

Mendoza Plaintiffs' Comments and Objections to TUSD's Filed Revised Comprehensive Magnet Plan and Individual Magnet School Improvement Plans

May 29, 2015

On March 27, 2015, TUSD provided the Plaintiffs, their representatives, and the Special Master with second drafts of TUSD magnet schools' improvement plans, specifically requesting at the all-party and Special Master meeting in Tucson that Mendoza Plaintiffs provide feedback and comment on those plans to aid in their development and to reduce any disagreement that may occur at a later time. Mendoza Plaintiffs provided the District comments to the improvement plans on April 2, 2015. On May 15, 2015, TUSD filed its revised Comprehensive Magnet Plan ("CMP") and individual school improvement plans under the Court's January 16, 2015 Order ("CMP Order"). On May 17, 2015, Special Master Hawley provided the parties his comments on the revised CMP. The Special Master also provided the parties with the agreed-upon schedule for commenting and briefing the Court on the District's CMP and individual school improvement plans. Mendoza Plaintiffs now provide their comments so that TUSD may consider changes to its CMP documents before submitting them to its Governing Board for approval. They also request additional information on a number of issues that will help them better understand the District's and magnet schools' proposals.

As an initial matter, Mendoza Plaintiffs are greatly disappointed that the District appears to have ignored their April 2 comments, as they did not see any revisions to the improvement plans that suggest that their comments were seriously considered. Notably, even non-substantive comments, such as the fact that with regard to "integration benchmarks, [improvement plans] are inconsistent about the grade levels for which improvement will be measured," which could present logistical issues as the Special Master and Implementation Committee monitor progress, remained ignored.

The CMP describes the five goals that will comprise the academic achievement measure that will be used by the Special Master to determine which schools he will recommend to have their magnet status removed. (CMP at 13.) The fifth goal, regarding the reduction of achievement gaps, defines the achievement gap as "the difference between performance in math and reading/literacy of the highest as compared to the performance of African American and Latino Students in schools with like socio-economic and ethnic demographics." *Id.* The CMP is unclear about what is meant by the performance of the "highest." However, the Mendoza Plaintiffs understood this to mean the racial/ethnic group demonstrating the highest academic achievement (based on the AZMerit beginning the 2014-15 school year). If they are correct, then there exists an inconsistency between the CMP and each magnet improvement plan as those plans contemplate a reduction of achievement gaps specifically between white students and Latino and African American students. Mendoza Plaintiffs therefore request that the District revise its CMP to make it consistent and unambiguous in this regard. If Mendoza

Plaintiffs are mistaken in their understanding, they request that the District inform them and revise the language of the CMP to define the achievement gap clearly.

In the Court's CMP Order, the Court noted that "the parties agreed that... '[a] magnet school or program is one that: focuses on a magnet theme, [and attracts students] to participate in the magnet theme offered at that program or school.'" (CMP Order at 3:15-19 (citing USP Section II, E, 1)). It further noted that "[g]iven there has been extensive studying, reviewing, and reporting on TUSD's magnet schools since 2011, the Court is confident that the District has all the information needed, but simply failed to present it in a comprehensive fashion" in the CMP, (*id.* at 17:11-14). In their April 2nd comments, Mendoza Plaintiffs noted that "[w]hile there are listed goals and objectives for improving academic achievement [in individual improvement plans], these seem to be rather formulaic and fail to take account of... the manner in which the school theme should shape the goal/objective and related strategy." The vast majority of magnet improvement plans still do not contain any integration or academic achievement strategies that take into account the school's theme. Mendoza Plaintiffs believe it is important that each magnet school's strategies take into account and be consistent with the school's theme. Careful consideration of integration and academic achievement strategies within the context of a school's theme is likely to introduce a consistency and cohesion to its improvement plan that will improve the likelihood of successful implementation of its plan and attainment of goals.

The 2011 Magnet School Study and Comprehensive District Evaluation of Magnet Programs (dated January 2013) were each replete with discourse and recommendations emphasizing the importance of a magnet school's theme to its academic achievement and ability to attract a diverse student body. Among the findings and recommendations were that the "district should look at its feeder pattern for magnet school themes and seek to provide K-12 continuity," (CMP at 35), as "no attention has been paid to the District Continuity (Pipeline) for Magnet Schools during the past several years," (*id.* at 57). Mendoza Plaintiffs did not find any discussion about magnet theme pipelines in the CMP. If magnet schools are to be attractive to students and parents, the District must address this issue to provide them with a sense of continuity in the educational program they would commit to if they applied.

The 2011 Magnet School Study identified a number of other district-wide and magnet school specific issues, including a lack of funding to update the Open Court books that were part of the Bonillas curriculum and technical issues at Bonillas and Borton. While some of these issues, for example, the lack of training on the use of teaching equipment at Drachman, appear to be addressed, the CMP and individual magnet school plans do not similarly address many of these issues. Mendoza Plaintiffs ask if the District has already addressed the District-wide and school specific issues identified in the 2011 Magnet School Study, and if not, why it has chosen not to.

The 2011 Magnet School Study also indicated that Robison's International Baccalaureate program has the "potential to become [a] very successful magnet," but that

“[t]he District needs to commit to the program[] and begin to plan for district funding to maintain ongoing required training and subscription fees after the grant funding ends.” (*Id.* at 48.) Mendoza Plaintiffs are therefore very concerned that Robison’s improvement plan budget is a mere \$191,311.40, very low when compared to all other magnet school improvement plan budgets. Compounding their concern is the fact that Robison’s magnet theme is essentially a full-time advanced learning experience, which presumably involves a great deal of theme implementation efforts, and the fact that Robison was rated a “D” school by the Arizona Department of Education. Does the District believe the amount budgeted for Robison’s improvement plan is sufficient to help it improve its students’ academic achievement and maintain its magnet school status?

Mendoza Plaintiffs’ remain concerned with magnet schools’ heavy reliance on deficit model strategies to improve student academic achievement, including most schools’ use of after-school and/or Summer tutoring and interventions, semester-long “Response to Intervention” courses, and in-class interventions involving the grouping of students by ability. In their April 2nd comments, Mendoza Plaintiffs noted that asset model strategies are a “core component” of individual magnet school improvement plans and that they were concerned with the deficit model strategy of “grouping [students] by ability with [instructional aids] as the primary point of intervention/instruction.” Mendoza Plaintiffs are now concerned that the District has adopted the deficit model as its basic approach to USP implementation as they have had to raise this issue with the District repeatedly.¹ A much greater emphasis must be placed on asset model strategies, an approach contemplated by the USP. Indeed, the USP addresses asset model strategies, including provisions for culturally relevant and multicultural curriculum and professional development on cultural responsive pedagogy, that emphasize the assets Latino and African American students possess that can utilized to improve their academic achievement and engagement.

Not only does heavy reliance on deficit model strategies have a limited ability to improve a school’s overall student academic achievement, it also runs the risk of stigmatizing the students targeted by those strategies because, as Mendoza Plaintiffs stated in their April 2nd comments, students “more than anyone, know when they are perceived and treated as being academically deficient.” Some of the few asset model strategies that the Mendoza Plaintiffs found in the improvement plans, and which they encourage the District to consider for other schools, in addition to other asset model strategies, is the recruitment of students into academic clubs (“Science Olympiad, Math Counts, Sky School, Seeds of Stewardship”), (CMP at 257), and the “Dual Language Academy Student Ambassadorship” program proposed for Roskrige K-8, (*id.* at 265).

¹ For example, in their objection to the 2014-15 budget, with respect to student support services, Mendoza Plaintiffs objected to the “District[s] embrace[of] a deficit model—with four key areas identified as attendance, behavior/discipline, credit recovery/credit acquisition, and grades—rather than a skills-based/asset model, focused on achievement and positive engagement, that was contemplated by the USP.” (Mendoza Plaintiffs’ Objection to the 2014-15 USP Budget [Doc.1667], at 9). That objection also referenced Mendoza Plaintiffs’ August 4 budget comments in which they raised the same concern. (*Id.*) Mendoza Plaintiffs additionally raised the importance of asset model approaches in their discussions with the District on how to use unexpended quarterly desegregation funds at the all-party meeting in Tucson on March 26, 2015.

They therefore request that the District revise the magnet school improvement plans to include more skills-based strategies to engage Latino and African American students and improve their academic achievement. Mendoza Plaintiffs additionally note that the current off-set utilization of the deficit model that permeates most of the magnet improvement plans appears reflective of a time when ability tracking along racial/ethnic lines was prevalent in TUSD. The USP was developed to move the District forward and any pull to return to institutional practices which created a dual system must be resisted.

Mendoza Plaintiffs do have a number of issues and questions regarding the deficit model-based strategies common to the magnet school improvement plans referenced above. A number of schools, including Bonillas, Borton, Cragin, and Utterback, include in their improvement plan “math interventionists” or “math consultants” to build a “common language,” (*id.* at 173), and “increase content knowledge and build teacher capacity for math instruction,” (*id.* at 154). Mendoza Plaintiffs do not understand why use of these outside consultants is proposed when the District’s own Curriculum and Instruction Department is presumably equally capable of providing these services? Further, given that TUSD schools in general have overall disappointing math performances, and that most magnet schools report significant disparities in Latino and African American students’ math performance, we would expect to see some District-wide concerted initiative to address math performance. Has the District attempted such an initiative?

Magnet schools’ improvement plans indicate that Instructional Specialists will be added and/or maintained. Magnet schools do not appear to be consistent in how they describe their use of the proposed Instructional Specialists, which TUSD job descriptions reveal to be non-certificated positions with a requirement for a high school diploma or GED, an associate’s degree or 60 credits from an institute of higher learning. It appears that some schools intend that the Instructional Specialists provide direct instruction to students as they “will support Tier 1 instruction,” (*id.* at 142), others “support tier 1-3 instruction,” (*id.* at 188), while others make clear that they will “work[] with students on assignments” while the teacher works with other groups of students, (*id.* 266). Mendoza Plaintiffs object to the use of Instructional Specialists to the extent any individual school intends to use them to provide any students with direct instruction, because these individuals are not certified to provide instruction. If magnet schools do not intend to use their Instructional Specialists for any direct instruction of students, Mendoza Plaintiffs request that the language of magnet school improvement plans be revised so as to eliminate any ambiguity in this regard.

Other deficit model strategies with which Mendoza Plaintiffs have issues are interventions required for students who are in the lower 25% in math and/or reading. A number of schools, including but not limited to Davis, Dodge, Cholla, and Pueblo, intend to impose on students mandatory classes or programs. For example, Davis will require that “students who are in the lower 25% in math and/or reading... attend targeted essential skill deficits,”² (*id.* at 182), and Dodge will require students “to take an

² Mendoza Plaintiffs do not understand what is meant by attending “essential skill deficits” and request that the District clarify what kind of program is being proposed.

intervention class and will be moved in and out of the class,” (*id.* at 245). While Mendoza Plaintiffs appreciate that District schools are attempting to address the learning of low-performing students, they are greatly concerned that students will understand these mandatory interventions to be castigations for their low academic performances. Such a result is counterproductive and is likely to stigmatize students, particularly in the case of Dodge, as we know that its targeted students will be moved in and out of their regular classes for the interventions. In that regard, Mendoza Plaintiffs ask what classroom instruction these students would miss as a result of being pulled out of their regular class for the mandatory intervention?

So that the Mendoza Plaintiffs have a better understanding of the various interventions and new positions proposed in the CMP and individual magnet school improvement plans, they request that the District provide them more information on the newly-created positions (instructional specialists, instructional coaches, data coaches, and math consultants), including further description of duties, required qualifications as applicable, and any formulas used to determine the FTE allocation to individual magnet schools. They also request that they be provided with further detail on the interventions that appear common across many magnet school improvement plans, including the “21st Century Grant” and “Community Schools” interventions. How will these interventions be delivered and with what frequency? What is “Community Schools”?

The CMP indicates that “A” and “B” schools “that are integrated or close to integration will divide the magnet coordinators’ time between supporting recruitment and improving student achievement” while “‘C’ and ‘D’ schools will utilize the [magnet] coordinator position primarily to improve student achievement but still provide outreach and recruitment support.” (*Id.* at 11.) Given that “C” and “D” schools are at risk of magnet status removal if they do not improve student academic achievement, Mendoza Plaintiffs suggest that rather than have these coordinators spend time supporting recruitment efforts, that they instead focus only on academic achievement, particularly as those efforts are more complimentary to coordinators’ primary role in managing their school’s curriculum and would therefore result in greater efficiency. Such an approach is particularly important for the 2015-16 school year, as it will be the first year of improvement plan implementation which will likely involve a process of adjustments to approaches and implementation as magnet coordinators learn what is most effective. Mendoza Plaintiffs further suggest that for “C” and “D” schools, a .5 FTE position be created to focus solely on recruitment efforts to move these schools closer to integration goals. Mendoza Plaintiffs would support additional use of 910(g) funds to implement this approach, which they believe is highly likely to result in greater improvement with both academic achievement and integration at “C” and “D” schools.

In his March 17, 2015 comments on the revised CMP, the Special Master indicated that “[n]o school should be allowed to set a goal for future student achievement that is lower than its current numerical grading.” Similarly, in Mendoza Plaintiffs’ April 2nd comments, they noted that schools’ goals for academic achievement should be to improve by one letter grade each academic year. However, there are still a number of schools that set inadequate academic achievement goals. For example, Cholla received

125 points [grade B] in 2013-14, (*id.* at 299), but its academic achievement goal for each of 2014-15 and 2015-16 is to reach 120 points. Such targets cannot be described as “goals.” Similarly illogical and inadequate goals exist for other schools, including but not limited to Tucson High, Roskruge, and Booth-Ficket. Mendoza Plaintiffs object to these “goals” and request that the District revise them to reflect the goals of a magnet school committed to improving the academic achievement of its students.

The Court specifically identified transportation as a component the District failed to address in its initial comprehensive magnet plan, noting that it “is the most expensive factor in operating a magnet school theme.” (CMP Order at 16). However, there appeared to be very little discussion of transportation, inclusive of any budgetary assessment, in the CMP and individual magnet improvement plans. The District should revise the CMP and individual magnet school improvement plans to comprehensively consider transportation requirements as contemplated in the CMP Order. Additionally, as stated in their April 2nd comments, Mendoza Plaintiffs are concerned with the lack of discussion of transportation as it relates to after-school, Saturday and other proposed tutoring and interventions outside of regular school hours. Will students who participate in these programs be provided the transportation they need to participate in them? Mendoza Plaintiffs believe that if these interventions are to be effective, meaningful access to them must be provided through free transportation.

The Mendoza Plaintiffs have a number of questions and concerns regarding the “lighthouse” option, in which the District proposes that Ochoa be a “lighthouse” school. Why was Ochoa selected as a “lighthouse” school when it is a “B” school as rated by the Arizona Department of Education, instead of an “A” school? Similarly, why was Ochoa chosen when its magnet program is based on the Emilia Reggio approach, involving a unique and specific pedagogy when no other magnet schools apply that pedagogy? In that regard, how will Ochoa transition to being a “lighthouse” providing Danielson Domain expertise, (CMP at 207), to other schools’ teachers? On what basis does the District conclude that Ochoa teachers will be models for others? Has the District taken any steps to prepare students and parents, who elected Ochoa because of its Reggio theme, for the transition that the District has proposed?

Mendoza Plaintiffs note that the purpose and the description of the “lighthouse” option as detailed on pages 206 and 207 of the CMP match those of professional learning communities. (USP Section IV, I, 4; CMP at 11.) Is there a reason the District believes the time visiting teachers would spend at Ochoa would not be better spent in PLCs at their own schools, particularly as they would leave their students with substitutes “at least 4 times during the semester,” (CMP at 207), under this option while PLCs need not interrupt teachers’ regular instruction?³ Based on Mendoza Plaintiffs’ understanding of the option, it seems that the \$716,018 that would be spent implementing the Ochoa “lighthouse” option would be better spent providing magnet school teachers with additional time in PLCs, especially as the opportunity for collaborative problem-solving

³ As discussed further below, most magnet schools’ improvement plans provide for PLCs outside of regular school hours, while a few provide for PLCs during the regular school day.

could be provided to all magnet teachers in PLCs rather to a very small number of magnet teachers under this proposal.

Mendoza Plaintiffs have reviewed and carefully considered the District's proposed theme change to Tully Elementary School from a STEM magnet to a GATE-themed magnet school, and are unable to support it. "Traditionally, magnet schools are distinct from other public schools because they offer a specialized academic focus, theme, or pedagogy known as the magnet program." (CMP Order at 3:20-21 (citing the 2011 Magnet School Study).) The GATE program exists at schools, magnet and non-magnet, throughout the District as an advanced learning experience. It therefore is not distinct from other TUSD schools and is not appropriate as a magnet school theme.⁴

While Mendoza Plaintiffs appreciate that the theme change is, at least in part, an effort to address disparities in the participation of Latino students in the GATE Program, as Tully is a racially concentrated Latino school, (TUSD's annual report, Appendix II-23 at 1), creating a GATE-themed magnet school is the wrong approach to achieve a reduction in the disparity. Mendoza Plaintiffs understand that participation in the proposed magnet theme would not be based on student testing, (*see* Special Master's May 17 comments on the revised CMP at 1), as is required for participation in GATE programs at other TUSD schools. Thus, the proposed theme change would increase Latino student participation in the GATE program by eliminating the standard to participate in the program. Such an approach sends the wrong message that Latino students are unable to be held to the same standard as other TUSD students and does not involve the kind of improvement in academic achievement and recruitment of Latino students into ALEs that is contemplated in the USP. Further, for the reasons described, the Tully proposal may well result in stigmatizing Latino students at Tully if the proposal is implemented. Mendoza Plaintiffs therefore object to the proposed theme change to Tully Elementary School.

For a number of magnet improvement plans, including those of Borton, Mansfield, Safford, Cragin, and Utterback, as many as 10 FTEs are proposed to allow teachers to participate in PLCs during the regular school day. (*See* CMP at 151, 170, 254, 277, 288.) Given that teachers will meet in "PLCs for two hour blocks of time at least once weekly," (*id.* at 11), these proposals involves a significant amount of interruptions in instruction of students by their regular teacher, which is likely to have a detrimental effect on student learning. Mendoza Plaintiffs therefore ask that these plans be revised to reflect the

⁴ At the all-party meeting in Tucson, the District informed the Plaintiffs and Special Master that Tully did have a GATE Program at one time, and that it was implemented in an effort to address the disparity in GATE enrollment between Latino students and their white and Asian student counterparts. While the District indicated that the program was "pulled out" of the school, it could not explain why this action was taken. It was suggested to District officials that a policy be put in place that would require mandated scrutiny prior to removal of programs implemented as corrective action efforts to address issues of racial/ethnic disparity in participation. The Mendoza Plaintiffs now reiterate this suggestion, implementation of which would ensure that corrective efforts not be withdrawn from schools without full consideration of the benefits and harms such an action would have on TUSD's Latino and African American students.

approach to PLCs proposed in all other improvement plans, that is, that PLC meetings be conducted after regular school hours.

The CMP states that “[f]or schools that did not reclassify enough ELL students to receive additional points from the Arizona letter grade system, they included strategies in their plans specifically designed for the success of ELL students,” (*id.* at 12), which is an approach with which Mendoza Plaintiffs agree. However, a number of schools that did not receive points for ELL reclassification had no such strategies, including Carrillo and Robison. Additionally, Borton’s improvement plan simply states that “teachers will implement strategies specifically designed for ELL students in order to increase [] achievement,” (*id.* at 155), instead of providing specific strategies. Mendoza Plaintiffs request that these schools’ improvement plans be revised to include specific strategies to improve ELL students’ academic achievement.

The CMP indicates that “[n]o additional dual language programs will be offered during the 2015-16 or 2016-17 school years” because “[c]urrent budget capacity does not exist to adequately resource and staff new and replicated programs.” (*Id.* at 9.) However, the USP requires that the District “consider how, whether, and where to add... additional dual language programs...” (USP Section II, E, 3.) Mendoza Plaintiffs do not understand the District’s explanation of budgetary constraints when the District had about five million dollars of unexpended 910(g) funds in the 2014-15 school year, and in the last quarter. Moreover, because the District can seek unitary status at the end of the 2016-17 school year, it appears that it does not intend to comply with USP Section II, E, 3. For that reason, Mendoza Plaintiffs object to the District’s indication that it will not add any dual magnet programs in the next two school years.

Mendoza Plaintiffs noticed other additional minor issues and inconsistencies with the magnet improvement plans. For example, Drachman’s improvement plan contains no AZ Learns Composite Score data, (CMP at 186) and the Davis improvement plan indicates there is a 128 percent difference between Latino and white student performance in the math component of the AIMS, (*id.* at 178). Mendoza Plaintiffs request that the District review the CMP for consistency and to eliminate any inadvertent errors before it is presented to the Governing Board for approval.

Finally, so that the Mendoza Plaintiffs can assess the implications of the filed CMP and individual magnet school improvement plans on the 2015-16 USP budget, they request that the District confirm that it has committed to include, at the very minimum, all the expenses referenced in the individual magnet school improvement plans in the 2015-16 Budget. They further request that the District specifically confirm that it would allow for additional funding for schools such as Robison, Bonillas and Dodge, which appear to be under-budgeted, as well as other potential additions which may come about in the process of re-working the magnet school improvement plans.