. Stegeman voted no. (Roll Call Vote). Terms of current non-resident members of the EBT will end June 30, 2015. Anna Maiden explained the agreement and was available to answer questions from the Board. Board members commenting and/or asking questions were Mark Stegeman and, Kristel Ann Foster.
16. Proposed City Incentives for the Repurposing of Closed TUSD School Sites **APPROVED.** Motion: Juárez; Seconded: Grijalva. Passed Unanimously. (Voice Vote). The Proposal was presented by Dr. Sánchez, Bryant Nodine and Ernie Duarte. Board members commenting and/or asking questions were Mark Stegeman and Michael Hicks.

Item 16 addressed out of sequence after Item 6.

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### STUDY ITEM

17. Performance Based Compensation Plan (Prop. 301) for School Year 2015-2016 **STUDIED ONLY**. Richard Foster and Frances Banales presented the Plan. Board members commenting and/or asking questions were Mark Stegeman, Adelita S. Grijalva and Kristel Ann Foster. Dr. Sánchez.

Item 17 addressed out of sequence after Call to the Audience.

### GOVERNING BOARD POLICIES

#### Action

18. Governing Board Policy IGA – *Curriculum Development, Implementation and Assessment* (revision) **APPROVED**. Motion: Juárez; Seconded: Foster. Approved 3-2. Mr. Hicks and Dr. Stegeman voted no. (Roll Call Vote). Dr. Sánchez recommended Policy IGA as submitted. Board members commenting and/or asking questions were Kristel Ann Foster, Mark Stegeman, Adelita S. Grijalva and Cam Juárez. Julie Tolleson provided information.
19. Governing Board Policy IGE – *Curriculum Guides and Course Outlines* (revision) **APPROVED**. Motion: Juárez; Seconded: Foster. Passed Unanimously. (Voice Vote). Dr. Sánchez recommended Policy IGE as submitted. Board Members Kristel Ann Foster and Mark Stegeman commented.
20. Governing Board Policy GCI – *Professional Staff Development* (revision) **STUDIED ONLY**. Dr. Sánchez recommended Policy IGE as submitted. Steven Holmes answered questions. The policy will be revised and be brought back to the May 5, 2015 meeting for Action. Board members commenting and/or asking questions were Kristel Ann Foster and Cam Juárez.

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 3



**LEGAL DEPARTMENT**  
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April 30, 2015

To: Dr. Willis Hawley, Counsel for Plaintiffs, Department of Justice *Via Email Only*

**Re: Notice of the Addition of Two Portables at Dietz K-8**

Dr. Hawley/Counsel:

TUSD hereby notifies the Special Master and Parties of its intention to add two portable buildings (four-classrooms) to Dietz K-8 school to accommodate growth and enhance educational opportunities for Dietz students. The District requests a stipulation to the addition based on the information provided below in hopes of avoiding a prolonged NARA process (similar to the stipulation to the sale of the Fremont parking lot this past fall). However, if one or more parties will not stipulate to the action at this time, we ask that the parties will agree to a truncated timeline (described below) as the addition of the two portable buildings is not a complex matter and we have worked diligently<sup>1</sup> to provide the following information on the front-end to reduce the time necessary for the parties to analyze any impacts to student assignment or to TUSD's obligations under the USP.

### **Background**

In February 2013, the court approved the closures of several schools, and ordered the Special Master to "oversee the implementation of the recommended assurances" required pursuant to the Order. *Order of February 15, 2013, ECF# 1447*. One of the recommendations was that "[r]eceiving schools should not turn to portable classrooms to accommodate the influx of students from closed schools." *Id. at 10*.

In March 2013, in relation to TUSD's request to close schools (which included the expansion of Dietz as a receiving school), TUSD filed a NARA to renovate Dietz to

<sup>1</sup> After receiving the request from the principal in mid-January, a team met at the school to assess the situation and evaluate options. When it became clear that portable classrooms were the only viable option staff developed a plan for placement of the portable classrooms, located portable classrooms that were suitable for the site and obtained bids to move and place the portable classrooms. With that information staff, sought leadership approval and developed this Desegregation Impact Analysis.

facilitate the expansion from a K-5 elementary school to a K-8 school. *NARA for Bond-Funded Construction Projects, March 11, 2013, ECF #1451*. In its request, TUSD explained that “students attending 5<sup>th</sup> grade at Dietz will have the option to remain there as open enrollment students for 6<sup>th</sup> grade, and 7<sup>th</sup> and 8<sup>th</sup> grades will be added in future years.” *Id. at 4*. TUSD further explained the projects were necessary “to accommodate the addition of students to these schools as a result of the school closures,” and that “the schools that are being converted to K-8 campuses have sufficient capacity but need to be modified to serve the broader age range of students. *Id. at 5*. No party objected to the conversion of Dietz to a K-8, and the Special Master submitted a memo to the Court recommending the approval “for bond-funded construction needed to successfully implement” the February Order, and identifying that the “projects were identified in the District’s request for approval for school closures.” *Order of March 20, 2013 at 3 ECF# 1452*.

In April 2013, after TUSD sought approval for boundary changes related to school closures, the Court ordered the Special Master to file a status report related to the recommended assurances outlined in the February 2013 Order. *Order of April 26, 2013, ECF# 1468 at 6*.

In June 2013, the Special Master submitted the following report to the Court related to the recommended assurance labeled “Condition D – Portables:”

*Special Master’s Comments*

*No school is adding portables to accommodate students from sending schools. However, students from sending schools could be learning in portables. There are three different conditions where this will occur:*

- 1. When portables are used for special programs in which students will be in portables for a limited time each day.*
- 2. If facilities under construction are not ready at the beginning of the year, students will be in the portables in the interim. This is the case at Whitmore.*
- 3. When receiving schools have been using portables for classes in the past, students from receiving schools could be assigned to these classrooms. One of these is at Magee, where the District’s Alternative to Suspension program is housed. If Howenstine students select Rincon or Cholla as their home school, they could be in portable classrooms. See section on Howenstine students below.*

*The District’s response meets the specific provisions of the Court Order.*

Currently, Dietz utilizes one portable (two classrooms) which falls under condition #3 above as Dietz has “been using portables for classes in the past” (since 2012) and students “could be assigned” to the portable classrooms for a limited time each day (either one period of Language Arts or one period of Orchestra).

### **Changes to Capacity**

When Dietz was remodeled as a K-8 school, two classrooms were converted to project labs and one was converted to two changing rooms for physical education. These changes resulted in a reduction of capacity from 520 to 490 students. Dietz currently uses one double portable (two classrooms), which increases the capacity by approximately 50 students. Thus, it would appear that Dietz has capacity, without adding additional portables, to serve the 502 students projected for SY 2015-16. However, three factors have further reduced the capacity of Dietz:

1. The number of Exceptional Education Cross-categorical (CCS) students increased as the additional grades were added (.5 FTE added).
2. Under new leadership at Dietz, the K-8 has converted from its original model (self-contained 6-8<sup>th</sup> grade), to a more-traditional middle school model in which students rotate from room to room for core subjects and electives. In this model, teachers have planning/teaming periods so rooms are not used for instruction at least one period each day.
3. As an OMA Gold school, space is needed to provide students with resource and elective opportunities.

### **Impact on Integration/Desegregation**

In school year 2013-14, Dietz added a 6<sup>th</sup> grade component; a 7<sup>th</sup> grade component was added in SY 2014-15. In SY 2015-16, Dietz will add an 8<sup>th</sup> grade component. In part, the necessity for additional portable buildings stems from the addition of the 8<sup>th</sup> grade component. However, the addition of the portables will have virtually no impact on the racial/ethnic makeup of Dietz’s student population as outlined below (2/3 of Dietz students are African-American or Latino):

	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
<b>2014-2015, 40th Day Enrollment</b>	111	63	225	4	8	34	445
	25%	14%	51%	1%	2%	8%	
<b>2015-2016, Projected Enrollment with Change</b>	124	71	255	6	8	37	502
	25%	14%	51%	1%	2%	7%	

Overall, the school enrollment is not projected to change much in future years; current K-5 grade sizes are all approximately 60 students (one-third of whom are non-neighborhood students), the school accepts all open-enrollment students and projected entry grades are not expected to change in the future.

### **Purposes for the Additional Portables**

TUSD operates thirteen K-8 schools. Of those, only three K-8s are east of Country Club Road – the street used generally to mark TUSD’s geographical center. Roberts-Naylor K-8 is mid-town; Booth-Fickett and Dietz are located on TUSD’s eastside. Booth-Fickett is a magnet school, leaving Dietz as the only non-magnet K-8 school serving TUSD’s eastside families. As a result, interest in Dietz K-8 has exceeded our 2013 projections – not due to students from the former Carson area selecting Dietz over other options (i.e. Secrist), but due to significant numbers of open enrollment students selecting the Dietz option<sup>2</sup>.

As alluded to above, the addition of two portable buildings would not be necessary had Dietz remained with the original model (elective-light, self-contained), and/or if Dietz had not become so attractive to open enrollment students and families.

Dietz requests the two additional portables: to improve academic achievement for 6<sup>th</sup> graders; to provide space for Exceptional Education staff, testing, and privacy; and to expand elective opportunities for K-8 students. For each of these purposes, students will only be in the portable buildings for a limited time each day.

#### 1. Improving Academic Achievement

A new principal took over at Dietz in SY 2013-14, and she has worked hard to increase academic achievement. To this end, one portable classroom will be used as a CORE Enrichment class for all 6<sup>th</sup> graders to improve students’ study approaches and their success in the middle school.

#### 2. Exceptional Education Needs

The number of Exceptional Education Cross-categorical (CCS) students increased as the additional grades were added (.5 FTE added). As a result, more space is needed for IEP meetings, to provide privacy for meetings with families and students, for small-group instruction, for testing space, and to serve as a “home base” for CCS teachers (the initial projection anticipated the need for only one room, but two are now needed).

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<sup>2</sup> Virtually all of the 6th and 7th graders currently in Dietz were in Dietz in the 5th grade; the vast majority of them are not students from the former Carson area who decided to attend Dietz versus Secrist. Only one student, new to the current Dietz 6th grade, is from the former Carson area. None of students in Dietz were in Carson before it closed (aka “students from closed schools”).

### 3. Expanding Electives

Additional space will be used for fine arts electives, and multi-purpose space for opera, strings, orchestra, and Taiko drums. Students are primarily served in the main building and would be in a portable classroom for no more than 60 minutes per day.

### **Proposed Timeline**

Although TUSD is seeking agreement on this action, should a formal NARA become necessary, TUSD requests that the parties agree to the following schedule:

- TUSD will file the NARA (including DIA) with the Court by May 8.
- Plaintiffs will provide comments to TUSD and the Special Master by May 15.
- TUSD will provide a response to the Plaintiffs and Special Master by May 22.
- The Special Master will provide a recommendation to the Court by June 1 with a request for an expedited ruling within thirty days.

Please respond no later than May 4, 2015 so that we can plan to develop the NARA if necessary. However, we hope that the information provided will lead to a stipulation so that we can complete this work in the next 60 days to be ready for the start of the school year. Please feel free to contact us with any questions or concerns.

Attachment: Desegregation Impact Analysis



**ATTACHMENT**

## **TUCSON UNIFIED SCHOOL DISTRICT DESEGREGATION IMPACT ANALYSIS**

**Action: Add two double portable classrooms to Dietz K-8.**

### **Summary**

Dietz was approved, as a K-8 school in the spring of 2013 at the same time the closure of Carson Middle School was approved. As Dietz has transitioned into a K-8, the enrollment at the school has increased. The school is requesting additional portable classrooms at the school to accommodate increases in enrollment as well as the elective aspects of the K-8 program and the school's strong fine arts programs.

Although the K-8 aspects of the school were already approved, this analysis shows the impacts of adding the eighth grade next year and some additional increases in enrollment that are primarily expected in the sixth grade. It also presents the proposed uses of the portable classrooms.

### **Impact Analysis**

#### Current K-7 enrollment

As shown in the table below, the 2014-2015 40<sup>th</sup>-day enrollment, Dietz is relatively integrated, though it does not meet the USP definition of integrated because the Hispanic student composition (51%) is more than 15% from the average for District K-8 schools (73%).

#### **40th Day Enrollment 2014-2015**

	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
K-8 Neighborhood	69	46	151	1	7	24	298
	23%	15%	51%	0%	2%	8%	
K-8 Non-Neighborhood	42	17	74	3	1	10	147
	29%	12%	50%	2%	1%	7%	
Total	111	63	225	4	8	34	445
	25%	14%	51%	1%	2%	8%	

#### Impact on Dietz as a K-8 School

The change component at Dietz, and part of the reason for the portable classroom additions, is the addition of the 8<sup>th</sup> grade next year. This is estimated based the current 7<sup>th</sup> graders transitioning into the 8<sup>th</sup> grade. As shown in the table below, the result is virtually no change to the racial-ethnic composition of Dietz.

**Change Components**

Grades	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
8th Neighborhood	7	3	13	0	0	1	24
	29%	13%	54%	0%	0%	4%	
8th Non-Neighborhood	3	3	10	2	0	1	19
	16%	16%	53%	11%	0%	5%	
Other Increases (primarily 6th)	3	2	7	0	0	1	14
	25%	14%	51%	1%	2%	8%	
Total	13	8	30	2	0	3	57
	23%	14%	53%	4%	0%	5%	

**2015-2016 Projected Enrollment with Change**

	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
School Total	124	71	255	6	8	37	502
	25%	14%	51%	1%	2%	7%	

Enrollment Projections for the School

Overall, the school enrollment is not projected to change much in future years; current K-5 grade sizes are all approximately 60 students (one-third of whom are non-neighborhood students), the school accepts all open-enrollment students and projected entry grades are not expected to change in the future.

Changes to the Capacity and Room Use at the School

When Dietz was remodeled as a K-8 school, two classrooms were converted to project labs and one was converted to two changing rooms for physical education. This reduced the capacity of the Dietz main building from 520 to 490. Dietz now has one double portable classroom, which increases the capacity by approximately 50 students. Thus it would appear that Dietz now has capacity, without adding additional portable classrooms, to serve the 502 students projected for SY2015-16. However, three factors have further reduced the capacity of Dietz:

1. The number of Exceptional Education Cross-categorical students (CCS) increased as the additional grades were added (.5 FTE added).
2. Dietz went from a self-contained sixth- through eighth-grade approach to one in which students rotate from room to room for core subjects and electives. In this model teachers have planning/teaming periods, so the rooms are not used for instruction at least one period each day.
3. Dietz is an OMA Gold school; to offer this program it has a high number of fine arts rooms as resource spaces and as electives.

The current portable classroom at the school (a double with two classrooms) houses a sixth grade language arts rooms and, next year, with the increase in students, also will house a seventh and eighth grade math program. The additional portable buildings (four classrooms) proposed for Dietz are support rooms that would be used as follows:

1. A pull-out room for Exception Education testing and the base for 1.5 CCS teachers.
2. A sixth-grade, academic-core classroom to improve students' study approaches and their success in the middle school.
3. A multi-purpose fine arts room for opera, strings and orchestra.
4. A fine arts elective room.

# EXHIBIT 4

**Brown, Samuel**

---

**From:** Willis D. Hawley <wdh@umd.edu>  
**Sent:** Sunday, May 3, 2015 8:46 AM  
**To:** William Brammer  
**Cc:** Rubin Salter Jr. (Rsjr3@aol.com); Juan Rodriguez; Lois Thompson (Lthompson@proskauer.com); Anurima Bhargava (Anurima.Bhargava@usdoj.gov); Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov); James.Eichner@usdoj.gov; Tolleson, Julie; Desegregation; Nodine, Bryant; Gallegos, Ana; TUSD  
**Subject:** Re: Request for consideration to approve addition of portable buildings to Dietz school campus

I have some questions.

Please clarify why The February 2013 court order does not apply in this case.

If enrollment is not projected the change in future years, why was there an increase in open enrollment that was not anticipated?in other words, why is there so much interest in one of the districts C schools?

Why are all sixth-graders at Dietz in need of "enrichment" classes? What courses will students not take part in as a result of what these classes are all about? What are CORE classes about?

If this matter cannot be resolved, I have no objection to the proposed timeline.

Thanks.

BH

Sent from my iPad

# EXHIBIT 5



**LEGAL DEPARTMENT  
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May 5, 2015

To: Dr. Willis Hawley, Counsel for Plaintiffs, Department of Justice *Via Email Only*

**Re: Responses to Questions re Addition of Two Portables at Dietz K-8**

Dr. Hawley/Counsel

Please see below our responses to Dr. Hawley's questions from May 3, 2015:

**1. Please clarify why The February 2013 court order does not apply in this case.**

The February 2013 Order incorporated Dr. Hawley's recommendation that "[r]eceiving schools should not turn to portable classrooms to accommodate the influx of students from closed schools." *Order at 10*. The purpose and intent of this recommendation was to make sure students who were being taught in a building at Carson Middle School were not put into portables once they transferred to Dietz K-8 or to Secrist Middle School. *See Dr. Hawley's memorandum to the Court from February 4, 2013* ("The District shall ensure that *students from schools being closed* will not be taught in portable classrooms.") Later, in Dr. Hawley's report to the Court in June 2013, he identified that "...*students from sending schools* could be learning in portables" under one of three stated conditions. *See Dr. Hawley's report from June 2013*.

The February 2013 Order applied to students from "schools being closed" or from "sending schools" (in this case, Carson Middle School) who were transitioning into Dietz K-8. The February 2013 Order (including the recommendations and conditions outlined by Dr. Hawley) did not apply in perpetuity to any use of portables at Dietz K-8. As explained in footnote two of the District's May 1, 2015 memo, "[n]one of the students in Dietz were in Carson before it closed (aka "students from closed schools")."

The February Order applied to former Carson students. No former Carson students attend Dietz. The February Order does not apply.



**2. If enrollment is not projected the change in future years, why was there an increase in open enrollment that was not anticipated? In other words, why is there so much interest in one of the districts C schools?**

There are 13 K-8 schools in TUSD: ten are west of Country Club road (TUSD's geographical "center"), and only one (Dietz K-8) is east of Kolb road (Booth-Fickett K-8 Magnet is located on Kolb road, Roberts-Naylor K-8 is located more than five miles away to the west). This leaves Dietz K-8 as the only non-magnet K-8 option for the entire eastside of the District, and the only K-8 option east of Kolb.

Dietz was initially planned as a self-contained model: students in grades 6-8 stayed with a single teacher throughout the year. The new principal at Dietz developed a middle school model: students transition between teachers while maintaining a "small-school" community and culture. Many parents are attracted to this model for the social and academic benefits it provides. Research supports the social and academic benefits of the K-8 model, generally, but particularly in urban school districts.<sup>1</sup>

Dietz K-8 inherited the "C" label two years ago, but the culture and climate has changed immensely over the past two years. A change in leadership in SY 2013-14 led to the school becoming much more service-oriented to students and families. Dietz K-8 is a true "Community School" in that the message to students, families, and the community is that "we are all here working together to best serve our students." This culture has manifested itself in the establishment of over 40 community partnerships in the past two years. Increased community involvement, combined with the smaller, more intimate community, are attractive to parents. The addition of portable space at the site will enhance the school's focus on improving academic outcomes while maintaining opportunities for students to participate in fine arts and GATE electives.

**3. Why are all sixth-graders at Dietz in need of "enrichment" classes? What courses will students not take part in as a result of what these classes are all about? What are CORE classes about?**

The CORE enrichment class is primarily aimed towards helping fifth graders transition into sixth grade. The class addresses an important need for 5<sup>th</sup> graders because the 5<sup>th</sup> grade to 6<sup>th</sup> grade transition is the most difficult transition during the K-12 years. Students go from being in one room only with one teacher to multiple rooms with multiple teachers. The CORE enrichment class focuses on expectations, study skills, use of a planner, etc., and teaches students how to be successful at the middle school level.

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<sup>1</sup> See "The Path Not Taken: How Does School Organization Affect 8th Grade Achievement." Schwartz, A. E., L. Stiefel, R. Rubenstein, and J. Zabel. Educational Evaluation and Policy Analysis, Vol. 33, No. 3, pp. 293-317 (Sept. 2011): "...we find that academic performance is higher for students on paths that begin in K-4 elementary schools and transition to 5-8 middle schools and for students on school paths limited to K-8 only. ... This is important to policymakers in its own right but also because, in our sample, the two paths producing higher performance serve students who are most at risk of failure in urban schools."

This is particularly important at Dietz K-8 because the 6-8<sup>th</sup> grade component follows a middle school model with students moving among multiple teachers. Several MS/K8s offer enrichment classes for sixth graders throughout the District (Doolen Middle School, Gridley Middle School, Pistor Middle School, Maxwell K-8, Safford K-8 Lawrence 3-8, and Hollinger K-8). Of these, three are west, two are central, and two are east (three including Dietz).

Some middle and K-8 schools can offer two electives (i.e. computer skills and P.E.) because of their larger student size. Students in enrichment classes, at Dietz and at the other schools mentioned above, take one elective instead of two. Students in grades 6<sup>th</sup> – 8<sup>th</sup> at Dietz have a wide variety of electives to choose from including: P.E., Band, Orchestra, Choir, Taiko Drumming, and GATE Resource (This GATE elective is open to any student who wants to take it; it does not require testing. This year, among other things, students are learning computer coding).

# EXHIBIT 6

**Brown, Samuel**

---

**From:** Willis D. Hawley <wdh@umd.edu>  
**Sent:** Wednesday, May 6, 2015 8:46 AM  
**To:** Brown, Samuel; Anurima Bhargava; James Eichner; Juan Rodriguez; Lois Thompson; Rubin Salter Jr.; Zoe Savitsky  
**Cc:** Tolleson, Julie; Taylor, Martha; Brammer@rllaz.com; TUSD  
**Subject:** RE: Dietz

**I have no objection. If the plaintiffs provide additional information raising objections I would want reconsider. Bill Hawley**

---

**From:** Brown, Samuel [<mailto:Samuel.Brown@tusd1.org>]  
**Sent:** Tuesday, May 05, 2015 8:04 PM  
**To:** Willis D. Hawley; Anurima Bhargava; James Eichner; Juan Rodriguez; Lois Thompson; Rubin Salter Jr.; Zoe Savitsky  
**Cc:** Tolleson, Julie; Taylor, Martha; [Brammer@rllaz.com](mailto:Brammer@rllaz.com); TUSD  
**Subject:** Dietz

Dr. Hawley/Counsel: please see attached our responses to the questions posed re the Dietz portables. We would like to get a stipulation from all parties to move forward with this action, please indicate your position by COB tomorrow. Thank you, Sam

**Samuel Emiliano Brown**  
**Tucson Unified School District**  
**520.225.6067**  
**520.226.6058 (fax)**  
[samuel.brown@tusd1.org](mailto:samuel.brown@tusd1.org)

**Brown, Samuel**

---

**From:** Eichner, James (CRT) <James.Eichner@usdoj.gov>  
**Sent:** Wednesday, May 6, 2015 1:19 PM  
**To:** Brown, Samuel; Willis D. Hawley; Bhargava, Anurima (CRT); Juan Rodriguez; Lois Thompson; Rubin Salter Jr.; Savitsky, Zoe (CRT); Eichner, James (CRT)  
**Cc:** Tolleson, Julie; Taylor, Martha; Brammer@rllaz.com; TUSD  
**Subject:** RE: Dietz

DOJ has no objection to the District's proposal regarding Dietz. We reserve the right to revisit if another parties raises questions or an objection.

Jim Eichner

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From: Brown, Samuel  
Sent: Tuesday, May 05, 2015 8:03:49 PM  
To: Willis D. Hawley; Bhargava, Anurima (CRT); Eichner, James (CRT); Juan Rodriguez; Lois Thompson; Rubin Salter Jr.; Savitsky, Zoe (CRT)  
Cc: Tolleson, Julie; Taylor, Martha; [Brammer@rllaz.com](mailto:Brammer@rllaz.com); TUSD  
Subject: Dietz

Dr. Hawley/Counsel: please see attached our responses to the questions posed re the Dietz portables. We would like to get a stipulation from all parties to move forward with this action, please indicate your position by COB tomorrow. Thank you, Sam

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