

May 31, 2015

To: Parties

From: Bill Hawley

Re: CMP Further Comment #1

I have had the opportunity to review the comments of the Fisher and Mendoza plaintiffs on the CMP. This has helped me clarify my thinking about the districts most recent plan. Because the district is now involved in finalizing the CMP, I will be submitting in the next day or two my suggestions about changes that need to be made. This is installment one.

Ochoa

While I support the idea of lighthouse schools-- whose purpose is to serve as hubs for professional development and school improvement-- I had raised questions about whether Ochoa was the right choice and whether the plan was sufficiently well-developed. I believe the district should withdraw its proposal to create Ochoa as lighthouse school for the following reasons:

1. The plan is not well developed and is inadequately funded.
2. Sure has a theme that is unlikely to be useful to other schools especially because that theme involves particular approach to instruction.
3. Lighthouse schools should be among the very best schools in the district. Ochoa is a B- school with its most recent grade being lower than the grade it achieved in the year before that.

Redrafting this plan for purposes of maintaining this magnet status should not be difficult because the lighthouse idea is an add-on.

Funding After Withdrawal of Magnet Status

As the Fisher plaintiffs point out, the district should clarify what it means when it says that magnet funding will be continued for a year after magnet status is discontinued. This clearly makes no sense. First, if a school's magnet status is no longer in place, those expenditures need to sustain that status should be

withdrawn. Second, it is important to recognize, as the district has in my conversations with staff and as the Fisher plaintiffs observe, withdrawal of magnet status because of poor academic performance means that students in that school deserve resources needed for school improvement. This is different from the magnet funding that the school had enjoyed but that clearly had not made much of a difference in school improvement. Third, those instances where magnet status is being withdrawn because the school is not making adequate progress with respect to integration, a different calculation is needed. For example, Davis and Roskrige are dual language schools and an analysis should be undertaken to ensure that the quality of its dual language programs can be sustained, should these schools lose magnet status. So, the district should reword this aspect of the CMP to indicate that if magnet status is withdrawn, the funding needs of the school involved would be reevaluated.

Common Support from the District for All Magnet Schools and Programs

In the planning process, magnet schools and programs were mandated to implement some general strategies such as: continuous school improvement, professional learning communities and learning centered professional development. It seems clear from reading the individual plans that the understanding of what these strategies involve, much less the capacity to implement them, varies widely. CMP needs to be clearer about the support programs and schools will receive from central administration to implement these important strategies. And, central administration must have the capacity to provide that support.

Dividing the Schools into Three Categories

The district has placed schools and programs into three categories: maintaining, intermediate and problematic. This type of categorization serves no useful purpose, an argument I have been making for a while. The criteria for determining whether a school will retain magnet status are spelled out in the plan and are clear, with one exception (that being how to measure the achievement gap). These criteria apply to all schools and programs regardless of their category.

Moreover, the categories seem to provide safe harbor when it is not clear that some of the schools can meet their integration goals even in the next year.

The Role of Paraprofessionals in Implementing Interventions for Struggling Students

There is an enormous amount of money is being proposed to finance paraprofessionals. This is particularly troublesome in those schools that are weak academically. In some cases, these folks are meant to provide direct instruction for struggling students which most are not qualified to do. In other cases, they will apparently be student sitting while teachers go off to professional learning communities. The idea that we can significantly improve student learning by using paraprofessionals extensively, especially when those people are being paid poverty wages, defies credulity. When I raised this issue with the district. I was assured that students who were underperforming would taught by certified teachers. The CMP should confirm that this will be the case. I made this point in the previous memo about the school level plans and I repeat it here because it was emphasized by the Mendoza plaintiffs and because I did not at that point insist then the district make its intent clear.

I have reviewed my previous comments on the CMP and respectfully request that the district take those comments into account in making its revisions. By bringing attention to the issues above, I do not mean to imply that my earlier suggestions are no longer important. And as indicated above, I will comment further on some of the other issues raised by the plaintiffs in the next day or two.

June 2, 2015

To: Parties

From: Bill Hawley

Re: Comments on Plaintiffs Objections to the District's Proposed CMP: Part 2 of 3

On May 31, I shared comments on some of the objections to the District's proposed CMP. In that memo, I dealt with the identification of Ochoa as a lighthouse school, clarification of how funding would be handled after withdrawal of magnet status and the role of paraprofessionals in improving student performance. I also urged the District to develop greater capacity for supporting magnet schools and programs and asked that it abandon the categorization of magnet schools into three types. This is the second installment of comments and suggestions relating to objections by both Fisher and Mendoza plaintiffs..

Measuring the Achievement Gap

The wording of the plan suggests that achievement gaps will be measured against the highest achieving racial/ethnic group in the school. The data provided implies that this group will always be white students. However, Asian Pacific islanders might be higher achieving in some schools. The District should clarify whether it means to compare African-American and Latino student performance only to whites or to the highest achieving group, whatever its race/ethnicity.

Aligning Improvement Strategies with the Magnet Theme

The Mendoza plaintiffs make an excellent point that the strategies proposed for school site improvement do not appear to be related to the site's magnet theme. Ideally, the reform strategies being proposed would represent a coherent school-wide approach to instruction and curriculum. However, it is not clear that all of the magnet themes are very coherent or comprehensive start with. To ask schools that are having trouble ensuring that all students in their schools achieve that reasonably high levels to adopt innovative approaches to intervention may be overtaxing capacity. I do not believe that individual school plans should be required to reflect the theme of school but I do believe that the overall magnet

plan should assert the importance of coherence and the infusion of same throughout instruction and curricula. In future years, the extent to which school level plans reflect this coherence should be considered in funding and need for technical support.

Feeder Patterns

It is desirable to identify feeder patterns for schools with common themes at different grade levels. But to insist on the identification of such patterns in this version of the CMP seems problematic. A year from now it is likely that a number of current magnets will no longer have status magnet status. Given the array of themes (and the weakness of some of the themes), it is not clear what the patterns would be. And, having studied magnet schools to some extent, I am less convinced than those who did the magnet school study for TUSD that pipelines have a significant effect on family choice. Indeed, as I have noted in other commentary about magnet schools, location, racial and socioeconomic composition, and perceptions of school quality often trump themes (some themes are seen as proxies for school quality—such as STEM).

The Budget for Robison

When I first read the proposals coming from Robison, I wrote in the margins, “this school has given up”. I urged the District to bite the bullet on Robison and to devote resources to school improvement. So here is the dilemma that the District confronts. Sensible analysis leads to the conclusion that Robison is likely to lose magnet status. Whatever current investment is made should be focused on school improvement and that the resources should be sufficient to implement the core strategies for school improvement that the District is advocating. But to take such steps overtly is to communicate to the school and the community that its loss of magnet status is certain--a position not required by the Court and resisted by the governing Board.

Goals for Academic Improvement

In my previous comments on the CMP, I indicated that most schools had set minimal goals for improvement and in some cases had actually set lower goals

than they had achieved in the recent past. Presumably this will be resolved in the final plan (it must be). The Mendoza plaintiffs would require that each school set a one grade per year goal until A status is secured. Moving a school up 20 points in one year is difficult and if required would certainly reduce the number of magnet schools and programs in the short run. In any event, this is not required by the Court order relating to the CMP.

Immediate Withdrawal of Magnet Status

The Fisher plaintiffs argue that continuing to support schools the District has identified as “problematic” is wasteful and unproductive. I do believe that the loss of magnet status by these schools, as well as others, is very likely. The District, and particularly the Governing Board, has been unwilling to take relevant action. The Court order relating to the CMP sets the process for withdrawal of magnet status. An objection to the District’s revised CMP because, in effect, it proposes processes outlined by the Court, is not likely to be sustained by the Court.

On June 3, I will submit my third set of comments on some of the plaintiffs objections including the Mendoza’s concerns about the focus on what they describe as deficit models of school improvement, the implementation of PLCs, the use of Tully as a GATE program, and additional dual language programs.

May 3, 2015

To: Parties

From: Bill Hawley

Re: Comments on Plaintiffs Objections to the CMP—Part 3

On May 31 and June 2 I submitted comments on plaintiffs' objections to the District's most recent revision Comprehensive Magnet Plan. These comments deal with additional issues that have been raised by the Mendoza plaintiffs. The Fisher and Mendoza plaintiffs have raised objections that I have not commented on in any of these three memos.

Use of Paraprofessionals to Implement Interventions for Struggling Students

I addressed this issue in my May 31 comments but I want to be clear. All out-of-school academic enhancement strategies (summer, Saturday and after school) should be taught by certified teachers. When paraprofessionals are used, they should be supporting the learning of students who are not struggling so that certified personnel can work more intensively with students who most need their expertise. This does not mean that paraprofessionals never work with the lowest achieving students but it should be clear in any observation of classrooms that the primary responsibility for ensuring that struggling students improve their capabilities rests with teachers and this should be evident in the relative frequency and the nature of teachers' interactions with lower achieving students.

The PLCs

Plaintiffs are concerned that the two hours per week to be allocated to professional learning communities will inappropriately reduce student learning time. I recommended to the District that it use Wednesday afternoon time now used for meetings and professional development and extend that time (for which teachers would be paid) for purposes other than meeting time for PLCs when necessary. I consulted with people who have been involved in implementing PLCs and learned that if the time is used well it is likely that the improvements that come from this will compensate for student lost time. This does not, of course,

mean that two hours taken from student time is the preferred strategy. A problem here is that all teachers must be involved but have the right, as I understand it, under the consent agreement with the union, to leave school after the stated hours provided for in the contract. Given that hiring a single new teacher would cost about \$60,000 with benefits, the District should give attention to what the level of compensation would be for teachers who met for PLCs outside of the currently contracted school day and, if needed, increase the hourly stipend for PLC sessions.

GATE at Tully

Mendoza plaintiffs are concerned that establishing a GATE program that does not require test-based admission might stigmatize students in such a program. At the same time, Mendoza plaintiffs argue that the District has taken a deficit approach in many of the proposed strategies for reducing achievement gaps (an issue I address below). There is good reason to believe that, given quality teaching, almost all students would benefit from the types of instruction and curricula found in GATE programs. Similarly, the practice of opening up AP courses to all students is generally seen to be a success.

The challenge at Tully is to ensure that the GATE program there is fully and rigorously implemented. I believe that the budget for the Tully magnet is inadequate to ensure that the implementation is successful. There is a need for more extensive professional development, for highly qualified GATE instructional coaches and, at least initially, to reduce class sizes (especially in lower grades) to allow teachers to give more individualized attention to students who need it. The development of an open GATE program (get it?) at Tully could become a resource for the District in demonstrating how the approaches there can be used more widely throughout the District whether there is a GATE program in the school exists or not.

The Issue of Deficit Thinking in the Design of Improvement Strategies

In identifying this issue, the Mendoza plaintiffs raise one of the more perplexing problems in addressing the learning needs of academically, culturally, and

linguistically diverse students. Clearly, when teachers focus primarily on student deficits rather than build on their assets, this undermines student learning. When teachers focus on students cultural linguistic and cognitive assets, they can design learning situations that enable students to connect what they know to what we want them to learn -- the most basic tenet of learning theory. Accounting for students assets in the context of what we want them to learn and what they still need to learn allows them to use their language and cultural assets to meet challenges and cross cultural boundaries and in the process elevate their competence and confidence.

That said, there are good reasons for focusing attention on building the skills and dispositions of students who are falling behind and need to achieve at higher levels. So, when is a strategy a deficit strategy? Some of the most successful programs for bringing students up to speed use small group instruction and individual tutoring—such as Reading Recovery and some aspects of Success for All--focus on improving specific capabilities of students who are behind their peers academically.

Excellent teachers almost always use student grouping for specific purposes that relate to student learning needs, student interests, particular curriculum goals and other considerations. This allows teachers to reduce the teacher-student ratio for periods of time and engage in individualized instruction more. The problem with grouping is that is usually based on a single and inadequate measure of performance and this grouping tends to become the instructional home for much of a student's learning time across subjects. (Incidentally, grouping by test performance is not ability grouping, it is achievement grouping and this distinction is important). When grouping is not done well, it can also lead to sustaining classist differences between students when there is no way out of the group to which they been assigned.

Given that teachers need to adapt instruction to student needs, it is difficult, and indeed undesirable, to establish firm rules for when and how students should be grouped. However, there are some guidelines. Pullout programs during the school day should be suspect; too often they result in fragmenting students' learning

experiences and can result in stigmatizing students who were pulled away from their peers because they and everyone else knows “that they are not as smart as others”. The vast majority of student’s learning time in a school day should be in whole class instruction, individualized instruction, or “flexible” groups whose membership changes. Observers should be able to see teachers using a range of instructional strategies that minimize the use of achievement groups such as cooperative learning, peer tutoring, and differentiated instruction. Academic grouping should be for specific purposes; if this grouping works it should be abandoned. And if it does not, it should be abandoned.

Too often, instructional grouping becomes a de facto tracking system and significant evidence shows that this disadvantages students who have fallen behind. Moreover, students in these “lower tracks” experience a dumbed down the curriculum that undermines future academic performance, leads to low self-confidence and alienation from school, an--too often--dropping out. The best ways to ensure that whatever grouping does take place has positive consequences is to enhance the ability of teachers to employ a repertoire of instructional strategies rooted in culturally responsive pedagogy, create school cultures that are inclusive and supported by leaders and instructional coaches, and to be sure that teacher evaluation processes provide evidence when grouping is being inappropriately employed. THE USP provides for such measures; the need is make sure these provisions are effectively implemented.

Dual Language Programs

The Mendoza plaintiffs object to the District’s decision not to implement additional dual language programs. This is certainly a legitimate concern but it does not seem to be an issue that should be resolved in the context of the CMP. There are two dual language schools that are magnets. Neither is integrated. Other Districts have found dual language programs to be effective instruments for integration. TUSD has not. If neither Davis nor Roskrige, both of which have good reputations, cannot be integrated it seems reasonable for the District to conclude that adding another dual language magnet would not result in increasing the number of students who have the opportunity to attend an integrated school.

Implications for Changing the CMP Proposed by the District

With respect to the issues addressed above, the CMP should be amended to:

1. Affirm that the use of paraprofessionals to implement interventions for struggling students should be significantly limited in ways that embody the principles outlined above.
2. Work with each magnet school and program to create professional learning communities at times other than the regular school day. This should involve reassessment of how best to use funds now meant to support PLCs in each school plan. Because this is likely to involve negotiations with teachers in each school, if not the union, I would not hold up approval of magnet plan until this was fully pursued.
3. Enhance funding necessary to create a high-quality GATE program at Tully.
4. Ensure that teachers have adequate professional development opportunities so that they can employ a broad range teaching strategies for students who are struggling academically in ways that are consistent with available research. Related training should be provided to principals, teacher evaluators and instructional coaches. The teacher evaluation protocol should reward teachers use effective practices for organizing students learning opportunities. These steps do not require changes in the magnet plan but the magnet plan should affirm the importance of using strategies for narrowing the achievement gap and addressing the needs of lowest achieving students in ways consistent with the comments above.