

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.